

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, January 18, 2022 7:00 PM

Virtual: Zoom Platform

CITY COUNCIL

and

HAYWARD GEOLOGIC HAZARD

ABATEMENT DISTRICT BOARD

**CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND
CITY COUNCIL MEETING**

COVID-19 Notice: Consistent with Assembly Bill 361/Government Code section 54953(e), the City Council meeting includes teleconference participation by all members.

How to observe the Meeting:

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

How to submit written Public Comment:

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

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

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

Click link below to join the meeting:

<https://hayward.zoom.us/j/82499367832?pwd=ZmdwMHZYb0N0eVJURHB6ZklyNkFtQT09>

Meeting ID: 824 9936 7832

Passcode: C&GHAD1/18

or

Dial: +1 669 900 6833 or +1 253 215 8782

Meeting ID: 824 9936 7832

Password: 7062507029

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
BOARD OF DIRECTORS MEETING**

CALL TO ORDER: Mayor/GHAD Chair Halliday

Pledge of Allegiance: Mayor/GHAD Chair Halliday

ROLL CALL

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the GHAD Board on items not listed on the agenda. As the GHAD Board is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to GHAD staff.

CONSENT

1. [MIN 22-007](#) Approve the Hayward Geologic Hazard Abatement District Board Minutes of the Meeting on November 16, 2021

 Attachments: [Attachment I Draft Minutes of 11/16/2021](#)

2. [CONS 22-045](#) Adopt a Resolution to Declare the GHAD's Intent to Order an Assessment for the Hayward SoMi Development and Set a Public Hearing 45 Days After Written Notice is Provided to Consider the Proposed Assessment and Any Protests Thereto

 Attachments: [Attachment I Staff Report](#)
 [Attachment II GHAD Resoluition](#)
 [Attachment 1 Engineer's Report](#)
 [Attachment 2 Legal Description and Plat](#)
 [Attachment 3 Notice of Adoption and Assessment](#)
 [Attachment 4 Ballot](#)

GHAD Manager's Report

An oral report from the GHAD Manager on ongoing activities, events, or other items of general interest to the GHAD and the public, if any.

GHAD Boardmembers' Reports, Referral, and Future Agenda Items

Oral reports from GHAD Boardmembers on their activities, referrals to GHAD staff, and suggestions for future agenda items, if any.

Next Meeting: No future meetings are scheduled. All future meetings will be noticed.

The Hayward Geologic Hazard Abatement District Board of Directors Adjourns and Reconvenes into the Meeting of the City Council.

CITY COUNCIL MEETING**CLOSED SESSION ANNOUNCEMENTS****December 20, 2021****January 18, 2022****PUBLIC COMMENTS**

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff.

CITY MANAGER'S COMMENTS

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

ACTION ITEMS

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

CONSENT

1. [MIN 22-001](#) Approve the City Council Minutes of the City Council Meeting on December 7, 2021

Attachments: [Attachment I Draft Minutes of 12/7/2021](#)

2. [MIN 22-002](#) Approve the City Council Minutes of the Special City Council Meeting on December 14, 2021

Attachments: [Attachment I Draft Minutes of 12/14/2021](#)

3. [CONS 22-039](#) Adopt a Resolution Accepting the Resignation of Ms. Varsha Chauhan from the Community Services Commission, Effective Immediately

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Resignation Letter](#)

4. [CONS 22-040](#) Adopt a Resolution Appointing Ms. Hazel De Leon to the Community Services Commission to Fulfill the Unexpired Term of Ms. Varsha Chauhan

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

5. [CONS 22-044](#) Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Exhibit A to Resolution](#)

6. [CONS 22-001](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$242,865 in Grant Funding from the Federal Emergency Management Agency for the Creation of Defensible Space in the Hayward Hills Project

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Fire Safety Mailer](#)

7. [CONS 22-010](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing Project Design and Engineering Services for the Sewer and Water Line Improvements Project by \$175,000 for a Total Not-to-Exceed Contract Amount of \$1,642,865

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

8. [CONS 22-017](#) Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$450,000 for a Not-to-Exceed Amount of \$1,125,000

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

9. [CONS 22-018](#) Adopt a Resolution Authorizing the Sole Source Purchase of Specialized Laboratory Equipment for Use at the Water and Wastewater Laboratory at the Water Pollution Control Facility in an Amount Not-to-Exceed \$90,000

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

10. [CONS 22-024](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Cooperative Procurement Contract with Dell Technologies for Microsoft Software, Subscriptions, and Services for a Three-Year Contract in an Amount Not-to-Exceed \$328,114.40 Annually, for a Total Contract Amount of \$984,343.21

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

11. [CONS 22-033](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$238,130.94 from the Federal Communications Commission Emergency Connectivity Fund to Purchase Eligible Equipment and Services

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

12. [CONS 22-034](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to Support the Purchase of a Lactation Pod for the Downtown Library

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

13. [CONS 22-021](#) Adopt Two Resolutions: 1) Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County for a New Solid Waste and Recycling Franchise Agreement until June 30, 2022; and 2) Authorizing the City Manager to Extend the Current Franchise Agreement with Waste Management of Alameda County by One Year to Expire March 1, 2023

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution Extending Current Agreement](#)
 [Attachment III Resolution Extending Negotiation Period](#)

14. [CONS 22-038](#) Adopt a Resolution: 1) Authorizing the City Manager to Accept and Appropriate \$5,236 in Private Community Donations for the Hayward Navigation Center; and 2) Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Contract Amount by \$5,236 for a Not-to-Exceed Amount of \$2,453,356 to Provide Additional Flexible Funds for Hayward Navigation Center Residents

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

15. [CONS 22-022](#) Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Safe Routes for Seniors Project

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

16. [CONS 22-016](#) Adopt a Resolution Rejecting All Bids, Approving Addendum No. 1 and Revised Plans and Specifications, and Calling for Bids for the Mission Boulevard Linear Park Project, Project No. 05288

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

17. [CONS 22-048](#) Adopt a Resolution Opposing the California Public Utilities Commission's Proposed Decision Threatening Net Energy Metering and Supporting a Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar

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

18. [CONS 22-049](#) Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement

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

19. [CONS 22-050](#) Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Service Employees International Union, Local 1021 and Authorizing Staff to Execute the Agreement

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

20. [CONS 22-053](#) Adopt a Resolution Approving Annexation of the Hayward SoMi (Tracts 8502 and 8614) into the Hayward Geologic Hazard Abatement District

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Attachment 1 to Resolution](#)

PUBLIC HEARING

21. [PH 22-001](#) Appeal of Planning Commission Denial to Develop a New Approximately 116,844 Square Foot Industrial Building for U-Haul at 4150 Point Eden Way (Assessor Parcel Number 461-0085-020-02) Requiring Approval of Site Plan Review and Historic Resources Demolition Permit Application No. 201901039 Including Certification of an Environmental Impact Report, Adoption of a Statement of Overriding Considerations, and Approval of a Mitigation, Monitoring and Reporting Program. Jerry Owen on Behalf of U-Haul; Amerco Real Estate Co. (Applicant/Property Owner) *** Item continued to 2/15/2022 at the request of applicant ***

LEGISLATIVE BUSINESS

22. [LB 21-053](#) Legislative Program: Adopt a Resolution Updating the City of Hayward's Legislative Program (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Updated City of Hayward Legislative Program](#)

INFORMATIONAL ITEM

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

23. [RPT 22-001](#) Informational Report Regarding Hayward Water Bills

Attachments: [Attachment I Staff Report](#)
 [Attachment II Bill Redesign](#)
 [Attachment III Current Bill](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT**NEXT MEETING, January 25, 2022, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit their remarks to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.



CITY OF HAYWARD

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777 B Street
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File #: MIN 22-007

DATE: January 18, 2022

TO: Geologic Hazard Abatement District Board

FROM: GHAD Manager

SUBJECT

Approve the Hayward Geologic Hazard Abatement District Board Minutes of the Meeting on November 16, 2021

RECOMMENDATION

That the Hayward Geologic Hazard Abatement District Board approves the GHAD Board meeting minutes of November 16, 2021.

SUMMARY

The Hayward Geologic Hazard Abatement District Board held a meeting on November 16, 2021.

ATTACHMENTS

Attachment I Draft Minutes of November 16, 2021

**MINUTES OF JOINT CITY COUNCIL/HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT BOARD MEETING
OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 16, 2021**

The Joint City Council/Hayward Geologic Hazard Abatement District Board meeting was called to order by Board Chair Halliday at 6:30 p.m.

ROLL CALL

Present: BOARD MEMBERS Andrews, Márquez, Lamnin, Salinas, Wahab, Zermeño
and Chair Halliday

Absent: None

PUBLIC COMMENT

None.

CONSENT CALENDAR

1. Approve the GHAD Minutes of the Board Meeting of May 25, 2021 and approve the GHAD Minutes of the Board Meeting of October 26, 2021. It was moved by Board member Halliday and seconded by Lamnin to approve the minutes; the motion carried unanimously (7-0-0).

PUBLIC HEARING

2. GHAD Manager Eric Harrell provided the staff report regarding the Petition for Annexation by Hayward SoMi, LLC for the Hayward SoMi Development ("Development") into the Hayward GHAD. Mr. Harrell explained that Hayward SoMi, LLC will be the third development to be annexed into the GHAD, following The Reserve and Hideaway developments.

Mr. Harrell further explained that the Board was being asked to approve the Draft Plan of Control ("Draft POC") for the Development. Since the Board's meeting on October 26, 2021 at which the Draft POC was initially presented and today's Board meeting, there have been two changes to the Draft POC: 1) to provide more information on the definition of a wetland feature within the Development and the maintenance requirements of the wetland feature; and 2) to clarify that the GHAD will own property within the Development.

There were no public comments on this item.

It was moved by Board member Salinas and seconded by Board member Zermeno to approve the annexation of the Hayward SoMi Development into the Hayward GHAD and to approve the Draft Plan of Control; the motion carried unanimously (7-0-0).

GHAD MANAGER REPORT

3. The GHAD Manager reported that all the fall maintenance activities have been completed and the GHAD properties should be in fine shape for the upcoming winter months.

GHAD BOARD MEMBERS' REPORTS, REFERRAL, AND FUTURE AGENDA ITEMS

4. Chair Halliday complimented the GHAD Manager on the GHAD informational mailer which was sent out to residents (owner and renters) within the GHAD during the summer. Mr. Harrell reported that the GHAD Manager's office had not received any questions or comments as a result of the mailer.

ADJOURNMENT

GHAD Board Chair Halliday adjourned the meeting at 6:40 pm.

APPROVED:

Barbara Halliday, Board Chair,
Hayward Geologic Hazard Abatement District

ATTEST:

Patricia E. Curtin, Clerk,
Hayward Geologic Hazard Abatement District



CITY OF HAYWARD

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

File #: CONS 22-045

DATE: January 18, 2022

TO: Geologic Hazard Abatement District Board

FROM: GHAD Manager and GHAD Attorney

SUBJECT

Adopt a Resolution to Declare the GHAD's Intent to Order an Assessment for the Hayward SoMi Development and Set a Public Hearing 45 Days After Written Notice is Provided to Consider the Proposed Assessment and Any Protests Thereto

RECOMMENDATION

Adopt the attached Resolution No. 22-01 to do the following: (a) Approve Hayward SoMi Development Engineer's Report; (b) Declare the GHAD's intent to order an assessment for the Hayward SoMi Development; and (c) Set a public hearing date 45 days after notice is provided to consider the proposed assessment and any protests thereto.

SUMMARY

In approving the 189 residential unit development that includes 123 townhomes and 66 condominiums referred to as Hayward SoMi Development (Tracts 8502 and 8614) ("Hayward SoMi Development"), the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48, requiring the Hayward SoMi Development be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). With the approval of Resolution No. 21-03, the GHAD Board of Directors ("GHAD Board") approved annexation of the Hayward SoMi Development into the Hayward GHAD and approved the Plan of Control. To secure a funding source for the Hayward SoMi Development, an Engineer's Report has been prepared to identify the funding of the GHAD-maintained improvements identified in the Plan of Control. The Engineer's Report recommends an assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars).

ATTACHMENTS

Attachment I GHAD Staff Report
Attachment II GHAD Resolution
Attachment 1 Engineer's Report

File #: CONS 22-045

Attachment 2 Legal Description and Plat

Attachment 3 Notice of Adoption of Resolution and Notice of Assessment

Attachment 4 Ballot

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: January 18, 2022

SUBJECT: Resolution to Declare the GHAD's Intent to Order an Assessment for the Hayward SoMi Development and Set a Public Hearing 45 days after Written Notice is Provided to Consider the Proposed Assessment and any Protests thereto.

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 22-01 to do the following:
 - (a) APPROVE Hayward SoMi Development Engineer's Report;
 - (b) DECLARE the GHAD's intent to order an assessment for the Hayward SoMi Development; and
 - (c) SET a public hearing date 45 days after notice is provided to consider the proposed assessment and any protests thereto.

SUMMARY:

In approving the 189 residential unit development that includes 123 townhomes and 66 condominiums referred to as Hayward SoMi Development (Tracts 8502 and 8614) ("Hayward SoMi Development"), the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48, requiring the Hayward SoMi Development be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). With the approval of Resolution No. 21-03, the GHAD Board of Directors ("GHAD Board") approved annexation of the Hayward SoMi Development into the Hayward GHAD and approved the Plan of Control. To secure a funding source for the Hayward SoMi Development, an Engineer's Report has been prepared to identify the funding of the GHAD-maintained improvements identified in the Plan of Control. The Engineer's Report recommends an assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars).

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving the formation of the Hayward GHAD and appointed itself to serve as the GHAD Board of Directors.

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January 6, 2022

On November 16, 2021, the GHAD Board of Directors held a public hearing on the proposed annexation of the Hayward SoMi Development into the Hayward GHAD, and adopted Resolution 21-03 approving the annexation of the Hayward SoMi Development into the Hayward GHAD and accepting the Hayward SoMi Development Plan of Control.

A funding source has been secured for The Reserve (formerly La Vista) and The Hideaway (formerly Ersted Property) developments within the Hayward GHAD and it is now appropriate to secure a funding source for the Hayward SoMi Development annexation. Like The Reserve and The Hideaway developments, the funding source is a real property assessment on the residential properties within the Hayward SoMi Development. This assessment for the 189 townhome and condominium residential units within the Hayward SoMi Development is proposed to be imposed at the time building permits are issued for the residential units. The assessment is proposed to maintain the improvements in the Hayward SoMi Development Plan of Control previously approved by the GHAD Board on November 16, 2021 (Resolution No. 21-03).

The proposed assessment is supported by the attached Engineer's Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218 (attached as Attachment 1 to Resolution No. 22-01). The Engineer's Report recommends an assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-Hayward Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for The Reserve (formerly La Vista) and The Hideaway (formerly Ersted Property) landowners in the GHAD.

To allow the GHAD Board to consider approval of the proposed assessment, the property owner of the Hayward SoMi Development will be provided with a copy of the Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot (Resolution 22-01) following this meeting.

FISCAL IMPACT:

The developer is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Hayward GHAD. Therefore, there is no impact on the City's General Fund.

NEXT STEPS:

1. On March 15, 2022, the GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Board shall not impose the assessment if there is a majority protest. If there is no majority protest, the GHAD Board shall authorize the assessment.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

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January 6, 2022

ATTACHMENTS:

A. Resolution No. 22-01

**THE BOARD OF DIRECTORS OF HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

RESOLUTION NO. 22-01

**RESOLUTION DECLARING THE HAYWARD GEOLOGIC HAZARD ABATEMENT
DISTRICT'S INTENT TO ORDER THE ASSESSMENT SET FORTH IN THE
ENGINEER'S REPORT DATED JANUARY 6, 2022 AND SET A PUBLIC HEARING
FOR MARCH 15, 2022 TO CONSIDER THE PROPOSED ASSESSMENT AND ANY
OBJECTIONS THERETO.**

WHEREAS, on March 1, 2016, the Hayward City Council approved Resolution No. 16-030 ordering the formation of the Hayward Geologic Hazard Abatement District and appointed itself to serve as the Hayward Geologic Hazard Abatement District Board of Directors; and

WHEREAS, on October 26, 2021, the GHAD Board accepted a petition from Hayward SoMi, LLC requesting annexation of Hayward SoMi Development into the GHAD; and

WHEREAS, on November 16, 2021, the GHAD Board held a public hearing on the proposed annexation and Hayward SoMi Development Plan of Control ("Plan of Control") and thereafter adopted Resolution 21-03 approving the annexation and adopting the Plan of Control; and

WHEREAS, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Plan of Control, a funding source must be established; and

WHEREAS, an Engineer's Report has been prepared to support a real property assessment against the 189 residential units at a Fiscal Year 2021/22 level of \$567.00 per each townhome unit and \$454.00 per each condominium unit for GHAD services and is attached as Attachment 1;

WHEREAS, Public Resources Code sections 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the GHAD to pay for the maintenance and operation of GHAD improvements. Article XIII(D) of the California Constitution imposes additional requirements for the levy and collection of said assessment;

WHEREAS, the Engineer's Report was prepared by the GHAD Manager to reflect the Plan of Control adopted by the GHAD Board on November 16, 2021, the GHAD Manager being a registered professional engineer, certified in the State of California, in compliance with Public Resources Code section 26651(a) and section 4(b) of Article XIII (D) of the California Constitution; the Engineer's Report attached hereto as Attachment 1 sets forth the

purpose of the Hayward SoMi Development portion of the GHAD, the estimated budget, the total assessment that will be chargeable to the Hayward SoMi Development portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Hayward SoMi Development portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

WHEREAS, the property within the Hayward SoMi Development portion of the GHAD is identified on the map attached as Attachment 2 and each parcel is proposed to be assessed.

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. The GHAD Board declares its intention, consistent with the requirements of Article XIII (D) of the California Constitution, Public Resources Code sections 26650 *et seq.*, Government Code section 53750, and Elections Code section 4000, to order that the cost and expense of maintaining and operating any GHAD improvements in the Hayward SoMi Development acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within the Hayward SoMi Development portion of the GHAD, which is benefited by the properties in this portion of the GHAD.
2. The GHAD Board shall not order this assessment if a majority protest exists within the Hayward SoMi Development portion of the GHAD as defined in Section 4(e) of Article XIII(D) of the California Constitution.
3. Each of the parcels identified in Attachment 2 will receive a particular and distinct special benefit in the form of GHAD facilities and services that are over and above the general benefits received by the general public. Specifically, the GHAD's maintenance responsibilities include prevention and abatement of geologic hazards such as landslides and slope erosion within the Hayward SoMi Development portion of the GHAD. The GHAD will have responsibilities that include (a) maintenance of slopes, retaining walls, drainage ditches, and storm drain systems, (b) vegetation control for fire suppression, and (c) establishment of a reserve to fund, prevent, mitigate, abate or control geologic hazards within this area. These special benefits are described in detail in the Plan of Control.
4. Whenever a residential building permit is issued for any of the 189 residential units identified in Attachment 2, that lot will be assessed based on unit type within the development described in the attached Engineer's Report. The annual assessment amount for each residential unit was calculated by dividing the annual Hayward SoMi Development portion of the GHAD budget by the number of residential units planned within that portion of the GHAD boundaries and applying the assessment ratio for each unit type provided in the Engineer's Report.
5. The GHAD Board has reviewed and considered the attached Engineer's Report for the Hayward SoMi Development. The special benefit derived from the GHAD by each parcel is proportionate to the entire cost of the Hayward SoMi Development portion of the GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits

conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.

6. The GHAD Board directs the GHAD Manager to mail or cause to be mailed, no later than three (3) days after adoption of this Resolution, the “Notice of Adoption of Resolution and Notice of Assessment” of the Public Hearing, in substantially the same form as in Attachment 3 (“Notice”) to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Attachment 4, and the GHAD Engineer’s Report, shall be attached to the Notice.

7. The GHAD Board will conduct a public hearing on March 15, 2022 at the chambers of the Hayward City Council at 777 B Street, Hayward, CA 94541 at 7 p.m. or thereafter. The GHAD Manager shall deliver all sealed ballots received from record owners of parcels within the Hayward SoMi Development portion of the GHAD to the GHAD Clerk at the public hearing. The ballots shall remain sealed until they are tabulated. The GHAD Board shall permit a change, withdrawal, or submittal of a ballot at any time prior to the conclusion of the public testimony on the proposed assessment at the public hearing. The GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Clerk, or some other impartial person not having a vested interest in the outcome of the proposed assessment, shall tabulate the ballots, and shall weight the ballots according to the proportional financial obligation of the affected property. The GHAD Board shall not impose the assessment if there is a majority protest as that term is defined by Section 4(e) of Article XIII (D) of the California Constitution. If there is no majority protest, the GHAD Board shall authorize the assessment. Following the public hearing, the GHAD Board shall consider the adoption of the canvas of votes for the GHAD.

8. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on the 189 residential units the first fiscal year following issuance of a residential building permit for each of those parcels on which the residences are located.

This Resolution shall become effective immediately upon its passage and adoption.

HAYWARD, CALIFORNIA, January 18, 2022

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attachment 1 – Engineer’s Report

Attachment 2 – Legal Description and Plat

Attachment 3 – Notice of Adoption of Resolution and Notice of Assessment

Attachment 4 – Ballot

**HAYWARD SOMI DEVELOPMENT ANNEXATION
HAYWARD, ALAMEDA COUNTY, CALIFORNIA**

**ENGINEER'S REPORT
FOR HAYWARD SOMI DEVELOPMENT, TRACTS 8502 and 8614**

SUBMITTED TO
Hayward SoMi, LLC
12647 Alcosta Boulevard, Suite 470
San Ramon, CA 94583

PREPARED BY
ENGEO Incorporated

January 6, 2022

PROJECT NO.
17479.000.000

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EXHIBIT A – Legal Description and Plat

EXHIBIT B – Hayward GHAD Budget – Hayward SoMi Development Annexation

DRAFT

ENGINEER'S REPORT

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT
HAYWARD SOMI DEVELOPMENT ANNEXATION
(Pursuant to the Public Resources Code of the State of California,
Section 26500 et seq.)**

CERTIFICATION OF FILING

The Geologic Hazard Abatement District ("GHAD") provides monitoring and maintenance of improvements related to geologic hazard management and other responsibilities as a landowner, within the Hayward SoMi Development portion of the Hayward GHAD. The GHAD also levies and collects assessments in order to perform its activities.

The GHAD responsibilities, which are the subject of this report, are defined as any activity that is necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard, construction, maintenance, repair, or operation of improvement; or the issuance and servicing of bonds issued to finance any of the foregoing (Section 26505).

This report consists of seven parts, as follows:

- I. INTRODUCTION
- II. BACKGROUND
- III. GEOLOGIC HAZARD ABATEMENT DISTRICT DIAGRAM
- IV. SERVICE LEVELS
- V. DESCRIPTION OF GHAD MAINTAINED IMPROVEMENTS
- VI. ASSESSMENT METHOD
- VII. ASSESSMENT LIMIT - BUDGET PROJECTION

The undersigned respectfully submits the enclosed Engineer's Report.

Date: January 6, 2022

By: ENGEO Incorporated

_____, PE
Jeffrey A. Adams

I HEREBY CERTIFY that the enclosed Engineer's Report was filed on the 18th day of January 2022.

Patricia Curtin
Attorney and Clerk of the Board
Hayward Geologic Hazard Abatement District
Hayward, Alameda County, California

I HEREBY CERTIFY that the enclosed Engineer's Report was approved and confirmed by the GHAD Board on the 18th day of January 2022.

Eric Harrell
GHAD Manager
Hayward Geologic Hazard Abatement District
Hayward, Alameda County, California

ENGINEER'S REPORT

for

**HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT
HAYWARD SOMI DEVELOPMENT ANNEXATION
HAYWARD, ALAMEDA COUNTY, CALIFORNIA
for the
ESTABLISHMENT OF AN ASSESSMENT LIMIT**

I. INTRODUCTION

The Hayward City Council formed the Hayward Geologic Hazard Abatement District ("GHAD" or "District") on March 1, 2016 (Resolution No. 16-030), under the authority of the California Public Resources Code, Division 17, Section 26500 et seq. The GHAD Board of Directors approved the annexation of the Hayward SoMi Development ("GHAD Annexation Area") into the GHAD on November 16, 2021, with the approval of Resolution No. 21-03. The members of the Hayward City Council act as the Board of Directors of the GHAD.

II. BACKGROUND

The Hayward Board of Directors approved the Plan of Control for the Hayward SoMi Development Annexation ("Plan of Control") with the approval of Resolution No. 21-03 on November 16, 2021. The Plan of Control describes the GHAD's responsibilities to permanently monitor and maintain GHAD improvements within the GHAD Annexation Area. This Engineer's Report describes the establishment of an assessment level to fund GHAD activities necessary or incidental to geologic hazard mitigation, abatement, and control.

III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES

The boundaries for the GHAD Annexation Area are shown in the legal description and plat attached hereto as Exhibit A.

IV. SERVICE LEVELS

The GHAD's activities are those that are necessary or incidental to the prevention, mitigation, abatement, or control of geologic hazards including construction, maintenance, repair, or operation of any improvement; and the issuance and servicing of bonds issued to finance any of the foregoing.

The GHAD provides for the administration and review of facilities within the budgeted limits, including the following services:

1. Oversight of GHAD operations, including reporting to the GHAD Board of Directors.
2. In conjunction with the Alameda County Assessor's Office, setting the annual levy of assessments on the property tax rolls.

3. Engagement of technical professionals to perform the monitoring duties as described in the Plan of Control.
4. Performance of GHAD maintenance activities in accordance with the Plan of Control. These maintenance activities include:
 - The GHAD is responsible for general monitoring, maintenance, and repair of the concrete-lined drainage ditches, storm drain inlets and outlets in open space, subdrain outlets, and risers within the GHAD Annexation Area.
 - Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any, within the GHAD Annexation Area.
 - Maintenance of existing property line/boundary fencing on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
 - Maintenance of debris benches and/or catchment structures within GHAD Annexation Area.
 - Maintenance of storm drain inlets, outfalls and pipelines within Parcels "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
 - Maintenance of slopes within GHAD Annexation Area.
 - Vegetation control for fire suppression on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
5. Preparation of annual GHAD budgets for approval by the GHAD Board of Directors.

V. DESCRIPTION OF THE IMPROVEMENTS MAINTAINED BY THE GHAD

The GHAD-maintained improvements are described in the Plan of Control. In general, these improvements include drainage systems, including concrete-lined ditches in developed areas and open space; open-space storm drain inlets and outlets; subdrains and outlets; and selected retaining walls.

VI. ASSESSMENT METHOD

The improvements and GHAD responsibilities described in Section V are distributed within the GHAD Annexation Area. The improvements described in this document will confer the following special benefits to the assessed parcels:

1. Protection from slope instability.
2. Protection from erosion due to uncontrolled surface water.
3. Protection of water quality.
4. Protection from wild land fires due to unmanaged vegetation.

The GHAD assessment is distributed among all residential and commercial property owners within the GHAD Annexation Area. The improvements and responsibilities listed in Section V provide specific benefits to the properties within the GHAD Annexation Area and the improvements are constructed for the benefit of those assessed and not the general public.

The GHAD Annexation Area consists of 123 townhomes and 66 condominiums, for a total of 189 residential units. In addition, approximately 8,049 square feet of commercial space and 2,773 square feet of Homeowner's Association common area will be constructed within the development. The total number of residential units and area of commercial space within the GHAD Annexation Area was considered in light of the annual GHAD Annexation Area budget in developing the annual assessment amount.

The Engineer hereby finds that the residential properties within the GHAD Annexation Area receive approximately equal special benefit from the work and improvements within the GHAD based on the average lot size divided by the number of units within each townhome and condominium buildings, respectively. As a result, the GHAD assessment for the GHAD Annexation Area is distributed among all owners of parcels as follows:

PRODUCT TYPE (SHOWING AVERAGE LOT SIZE PER UNIT)	ASSESSMENT RATIO	NUMBER OF UNITS
Townhome (1,683 sq. ft.)	1.0	123
Condominium (1,335 sq. ft.)	0.8	66

A financial analysis was performed to provide a framework for an operating budget for the on-going abatement, mitigation, prevention and control of geologic hazards within the GHAD Annexation Area. In preparation of the budget, several factors were considered including:

1. Site geology
2. Remedial grading
3. Proximity of geologic hazards to proposed residences
4. Improvements and structures
5. Site access considerations
6. Elements requiring routine maintenance, including:
 - Surface drainage facilities
 - Graded slopes
 - Retaining walls
 - Fire breaks

VII. ASSESSMENT - BUDGET

The purpose of this Engineer's Report is to establish the assessment level and the apportionment of the assessment within the GHAD Annexation Area as required under Proposition 218. The annual budget in each subsequent fiscal year will apprise the GHAD Board of Directors of the estimated budget for the upcoming year.

Based on the estimated expenses for on-going operations, and allowing for larger (approximately \$300,000) geologic events at 20-year intervals and accumulation of a reserve of \$1,310,000 by 2061 (Fiscal Year 2021/2022 dollars), a budget was prepared for the purpose of estimating initial assessment levels (Exhibit B).

The Engineer recommends an annual assessment limit for the GHAD Annexation Area of \$567 per single-residential townhome unit and \$454 per single-residential condominium unit (Fiscal Year 2021/2022 dollars). The proposed initial assessment level will be automatically adjusted annually on June 30 to reflect the percentage change in the San Francisco-Oakland-San Jose Consumers Price Index for All Urban Consumers. The Engineer also recommends an annual assessment limit of \$0.25 per square foot of commercial space. The planned habitable non-residential space (approximately 2,773 square feet) intended for common area is not subject to an assessment. The residential and commercial space assessments are to be levied in conjunction with the issuance of a building permit for the assessed parcel.

While the assumptions and estimated expenses listed in Exhibit B were used to determine the assessment levels for the GHAD Annexation Area, they do not represent the actual budget for any one year of the GHAD's operation, since assessment of the individual parcels will be based on the issuance of building permits, which will occur over a number of years. In addition, the Engineer anticipates that the projected expense amounts will be reached over time and that these amounts will be inflation-adjusted in the year that the expenses occur.

Pursuant to the schedule set forth in Section 6.4 of the Plan of Control for the Hayward SoMi Development, the GHAD reserve at the time of transfer must have a minimum of \$107,000. In addition, all 189 residential units shall be subject to the levy of the GHAD assessment. The minimum reserve amount represents the estimated total assessments that will be collected from within the Hayward SoMi Development during the period the Owner is responsible for all GHAD activities. The reserve amount requirement may be satisfied by including remaining cash and receivables from the Alameda County Tax Collector during the period that the Owner of the Hayward SoMi Development is responsible for performing the GHAD activities. Additional funds may be required of the developer in order to satisfy the above-stated minimum reserve requirement and shall be provided to the Hayward GHAD prior to its acceptance of the monitoring and maintenance responsibilities within the Hayward SoMi Development.

VIII. OWNER RESPONSIBILITIES

Hayward SoMi, LLC ("Owner") is responsible for managing and maintaining the GHAD Annexation Area until the GHAD accepts responsibility for the GHAD Improvements as set forth in the Plan of Control. In addition, the Owner is responsible for funding any necessary GHAD functions or business undertaken for the GHAD Annexation Area that the GHAD Officers or Board of Directors determine are necessary before the GHAD accepts the GHAD Improvements. If the Owner fails to fund all or a portion of these costs, the costs shall be covered by the funds generated by and for the GHAD Annexation Area (i.e., through the assessment) and the Owner shall be required to reimburse the GHAD for such costs before the GHAD can accept monitoring and maintenance responsibilities for the GHAD Improvements.

The GHAD may utilize funds generated by or for the GHAD Annexation Area to conduct any necessary GHAD functions or business for the GHAD Annexation Area required before the GHAD accepts the GHAD improvements. Such functions and business can include periodic reporting to the GHAD Board of Directors and work performed by GHAD Officers to verify the GHAD is implemented in accordance with the Plan of Control and GHAD Law.



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EXHIBIT A

LEGAL DESCRIPTION AND PLAT

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

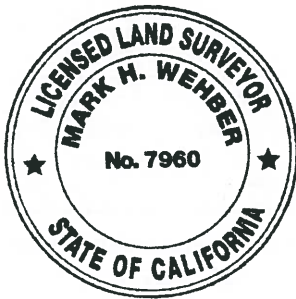
3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

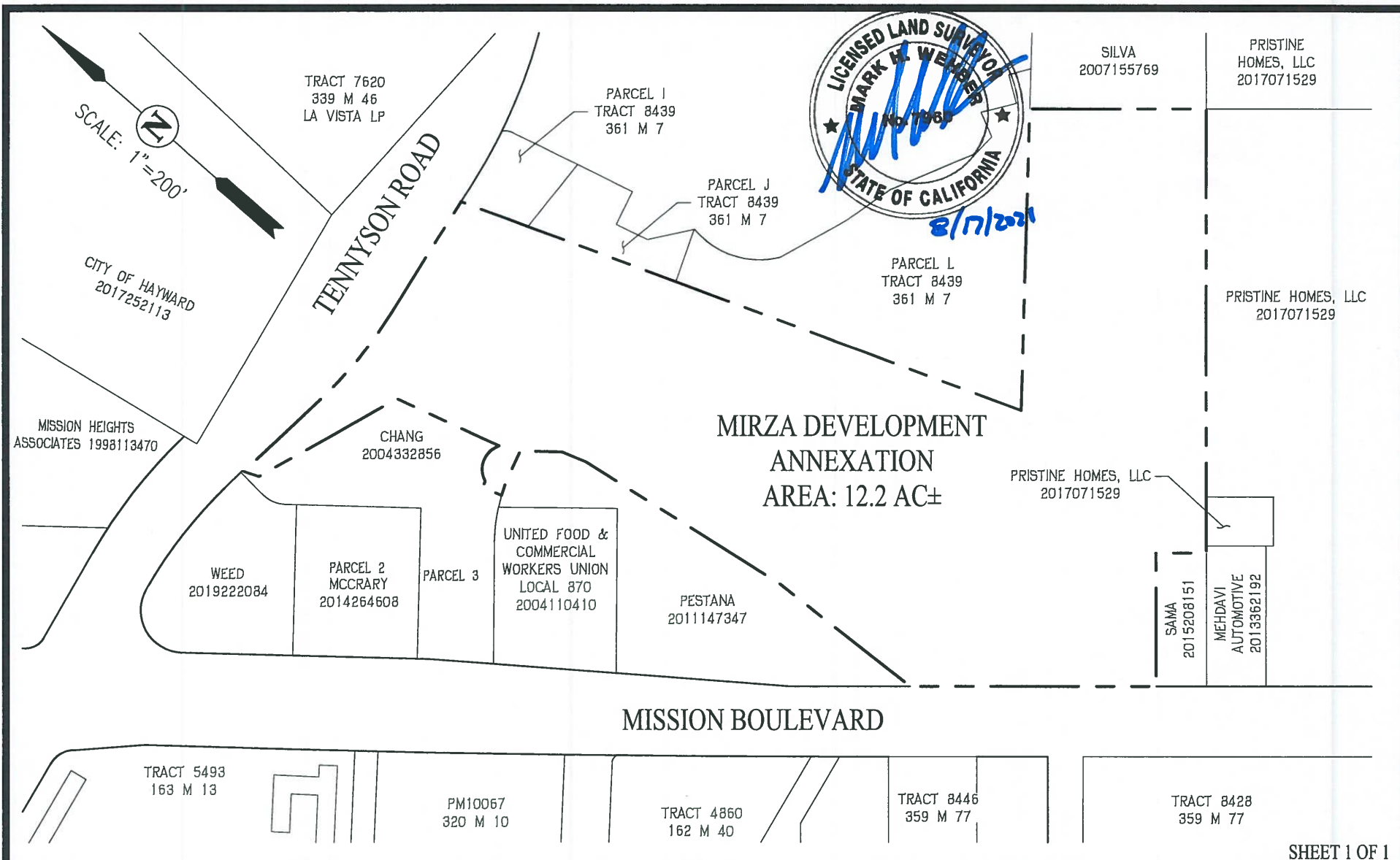
- 1) NORTH 39°50'35" WEST, 59.11 FEET,
 - 2) SOUTH 74°01'02" WEST, 33.35 FEET,
 - 3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,
 - 4) NORTH 18°00'55" WEST, 29.35 FEET,
 - 5) NORTH 71°59'05" EAST, 9.36 FEET,
 - 6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,
 - 7) NORTH 16°34'48" WEST, 160.59 FEET,
 - 8) NORTH 70°37'19" WEST, 226.37 FEET,
 - 9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;
- THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:
- 1) SOUTH 84°28'58" EAST, 151.56 FEET,
 - 2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,
 - 3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION



 10/17/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

MIRZA DEVELOPMENT ANNEXATION

CITY OF HAYWAYRD, CALIFORNIA

AUGUST 12, 2021



CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON (925) 866-0322

ROSEVILLE (916) 788-4456

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EXHIBIT B

BUDGET – January 6, 2022

Hayward Geologic Hazard Abatement District – Hayward SoMi Development Annexation

Budget – January 6, 2022

ASSUMPTIONS

Total No. of Residential Units- Actual	189
Equivalent Assessment Units	175.8
Annual Assessment per Townhome Unit (FY 2021/2022)	\$567
Annual Assessment per Condominium Unit (FY 2021/2022)	\$454
Approximate Total Habitable Commercial Building Area (square feet)	8,049
Annual Assessment per Habitable Commercial (square feet)	\$0.25
Annual Adjustment in Assessment (estimated)	2.25%
Inflation (estimated)	2.25%
Investment Earnings (estimated)	4.5%
Frequency of Large-Scale Repair (years)	20
Cost of Large-Scale Repair (current \$)	\$300,000

ESTIMATED ANNUAL EXPENSES IN 2021/2022 DOLLARS

Administration (Manager, Treasurer, Clerk, and Legal Counsel)	\$16,000
Outside Administration Services, Membership, and Insurance	\$3,699
Monitoring Activities	\$3,825
Maintenance and Operation	\$15,170
Capital Improvements	\$26,549
Major Repair (Annualized)	\$ 15,000
Miscellaneous & Contingency (10%)	\$6,524
Reserve	<u>\$14,959</u>
TOTAL	<u>\$101,726</u>



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EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

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THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

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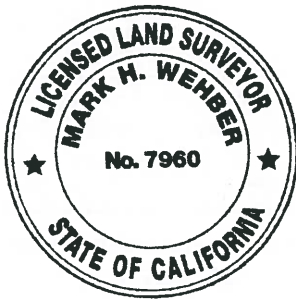
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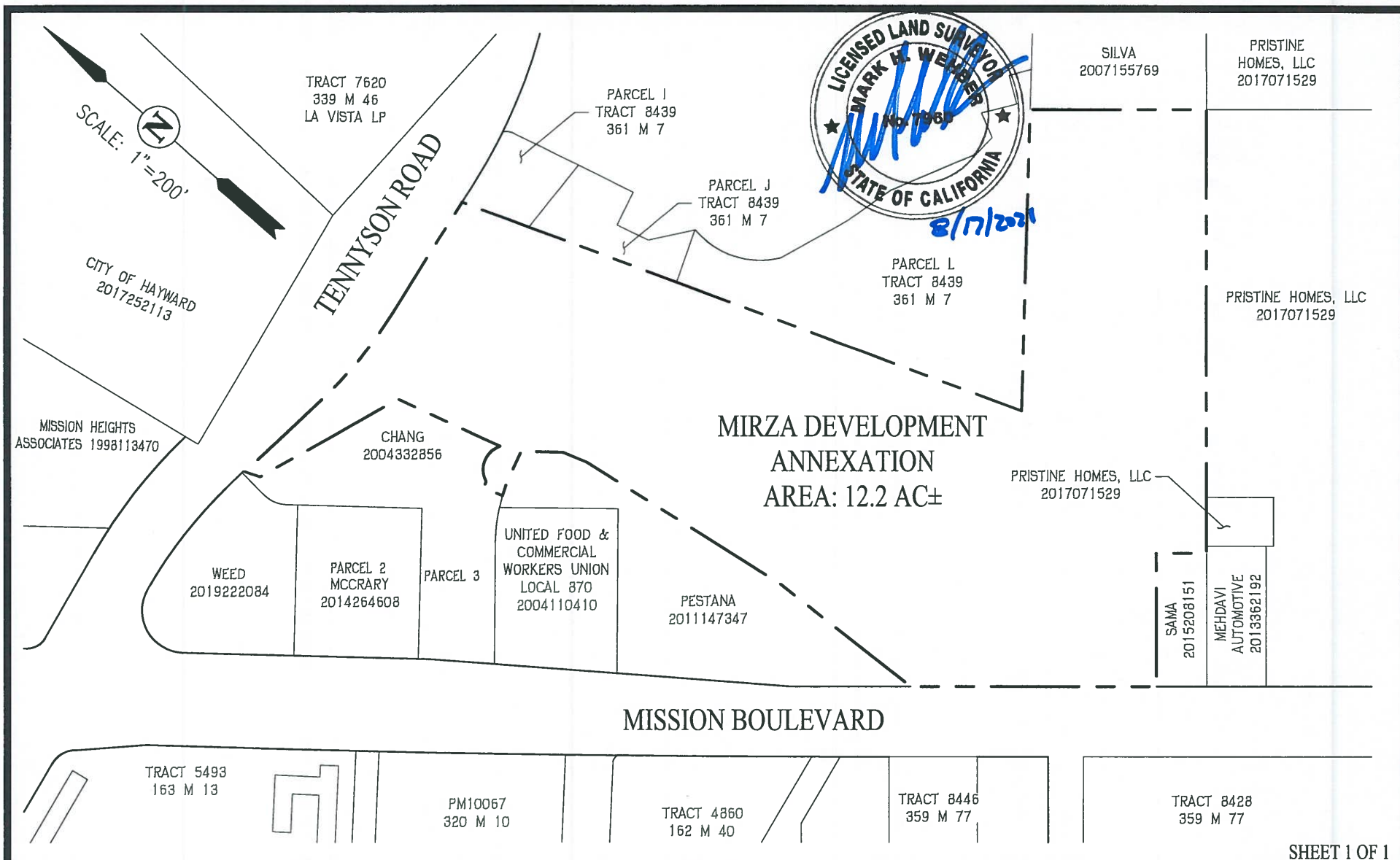
- 1) NORTH 39°50'35" WEST, 59.11 FEET,
 - 2) SOUTH 74°01'02" WEST, 33.35 FEET,
 - 3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,
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 - 5) NORTH 71°59'05" EAST, 9.36 FEET,
 - 6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,
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 - 2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,
 - 3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION



 10/17/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

MIRZA DEVELOPMENT ANNEXATION

CITY OF HAYWAYRD, CALIFORNIA

AUGUST 12, 2021



CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON (925) 866-0322

ROSEVILLE (916) 788-4456

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**NOTICE OF (1) ADOPTION OF RESOLUTION NO. 22-01 BY THE BOARD OF DIRECTORS
OF THE HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT,
(2) PROPOSED ASSESSMENT, AND
(3) PUBLIC HEARING FOR MARCH 15, 2022**

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030, ordering the formation of the Hayward Geologic Hazard Abatement District ("GHAD") and itself to serve as the Board of Directors of the GHAD ("GHAD Board").

NOTICE IS HEREBY GIVEN that:

On January 18, 2022, the GHAD Board adopted Resolution No. 22-01 declaring its intention to impose an assessment on the property included in the GHAD and directing that a public hearing be scheduled to consider adoption of this assessment to finance the GHAD activities within the Hayward SoMi Development portion of the GHAD. The total yearly estimated budget for the Hayward SoMi development within the Hayward GHAD as set forth in the current Engineer's Report is \$101,726. If the assessment is adopted, each townhome residential unit will be assessed a maximum of \$567.00 per year and each condominium residential unit will be assessed a maximum of \$454.00 (Fiscal Year 2021/2022 dollars), plus an annual adjustment to reflect the percentage change in the San Francisco-Oakland-Hayward Consumers Price Index (CIP) for All Urban Consumers. The assessment will be levied beginning in first fiscal year after issuance of a building permit and the assessment will continue to be levied in perpetuity.

The attached Engineer's Report (dated January 6, 2022) for the Hayward SoMi Development portion of the GHAD was prepared by a registered engineer, certified in the State of California, and describes in detail the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated. The Engineer's Report specifically sets forth the yearly estimated budget, the total assessment, the proposed estimated assessments to be levied each year against each parcel of property, and a description of the method used in formulating the estimated assessment. A copy of GHAD Board Resolution No. 22-01 is available for inspection at ENGEO Incorporated, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583.

The GHAD Board will conduct the public hearing on March 15, 2022, at 7:00 p.m. at Hayward City Hall, 777 B Street, Hayward, CA 94541, on the proposed assessment.

The following paragraph provides the procedure for returning and tabulating the ballots. Copies of this Notice, a sealable ballot, and the Engineer's Report have been sent to each of the property owners within the Hayward SoMi Development portion of the GHAD.

The ballot may be completed and mailed or hand delivered to Hayward Geologic Hazard Abatement District, % ENGEO Incorporated, GHAD Manager, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583 or may be submitted at the public hearing. Each ballot may be submitted, withdrawn, or changed at any time prior to the conclusion of the testimony on the proposed assessment at the public hearing. At the hearing, the GHAD Clerk shall tabulate the ballots and the GHAD Board shall consider any objections or protests to the assessment and certify the tabulation of the ballots.

The GHAD Board shall not impose the assessment if there is a majority protest. A majority protest exists if, upon conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots,

the ballots shall be weighted according to the proportional financial obligation of the affected property.

Inquiries regarding the proposed assessment may be made by mail to: Hayward GHAD % ENGEO Incorporated, Attn: Haley Ralston, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583, by phone at (925) 866-9000, or by e-mail at hralston@engeo.com.

Enclosures: Engineer's Report (dated January 6, 2022)
Sealable Ballot

BALLOT

Hayward Geologic Hazard Abatement District

Identification of Parcel: Assessor's Parcel Numbers(s) _____

Record Owner: _____

_____ **Yes**, I approve the proposed annual benefit assessment described in the attached Notice on the property described by the parcel numbers identified in this Ballot.

_____ **No**, I do not approve the proposed annual benefit assessment described in the attached Notice on the property described by the parcel numbers identified in this Ballot.

Signature of Record Owner or Authorized Representative of the
above identified parcel(s)

Dated: _____

Mail or deliver sealed Ballot to:

Hayward Geologic Hazard Abatement District
c/o ENGEO Incorporated, GHAD Manager
Attention: Eric Harrell
2010 Crow Canyon Place, Suite 250
San Ramon, CA 94583



CITY OF HAYWARD

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

File #: MIN 22-001

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on December 7, 2021

RECOMMENDATION

That the Council approves the City Council meeting minutes of December 7, 2021.

SUMMARY

The City Council held a meeting on December 7, 2021.

ATTACHMENTS

Attachment I Draft Minutes of December 7, 2021



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Virtual Platform – Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBCQVdjdz09>

Tuesday, December 7, 2021, 7:00 p.m.

The City Council regular meeting was called to order by Mayor Halliday at 7:02 p.m. The City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

Council Chamber: Council Members Lamnin, Salinas and Zermeno
Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez and Wahab

CLOSED SESSIONS ANNOUNCEMENTS

The City Council convened in closed session on November 30, 2021, at 5:30 p.m., pursuant to Government Code Section 54957.6, with all members present, to discuss labor negotiations with all groups. City Attorney Lawson announced the Council took no reportable action and adjourned the meeting at 7:00 p.m.

The City Council convened in closed session on December 6, 2021, at 5:30 p.m., pursuant to Government Code Section 54956.9(d)(1)(2)(3)(4), with all members present, to discuss seven anticipated litigation cases. City Attorney Lawson announced the Council took no reportable action as to six matters; and with Mayor Halliday and Council Member Salinas recusing, the Council discussed the seventh matter and took no reportable action and adjourned the meeting at 8:15 p.m.

The City Council convened in closed session on December 7, 2021, at 5:30 p.m., pursuant to Government Code Section 54956.8, with Mayor Halliday absent, regarding Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue; APN 455-0180-001-00. City Attorney Lawson announced he asked the Council to add two matters to the closed session agenda based on information that came to the City's attention after the posting of the agenda. Per Government Code Section 54956.9(d)(2) and 54956.9(e)(5), one matter involving anticipated litigation was added to the agenda by unanimous vote with Council Member Salinas moving and Council Member Márquez seconding. A second matter involving property transactions concerning Caltrans Parcel Group 3, adjacent to Tennyson Road, East 16th Street and Calhoun Street, APNs: 078C-0626-003-16, 078C-0626-003-09, 078C-0626-001-07, was added to the agenda by unanimous vote with Council Member Salinas moving and Council Member Márquez seconding and Council Member Andrews recusing. With no action taken, the closed session adjourned at 6:22 p.m.

PRESENTATION

Mayor Halliday read a Proclamation recognizing November 27, 2021, as Small Business Saturday. The proclamation supported local small businesses and encouraged community members to shop locally during the holiday season. Mayor Halliday noted the proclamation would be sent to Ms. Pam Wu from Small Business Saturday Coalition at Women Impacting Public Policy.

PUBLIC COMMENTS

TJ with Hayward Concerned Citizens, expressed concern about the Hayward People's Budget community participatory process noting that allotted funds were too restrictive and COVID recovery funds could have been used for community needs to improve safety; suggested staff take suggestions and create a website for them and for when funds become available; and noted Council Infrastructure Committee meeting videos were not available via YouTube.

Mr. Tom Ferreira, with Hayward Concerned Citizens, spoke in favor of having a new Police Department building noting it would attract new officers to fill current vacancies and new families, and would strengthen Hayward's future.

Suzanne, with Hayward Concerned Citizens, agreed with TJ about the Hayward People's Budget process and noted most suggestions were related to safety; suggested better lighting and solar lighting on existing light poles; and noted TJ was unable to rejoin the Zoom meeting.

In response to Council Member Wahab's inquiry about an update on the Police Department building, City Manager McAdoo indicated staff would present a timeframe for building improvements during the mid-year budget discussion. Ms. Wahab asked staff to keep track of suggestions from community input and perhaps add them to the website for increased transparency.

In response to Mayor Halliday's request for information on plans for revisiting the City's Strategic Roadmap, City Manager McAdoo announced the City would be holding a work session on January 29, 2022, to review the Strategic Roadmap and community members could express priority projects they want Council to focus on.

CITY MANAGER'S COMMENTS

City Manager McAdoo made three announcements: Weekes Branch Library would have the same high speed internet service as at the Hayward Main Library starting December 11, 2021; a modified "Light Up the Season" event was scheduled for December 11, 2021, outside City Hall with festivity activities following; and City Hall and non-emergency facilities would be closed for business operations from December 20, 2021 through January 2, 2022 and urged residents to access the website for information or call the non-emergency number.

City Clerk Miriam Lens announced the Youtube feed was down and shared, via video screen, alternative methods to view the live City Council meeting.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBCQVdjdz09>

Tuesday, December 7, 2021, 7:00 p.m.

CONSENT

1. Approve Minutes of the Special City Council Meeting on November 16, 2021

MIN 21-157

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special City Council Meeting on November 16, 2021.

2. Adopt an Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 1000 La Playa Drive from Neighborhood Commercial (CN) District to Planned Development (PD) District in Connection with General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457 for the La Playa Commons Development **CONS 21-629**

Staff report submitted by City Clerk Lens, dated December 7, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the ordinance.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermelo MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ordinance 21-07, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 1000 La Playa Drive from Neighborhood Commercial (CN) District to Planned Development (PD) District in Connection with General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457 for the La Playa Commons Development"

3. Adopt a Resolution Accepting Transmittal of the Annual Mitigation Fee Act Report (AB 1600) **CONS 21-632**

Staff report submitted by Director of Finance Claussen, dated December 7, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-234, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

4. Adopt a Resolution Accepting the Fiscal Year 2022 Statement of Investment Policy and Delegation of Authority **CONS 21-630**

Staff report submitted by Director of Finance Claussen, dated December 7, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-235, "Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

5. Adopt an Initial Study/Mitigated Negative Declaration and a Resolution Approving the Plans and Specifications, and Call for Bids for the Water Line Improvements Project, Project No. 07093 **CONS 21-631**

Staff report submitted by Director of Public Works Ameri, dated December 7, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Virtual Platform – Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBQVjdjdz09>

Tuesday, December 7, 2021, 7:00 p.m.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-236, “Resolution Adopting an Initial Study/
Mitigated Negative Declaration in Accordance with the California
Environmental Quality Act, and Approving the Plans and
Specifications for the Water Line Improvements Project, Project
No. 07093, and Call for Bids”

6. Adopt a Resolution Approving the Final Map of Tract 8359, a 13 Lot Subdivision at 24765 Hesperian Boulevard, Hayward to Allow the Construction of Single-Family Residences with Common Open Space Area, and Related Site Improvements; Applicant/Owner: Jason Creek Ventures, LLC., Application No. 202101368 **CONS 21-636**

Staff report submitted by Development Services Director Ott,
dated December 7, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-237, “Resolution Approving the Final Map of Tract 8359, Accepting the Easements Dedicated Thereon for Public Use and Authorizing the City Manager to Negotiate and Execute the Subdivision Improvement Agreement and Related Other Documents”

WORK SESSION

7. Measure C Annual Report: Review Annual Report of Measure C Revenues and Expenditures, Approved by Voters on June 3, 2014 **WS 21-044**

Staff report submitted by Director of Finance Claussen, dated December 7, 2021, was filed.

Director of Finance Claussen provided a synopsis of the staff report.

Mayor Halliday opened the public comment section at 7:48 p.m.

TJ, with Hayward Concerned Citizens, noted Measure C was a general tax approved in 2014 with Council priorities based on community input, added Library and Police were prioritized as capital improvement projects in 2016, and wondered what the next step would be for moving funds to public safety needs.

Mayor Halliday closed the public comment section at 7:51 p.m.

Discussion ensued among members of the City Council and City staff regarding: Measure C funds and discussion during the budget development process about priorities for spending Measure C revenue; capital improvement projects and the Police Department building; Measure C annual cash flow and cumulative balance; and funding for a new Police Department building, including locating a viable site, determining the scope of the project, and financing the project.

Members of the City Council offered the following suggestions: start discussion regarding next steps for Measure C revenue and expenditure, perhaps during the January 29, 2022 Strategic Roadmap retreat or have a preliminary conversation with the Council Budget and Finance Committee early in the spring; focus on vacancies in Fire and Police departments, particularly firefighters and Call Center vacancies and consider discussing them during the mid-year budget process; have a community conversation about what a new 21st century Police Department building would look like as policing is reimagined; consider a new Police building as a potential place to train and partner with other agencies such as educational institutions; consider the long-term needs of public safety; leverage some Measure C funds to join the goal of the Clean California program to clean local streets; and evaluate use of funds toward public art to help beautify the city and deter graffiti and dumping.

Members of the City Council thanked City staff for maintaining what was promised in Measure C ballot measure language and management of funds; acknowledged staff for the work by Street Maintenance staff ensuring neighborhoods are clean and responding to homelessness needs which were enabled by Measure C funds; and acknowledged staff for the completion of projects such as pavement management index, 21st Century Library construction, Fire Station 6 construction, Fire Stations 1-5 rehabilitation and improvements, and increase of police officers.



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Virtual Platform – Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBCQVdjdz09>

Tuesday, December 7, 2021, 7:00 p.m.

8. 2021 Resident Survey Results: Presentation of 2021 Biennial Resident Satisfaction Survey Results **WS 21-046**

Staff report submitted by City Manager McAdoo, dated December 7, 2021, was filed.

City Manager McAdoo gave an overview of the 2021 Resident Satisfaction Survey and introduced Ms. Miranda Everitt, Vice President of Fairbank, Maslin, Maullin, Metz & Associates (FM3) Research, who presented survey findings conducted from October 5 to 17, 2021, with 914 interviews conducted in both English and Spanish languages.

Mayor Halliday opened the public comment section at 8:42 p.m.

TJ, with Hayward Concerned Citizens, commented on a question about a hypothetical parcel tax measure of \$89 a year on all residential and commercial property, and noted she would not support a General Fund tax because there was no assurance it would be used for what voters vote for.

Suzanne, Hayward resident, noted she would not support a parcel tax measure to support homelessness services and emphasized survey results indicated the need for more police services.

Mayor Halliday closed the public comment section at 8:46 p.m.

Discussion ensued among members of the City Council and City staff regarding differences in perception by ethnicity, race, and geography; feelings of safety in neighborhoods; homelessness, traffic, and safety were key issues consistent with open-ended responses; and public art and the positive impact it could have on reducing graffiti, blight, and public safety.

Members of the City Council provided the following comments: comparison data regarding regional trends and challenges was helpful; there were serious concerns related to homelessness; having the survey in a language other than English was appreciated; evaluate if feeling of safety/security shift by demographic; it was pleasing to learn that most respondents felt Hayward was a clean and well maintained City; trust in government could be improved by personal contact; there was reluctance to consider a parcel tax measure during a pandemic and knowing sales tax was higher than in neighboring cities and in the interim continue to be creative identifying funding to address issues of the unsheltered community; spoke of the need to prioritize cannabis revenue for housing, lighting and cleanliness; increase sharing of information with the public about measures and public safety; consider that some folks might not want to talk to a government hired consultant to discuss government services when planning the next survey; there was support for any approach that did not present a burden on the Police Department; look at public safety through design and not just law enforcement;

continue to work with businesses to improve safety; COVID might have affected survey results; continue to look at homelessness with a regional lens and place pressure to the federal government for solutions; activate public spaces; consider economic ways of bringing more lighting in neighborhoods avoiding light pollution to make neighborhoods safer; interviewing individuals beyond just registered voters was appreciated; consider discussion around what used to be the Neighborhood Watch Program in helping people feel safe in their neighborhoods; distribute copies of survey results for discussion at the Council retreat; and consider adding a question to the next survey on how residents obtain their information.

City staff and FM3 consultant were commended for a comprehensive survey and increased inclusiveness efforts.

PUBLIC HEARING

9. Groundwater Sustainability Plan: Adopt a Resolution Approving the East Bay Plain Subbasin Groundwater Sustainability Plan PH 21-099

Staff report submitted by Director of Public Works Ameri, dated December 7, 2021, was filed.

Public Works Director Ameri announced the staff report and introduced Water Resources Manager Muñoz who provided a synopsis of the staff report which sought the adoption of a resolution approving the East Bay Plain Subbasin Groundwater Sustainability Plan. Water Resources Manager Muñoz indicated that per notification of the East Bay Municipal Utility District (EBMUD) there were four edits necessary to language in the proposed resolution and stated that Dr. Christopher Heppner, a hydrogeologist from EKI Water and Environment, was available to answer any questions.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:50 p.m.

Council Member Salinas moved staff's recommendation including four clarifications to the resolution and Council Member Zermeño seconded the motion.

Mayor Halliday thanked staff for work done, was pleased the Subbasin in a sustainable condition with stable water levels and with continuous monitoring of conditions.

It was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution, including clarification language on four recitals in the Resolution, as follows:

Add to **Recital No. 5** as follows, "... and each GSA exercises management responsibility within the portion of the East Bay Plain Subbasin underlying its boundaries..."; revise **Recital No. 9** to read "WHEREAS, on March 19, 2019" correcting the date; revise **Recital No. 11** to read "WHEREAS on November 9, 2021 and November 16, 2021, the EBMUD Board and the City Council of the City of Hayward, respectively, authorized the amendment



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Virtual Platform – Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBQVjdjdz09>

Tuesday, December 7, 2021, 7:00 p.m.

of the...”; and **add Recital No. 14** as follows, “WHEREAS, on September 7, 2021, the GSAs notified the cities and counties within the East Bay Plain Subbasin of their intent to adopt a GSP for the Subbasin pursuant to California Water Code section 10728.4...”

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 21-238, “Resolution Adopting the East Bay Plain Subbasin Groundwater Sustainability Plan for the City of Hayward”

LEGISLATIVE BUSINESS

10. Mayor Pro Tempore Election: Adopt a Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2022 **LB 21-054**

Staff report submitted by City Clerk Lens, dated December 7, 2021, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comment, Mayor Halliday opened and closed the public comment section at 9:56 p.m.

Mayor Pro Tempore Wahab thanked the City Council for allowing her to serve during a challenging year due to COVID-19 and made a motion for Council Member Lamnin to serve as the Mayor Pro Tempore for 2022.

Mayor Halliday thanked Council Member Wahab for her service, was pleased for the orderly change in the appointment to the role and seconded the motion.

Council Member Márquez commented in support of the motion, thanked Council Member Wahab for serving during a challenging year, and congratulated Council Member Lamnin for her upcoming service in the role.

It was moved by Council Member Wahab, seconded by Mayor Halliday, and carried by the following roll call vote, to adopt the resolution electing Council Member Lamnin to serve as Mayor Pro Tempore for the year 2022.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-239, "Resolution Authorizing the Election of
Mayor Pro Tempore of the City of Hayward for 2022"

Council Member Lamnin thanked her colleagues for their vote of confidence in her to serve as Mayor Pro Tem for the coming year; and thanked Council Member Wahab for her service.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews recognized Community Services Commissioner Mehdavi for helping the Afghan Refugees with Five Pillars with the coat and toy drive event, recognized Working Dogs for collecting pet supplies for the Hayward Animal Shelter, and acknowledged the State for cleaning the freeways in Hayward.

Mayor Halliday echoed the acknowledgment of Commissioner Mehdavi and community members from local mosques who help those recently arrived from Afghanistan.

Council Member Salinas announced the Fremont Unified School District was hosting an Afghan Newcomer Resources Fair on December 10, 2021, at the Fremont Teen Center, 39770 Paseo Padre Parkway.

Council Member Zermeño announced the Eden Youth and Family Center was hosting the BikeMobile for a free bike repair event on December 11, 2021.

Council Member Wahab appreciated efforts of the larger Afghan community and especially Hayward staff for their efforts to assist newly arriving families, noted she would be speaking at the Fremont fair, and wished Happy Hanukah to those who celebrate the holiday.

Mayor Halliday invited all to the Light Up the Season event on December 11, 2021, at the City Hall Plaza, and urged support of local businesses during planned festivities.

COUNCIL REFERRALS

There were no City Council referrals.

ADJOURNMENT

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



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Virtual Platform - Zoom

<https://hayward.zoom.us/j/86142259797?pwd=bTJRQW1GazNsQUtwRmE5dTBQVjdjdz09>

Tuesday, December 7, 2021, 7:00 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: MIN 22-002

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the Special City Council Meeting on December 14, 2021

RECOMMENDATION

That the Council approves the special City Council meeting minutes of December 14, 2021.

SUMMARY

The City Council held a meeting on December 14, 2021.

ATTACHMENTS

Attachment I Draft Minutes of December 14, 2021



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

<https://hayward.zoom.us/j/85167418194?pwd=NGR5WGhZQ285ZHg5c0RSeDRkZFFsQT09>

Tuesday, December 14, 2021, 7:00 p.m.

The Hayward City Council special meeting was called to order by Mayor Halliday at 7:03 p.m. The City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Wahab

ROLL CALL

Council Chamber: Council Members Lamnin, Salinas and Zermeno
Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez and Wahab

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on December 14, 2021, at 5:30 p.m., with all members present regarding two items: 1) conference with property negotiators pursuant to Government Code section 54956.8 concerning 1034-1036 B Street, APN: 428-0061-051-02; and 2) conference with property negotiators pursuant to Government Code section 54956.8 regarding Caltrans Parcel Group 5: Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard and Central Boulevard; APNs: 445-0250-041-01, 445-0260-084-03, 445-0260-018-04, 445-0270-054-02, 445-0250-060-00, 445-0250-059-01, 445-0260-109-04, 445-0260-018-03, 445-0260-109-03, 445-0260-002-00. City Attorney Lawson noted the first matter was on the Consent Calendar (Item 1) as well as the second matter (Item 7) and both were action items; and indicated there was no reportable action.

PUBLIC COMMENTS

Ms. Debbie Frederick, Hayward resident, was happy to attend the City Council meeting in person.

Ms. Velda Goe, from University Campus Neighborhood Association, submitted written comments indicating safety concerns on Campus Drive over a six-year period, and expressed the Lincoln Landing housing/retail development would further impact the neighborhood.

Council Member Wahab noted she had asked City Clerk Lens to add Ms. Goe's comments to the meeting public record. In response to Council Member Wahab's inquiry regarding Ms. Goe's concerns, City Manager McAdoo noted staff was working with the neighborhood on traffic improvements and hiring a consultant to propose solutions for the Campus Drive corridor.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) on January 22, 2022, all City of Hayward electricity customers served by East Bay Community Energy would automatically transition to the Renewable 100 product, and customers could alternately choose the Bright Choice product at a lower cost or return to PG&E service, more information was posted on the City website; and 2) City Hall and non-emergency facilities would close from December 20, 2021 through January 2, 2022, and for urgent matters residents could call (510) 293-7000, and wished happy holidays to all.

CONSENT

Council Member Andrews and Mayor Halliday recused themselves from Consent Item No. 9. Mayor Halliday disclosed she lives near a former Route 238 property. Council Member Andrews disclosed her previous employer had an interest in the development.

1. Adopt a Resolution Authorizing the City Manager to Approve a \$50,000 Small Business Loan to Casa Del Toro, LLC to Assist in Infrastructure Improvement Work at 1034-1036 B Street **CONS 21-628**

Staff report submitted by Assistant City Manager Ott, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermelo MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 21-240, "Resolution Authorizing the City Manager to Execute a Loan Agreement in the Amount of \$50,000 for Casa Del Toro, LLC"

2. Adopt a Resolution Advising the East Bay Community Foundation to Grant the Remaining COVID-19 Relief Funds to South Hayward Parish for Food and Shelter Relief and to Close the Fund **CONS 21-639**

Staff report submitted by City Manager McAdoo, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

<https://hayward.zoom.us/j/85167418194?pwd=NGR5WGhZQ285ZHg5c0RSeDRkZFFsQT09>

Tuesday, December 14, 2021, 7:00 p.m.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-241, "Resolution Authorizing the City Manager to Advise the East Bay Community Foundation to Grant the Remaining COVID-19 Relief Funds to South Hayward Parish and The to Close the Fund"

3. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network (Local Service Center) Services and to Appropriate \$475,000 for the Services **CONS 21-643**

Staff report submitted by Police Chief Chaplin, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-242, "Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Probation Department for the Delinquency Prevention Network (Local Service Center) Services and to Appropriate \$475,000 for the Services"

4. Adopt a Resolution Accepting the Resignation of Ms. Arzo Mehdavi from the Community Services Commission, Effective December 16, 2021 **CONS 21-646**

Staff report submitted by City Clerk Lens, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-243 "Resolution Accepting the Resignation of Ms. Arzo Mehdavi from the Community Services Commission"

5. Adopt a Resolution Appointing Mr. George Syrop to the Community Services Commission to Fulfill the Unexpired Term of Ms. Arzo Mehdavi **CONS 21-647**

Staff report submitted by City Clerk Lens, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-244, "Resolution Appointing Mr. George Syrop to the Community Services Commission to Fulfill the Unexpired Term of Ms. Arzo Mehdavi"

6. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 21-648**

Staff report submitted by City Manager McAdoo and City Clerk Lens, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

<https://hayward.zoom.us/j/85167418194?pwd=NGR5WGhZQ285ZHg5c0RSeDRkZFFsQT09>

Tuesday, December 14, 2021, 7:00 p.m.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-245, "Resolution Making the Required Findings
Pursuant to AB 361 to Continue to Hold Teleconferenced Public
Meetings During the COVID-19 State of Emergency"

7. Adopt a Resolution Authorizing the City Manager to: 1 (1) Negotiate and Enter into an Easement Agreement with California State University East Bay for Roadway and Utility Connection to Carlos Bee Boulevard from Former Caltrans Property Parcel Group 5; and (2) Appropriate \$295,668 from Fund 411 for the Parcel Group 5 Project in the Route 238 Settlement Administration Project 05014 CONS **21-649**

Staff report submitted by Assistant City Manager Ott, dated
December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-246, "Resolution Authorizing the City Manager to
(1) Negotiate and Execute an Easement Agreement with
California State University East Bay for a Roadway and Utility
Connection to Carlos Bee Boulevard from Former Caltrans
Property Parcel Group 5 in a Form Approved by the City
Attorney; and (2) Appropriate \$295,668 from Fund 411 for
Parcel Group 5 Project in Route 238 Settlement Administration
Project 05014"

8. Adopt a Resolution Approving Participation in the National Opioid Settlement, Accepting the Terms of the California Allocation Agreement, and Authorizing the City Manager to Execute and Submit all Necessary Settlement Participation Documents on Behalf of the City of Hayward CONS **21-650**

Staff report submitted by City Attorney Lawson, dated December 14, 2021, was filed.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-247, "Resolution Approving Participation in the National Opioid Settlement Litigation; Accepting the Terms of the California Allocation Agreement; and Authorizing the City Manager to Execute and Submit All Necessary Settlement Participation Documents on Behalf of the City of Hayward"

9. Adopt a Resolution: (1) Finding a Statutory Conflict between the Local Alternative Transportation Improvement Program Statutes (Government Code 14528.6 and 14528.65) and the Surplus Lands Act; and (2) Declaring City-Owned Properties Associated with the Former 238 Bypass Project, and Subject to the 2016 Purchase and Sale Agreement between the State of California Department of Transportation and the City of Hayward, as Exempt Surplus Lands **CONS 21-653**

Staff report submitted by Assistant City Manager Ott, dated December 14, 2021, was filed.

Mayor Pro Tempore Wahab announced the item and noted there were no requests to speak.

It was moved by Council Member Márquez, seconded by Council Member Zermelo, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS, Lamnin, Márquez, Salinas, Zermelo
MAYOR PRO TEMPORE Wahab
NOES: None
ABSENT: None
ABSTAIN: COUNCIL MEMBER Andrews
MAYOR Halliday

Resolution 21-248, "Resolution of the City Council of the City of Hayward Finding a Statutory Conflict Between Government Code Sections 14528.6 and 14528.65 and the Surplus Lands Act and Declaring Specified City-Owned Properties Exempt Surplus Land"



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

<https://hayward.zoom.us/j/85167418194?pwd=NGR5WGhZQ285ZHg5c0RSeDRkZFFsQT09>

Tuesday, December 14, 2021, 7:00 p.m.

PUBLIC HEARING

10. Appeal of the Planning Commission Denial to Develop a New Approximately 116,844 Square Foot Industrial Building for U-Haul at 4150 Point Eden Way (Assessor Parcel Number 461-0085-020-02) Requiring Approval of Site Plan Review and Historic Resources Demolition Permit Application No. 201901039 Including Certification of an Environmental Impact Report, Adoption of a Statement of Overriding Considerations, and Approval of a Mitigation, Monitoring and Reporting Program. Jerry Owen on Behalf of U-Haul; Amerco Real Estate Co. (Applicant/Property Owner) **PH 21-091**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated December 14, 2021, was filed.

Assistant City Manager/Development Services Director Ott introduced Acting Principal Planner Schmidt who provided a synopsis of the staff report and indicated that correspondence received by the City was posted on the City website.

Discussion ensued among members of the City Council and City staff regarding: primarily U-Haul pods would be stored on the proposed industrial building; wildlife is impacted if lights from buildings near Baylands were left on all night and security lighting could be included or required; relocation of the San Francisco Bay Trail; a “welcoming” signage on the site; viability of developing the proposed land and measures to mitigate sea level rise; consideration of projects next to the shoreline; and the partnership with East Bay Regional Park District (EBRPD) related to improvements along the trail, landscaping, employee amenities and an interpretive display about salt processing; and the property’s historical value.

Mayor Halliday opened the public hearing at 7:58 p.m.

Mr. Tony Munoz, NorCal Carpenters Union representative and speaking on behalf of Alameda County Building Trades, opposed the project, wished to see some labor standards as well as apprentice work, and asked the project be delayed until a labor agreement was reached.

Mr. Justin V. suggested pervious concrete pavement for walkways near the shoreline and recommended building marshes or oyster farm as solutions to sea level rise.

Ms. Karen High, Citizens Committee to Complete the Refuge and the Ohlone Audubon Society representative, commended the Council for the Shoreline Adaptation Master Plan, appreciated the Planning Commission’s thoughtful consideration regarding sea level rise, referred to comments on the EIR regarding negative impacts, and urged Council to uphold the denial.

Ms. Tomoko Ha, Castro Valley resident and a commuter over the San Mateo bridge, wanted to hear how to make the area welcoming to people crossing the bridge, and making it welcoming to the area.

Mr. Tom Ferreira, Hayward resident, wondered if there was opportunity for solar lighting on the walking trail to make it more inviting in the evenings.

Mr. Jerry Owen, applicant on behalf of U-Haul, noted a salt grinding screw would be maintained as a piece of history, added he would discuss the suggestion of pervious concrete with EBRPD, was agreeable to a “Welcome to Hayward” sign; agreed to continue conversation with labor groups to reach agreement; noted his team’s goal was to create a new attractive building; reaffirmed there would be no storage of U-Haul trucks; and added the front portion would be the main regional office.

Mayor Halliday closed the public hearing at 8:15 p.m.

Council Member Lamnin disclosed she met with the applicant at the proposed site. Mayor Halliday, Council Member Zermeño, Council Member Wahab, Council Member Salinas and Council Member Márquez disclosed they had separately met with the applicant via Zoom.

In response to Council Member Zermeño’s request to elaborate on local hire and discussion with unions, Mr. Owen said he had not come to agreement with the unions but was interested in using ironworkers, plumbers, and others. Mr. Owen noted he also was working with the Historical Society.

In response to Council Member Wahab’s concern for the security of items planned to be stored onsite, Mr. Owen said there would be cameras, security lighting and would consider a security officer. Council Member Wahab was concerned the lights might disturb the habitat and did not think potential environmental impacts were mitigated, was concerned there was no labor agreement in place; and preferred to delay the project until pending items were further improved.

Council Member Salinas indicated the project was presented to the Economic Development Committee and its members offered feedback, noted the mitigation to the environmental impact was not satisfactory, did not see the needed “wow” factor, and added that the overall vision for the proposed site was for a biotech, farm tech, and high-tech industry yielding more jobs and greater revenue.

Council Member Salinas made a motion to uphold the Planning Commission’s ruling to deny the project. The motion died for lack of a second.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

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Tuesday, December 14, 2021, 7:00 p.m.

Council Member Márquez expressed she was looking for a community benefit, asked the City Attorney to advise on how to resolve a labor commitment and pending issues, noted a workable path was needed to improve the site, and stressed the importance of giving clear direction to the applicant. At the request of Council Member Márquez, Ms. Schmidt was able to play the applicant's video which was an animated site tour of the proposed U-Haul development. In response to Council Member Márquez, Assistant City Attorney Brick noted the project could be deferred to a future date certain to allow staff time to work on the community benefits.

Council Member Lamnin thought the project could benefit from a dark-sky initiative; was open to continue the item to January and further explore the stormwater risk, permeable paving, and signage; added there were risks of continued blight, calls for service and harm to the shoreline if the project did not move ahead; and favored working out the community benefits and finalizing labor issues.

Council Member Andrews noted that while she had concerns about building in the area, she thought it would be better to have a building with less occupancy along the shoreline, wondered if the use of glass on the building surface could be revisited, favored delaying the project to give time to connect with labor groups, did not think the art piece/sign should be U-Haul's responsibility to create and maintain, and wanted clarification on the community engagement.

Mayor Halliday agreed there was consensus around concern about the development of a gateway to the City; did not want to perpetuate the look of the current building; noted the property was zoned for industrial use; added the tour video was much improved from earlier project renderings; liked bringing the trail around to the west side; wanted an agreement between the applicant and trade unions; thought City staff could help design and erect a welcome sign and the developer could dedicate the land for such sign; and sought a concrete proposal to preserve the history of the site.

Council Member Zermeño noted the proposed project was better than what was on the land presently; agreed to continue the item to consider planting more trees, firm up a proposal for public art and welcome sign and have a definite agreement with labor unions; liked that an improved proposal would provide jobs and property tax.

Council Member Zermeño made a motion to continue the hearing to January 18, 2022, to give City staff and the applicant time to work out areas of concern raised during the hearing.

Council Member Salinas seconded the motion and noted the focus areas to be enhanced included: work out clear arrangements with specific labor groups; enhance the outdoor environment with community benefit; include a "wow" factor, perhaps dedication of land to erect a sign; and preservation of history.

Council Member Wahab suggested to continue the item to the first week in February to have enough time for substantial conversation; and stressed focusing on more robust environmental impact mitigations, requiring onsite security, considering a full Project Labor Agreement, and including preservation of history.

City Manager McAdoo suggested to maintain the January 18, 2022, date, and if the applicant needed more time, the item could be continued to a date certain in February 2022.

Council Member Márquez expressed support for the motion and highlighted three focus areas: update on labor agreements, dedicated land for the signage and address stormwater issues. Ms. Márquez stressed she did not want to see any building design changes.

In response to Mayor Halliday's question, Mr. Owen responded he understood all that had been discussed, and was ready to get to work on the items identified at the meeting.

It was moved by Council Member Zermeño, seconded by Council Member Salinas, to continue the public hearing to January 18, 2022, to give the applicant time to address concerns raised during the meeting, and carried by the following roll call vote.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

COUNCIL ANNOUNCEMENTS

Council Member Márquez wished all a happy and healthy holiday season, acknowledged the three Council appointed officers, the Executive Team and City staff for another challenging year with COVID and ensuring the City continued to operate.

Council Member Salinas supported Council Member Marquez's remarks, and agreed it was a difficult year with COVID, thanked City staff for all the extraordinary work connecting residents to much needed services, and wished all happy holidays.

Council Member Zermeño wished a happy holiday season to all and delivered remarks in Spanish thanking employees and residents for a successful year and wishing all a happy new year.

Council Member Andrews wished happy holidays, recognized City staff and organizations who organized the Light Up the Season event, and thanked Environmental Services Manager Pearson for informing the community about the Renewal 100 energy program.

Mayor Halliday echoed the comments thanking staff for the extraordinary work during the pandemic, thanked community organizations for their work, and appreciated those who attended the Light Up the Season event.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

<https://hayward.zoom.us/j/85167418194?pwd=NGR5WGhZQ285ZHg5c0RSeDRkZFFsQT09>

Tuesday, December 14, 2021, 7:00 p.m.

COUNCIL REFERRAL

11. City Council Referral: Guaranteed Basic Income **RPT 21-140**

Staff report submitted by Assistant City Manager Ott, dated December 14, 2021, was filed.

Mayor Halliday noted the referral was submitted by Council Member Andrews and Council Member Wahab.

Council Member Andrews and Council Member Wahab provided a synopsis of the Council policy referral relating to a Guaranteed Basic Income program to support residents in the community.

Council Member Andrews made a motion to move the item and Council Member Wahab seconded the motion.

There being no requests to speak, Mayor Halliday opened and closed the public comment section at 9:15 p.m.

Council Member Salinas asked that the City Council be provided an inventory list of all the different programs and amounts the City was currently dispersing to the community.

Council Member Lamnin appreciated her colleagues' dedication to help those in need; however, she could not support the referral indicating the intent of the referral was already met with allocations to the Shallow Subsidy and Wealth Building programs and Basic Income initiative; and preferred to reflect values in programs already happening or included in the City's Legislative Program.

Mayor Halliday had concerns with the concept of the proposal; noted the City continued to address the needs of residents through housing and community services and allocation of funding; acknowledged the success of the City of Stockton's program; did not support moving the referral forward but supported staff's recommendation in the staff analysis memo to keep the proposal for consideration in the next three-year Strategic Roadmap effort.

Council Member Zermeño appreciated the idea but was concerned about the funds noting \$1 million would be needed to help only 1,000 people in Hayward, with a current population of 160,000; and wanted to make sure staff's recommendation in the analysis was considered.

Mayor Halliday asked the motion maker and seconder if they would be amenable to considering a modified motion.

Council Member Andrews was amenable to consider a modified motion.

Council Member Márquez thanked her colleagues for bringing the concept forward with the six components, supported approving the referral to move the analysis further, understanding a potential policy would need to be vetted.

City Manager McAdoo expressed concern about staff capacity and workload related to the first bullet of the policy proposal which read, “directing staff to prioritize a Guaranteed Basic Income program and to find potential sources for funding and operators to distribute \$500 to \$1,000 a month for 18 months program to combat poverty.”

Council Member Andrews clarified her intent was to seek and leverage donations from private partners to fund a Guaranteed Basic Income program and the effort could be part of a potential Wealth Building program.

Council Member Wahab noted the referral was a concept/idea and details could be worked out, and added the proposal was an anti-poverty tool to help the most vulnerable population.

Council Member Salinas understood the intent of the proposal was to have a concept supported by Council, and in the event funds for a Universal Basic Income (UBI) became available, the City could apply for funds to be used for a program; and recommended amending the first bullet by changing the text, “directing staff to prioritize a Guaranteed Basic Income program and to find potential sources for funding and operators...” with “Research a Guaranteed Basic Income program and if potential funding sources are found connect them to operators...”

Council Member Lamnin reminded Council they had agreed to pay attention to allocation of staff resources and asked to clarify if the intent behind the policy was a statement of fundamental belief or direction for staff to research.

Council Member Zermeño offered a friendly amendment to the motion by removing the word “prioritize,” dollar amounts and timeline from the first bullet of the policy proposal.

Mayor Halliday noted she would not support the referral.

Council Member Andrews did not think the referral would be controversial, was amenable to accepting the friendly amendment to the motion or keeping it as one that staff would research along with a potential Wealth Building program.

Council Member Zermeño clarified the friendly amendment included directing staff to research a Guaranteed Basic Income program and find potential sources of funding.

Council Member Andrews and Council Member Wahab accepted the friendly amendment.

Council Member Wahab noted there were differences with Universal Basic Income, Guaranteed Basic Income, and Citizen’s Income programs and the Council needed more information on them.



SPECIAL CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform - Zoom

<https://hayward.zoom.us/j/85167418194?pwd=NGR5WGhZQ285ZHg5c0RSeDRkZFFsQT09>

Tuesday, December 14, 2021, 7:00 p.m.

Council Member Lamnin offered that Council could take out the first and last bullet point from the proposed policy and instead have language about incorporating best practices regarding basic income into the upcoming Strategic Roadmap review, Shallow Subsidy and Wealth Building programs, and expand advocacy to include in upcoming Hayward's Legislative Program update and position the City to leverage State venture capital funding to benefit residents.

City Manager McAdoo noted she heard consensus to research the Guaranteed Basic Income in the context of a Wealth Building program; and noted it could be searched in the FY2021-2023 Strategic Roadmap.

Discussion ensued among members of the City Council and City Manager McAdoo. The original motion was withdrawn, and a new motion offered as noted below.

It was moved by Council Member Andrews, seconded by Council Member Wahab, to direct staff to incorporate policy points and research items in the referral memo, research Guaranteed Basic Income programs as part of Wealth Building programs staff is evaluating along with a community outreach process scheduled to happen in FY 2023-24 with stimulus dollars; and carried by the following roll call vote.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 10:19 p.m., in memory of Kevin Nishita, Robert Warren and Gene Rapp.

Kevin Nishita was a former police officer of the Hayward Police Department from 1995 until 2001 working as officer in Patrol and detective within the Investigations Bureau; served on other Police departments; and provided security for a KRON4 news crew when he was killed.

Mr. Robert Warren was a descendant of the Garin and Warren families who helped settled California, particularly the Garin Park area; lived in Castro Valley; was a former member and past president of the Hayward Area Historical Society; served on the Alameda County 100 Club Board of Directors; served on the Board of Eden Hospital Medical Foundation; and served on the Board of the Rowell Ranch Rodeo.

Mr. Gene Rapp was the owner and CEO at Saint Regis Retirement Center; was a local businessman; was a realtor and developer; and took interest in Hayward seniors.

Mayor Halliday asked City staff to work with the three families and Council Member Salinas to find suitable places to plant trees in memory of Kevin Nishita, Robert Warren, and Gene Rapp.

Mayor Halliday wished everyone a happy and safe holiday season, encouraged all to wear a mask and get vaccinated if needed.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 22-039

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt a Resolution Accepting the Resignation of Ms. Varsha Chauhan from the Community Services Commission, Effective Immediately

RECOMMENDATION

That the Council adopts a resolution (Attachment II) accepting the resignation of Ms. Varsha Chauhan from the Community Services Commission, effective immediately.

SUMMARY

Ms. Varsha Chauhan was appointed to the Community Services Commission on September 10, 2019. Ms. Chauhan's resignation becomes effective immediately, per her resignation letter (Attachment III).

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment III Resignation Letter



DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt a Resolution Accepting the Resignation of Ms. Varsha Chauhan from the Community Services Commission, Effective Immediately

RECOMMENDATION

That the Council adopts a resolution (Attachment II) accepting the resignation of Ms. Varsha Chauhan from the Community Services Commission, effective immediately.

SUMMARY AND DISCUSSION

Ms. Varsha Chauhan was appointed to the Community Services Commission on September 10, 2019. Ms. Chauhan's resignation becomes effective immediately, per her resignation letter (Attachment III).

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC INITIATIVES

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

NEXT STEPS

The Council will consider an action item on this same agenda to consider filling Ms. Chauhan's vacancy with one of the listed alternates for the Commission.

Prepared and Recommended by:

Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 22-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF MS. VARSHA CHAUHAN
FROM THE COMMUNITY SERVICES COMMISSION

WHEREAS, Ms. Varsha Chauhan was appointed to the Community Services Commission on September 10, 2019; and

WHEREAS, Ms. Varsha Chauhan submitted a resignation letter on January 3, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Ms. Varsha Chauhan; and commends her for her civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA, _____.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

From: Varsha Chauhan < >

Sent: Monday, January 3, 2022 2:37 PM

To: Evelyn Olivera <Evelyn.Olivera@hayward-ca.gov>; Sara Lamnin <Sara.Lamnin@hayward-ca.gov>

Cc: Monica Davis <Monica.Davis@hayward-ca.gov>; Carol Lee <Carol.Lee@hayward-ca.gov>

Subject: Resignation

Wishing you all a very Happy New Year. After reflecting on my contributions in the committee, I find that someone else may be able to contribute better/more. That said, please accept my resignation effective immediately.

It has been a pleasure to serve on the committee and I wish the committee and city of Hayward all the best.

Thanks

Varsha



CITY OF HAYWARD

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

File #: CONS 22-040

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt a Resolution Appointing Ms. Hazel De Leon to the Community Services Commission to Fulfill the Unexpired Term of Ms. Varsha Chauhan

RECOMMENDATION

That the Council adopts a resolution (Attachment II) appointing Ms. Hazel De Leon to the Community Services Commission to fulfill the unexpired term of Ms. Varsha Chauhan, which will expire on September 30, 2025.

SUMMARY

Following the July 27, 2021 City Commission interviews, the Council established an alternate list comprising eligible applicants who were not selected to fill vacancies because there were not enough seats to appoint them. The alternate list comprises four Hayward residents who were nominated for specific commissions as follows: Mr. George Syrop and Ms. Hazel De Leon (Community Services Commission); Ms. Shareen Purcell (Library Commission); and Ms. Arti Garg (Planning Commission). The alternate list will be valid for one year and will expire at the beginning of the new recruitment process. The Council, during its September 21, 2021, Council meeting confirmed the list of alternates by commission. It is worth noting that Mr. George Syrop was appointed to the Community Services Commission at the end of 2021 to fill the unexpired term of Ms. Arzo Mehdavi.

On January 3, 2022, Ms. Varsha Chauhan submitted a letter of resignation, which created another unexpected vacancy on the Community Services Commission. Ms. Hazel De Leon, who is a Community Services Commission alternate, was contacted to confirm her eligibility status and her interest for serving on the Community Services Commission. If appointed to the Community Services Commission, Ms. Hazel De Leon's term would be effective January 18, 2022, and would end on September 30, 2025.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution

File #: CONS 22-040



DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt a Resolution Appointing Ms. Hazel De Leon to the Community Services Commission to Fulfill the Unexpired Term of Ms. Varsha Chauhan.

RECOMMENDATION

That the Council adopts a resolution (Attachment II) appointing Ms. Hazel De Leon to the Community Services Commission to fulfill the unexpired term of Ms. Varsha Chauhan, which will expire on September 30, 2025.

SUMMARY AND DISCUSSION

Following the July 27, 2021 City Commission interviews, the Council established an alternate list comprising eligible applicants who were not selected to fill vacancies because there were not enough seats to appoint them. The alternate list comprises four Hayward residents who were nominated for specific commissions as follows: Mr. George Syrop and Ms. Hazel De Leon (Community Services Commission); Ms. Shareen Purcell (Library Commission); and Ms. Arti Garg (Planning Commission). The alternate list will be valid for one year and will expire at the beginning of the new recruitment process. The Council, during its September 21, 2021, Council meeting¹, confirmed the list of alternates by commission. It is worth noting that Mr. George Syrop was appointed to the Community Services Commission at the end of 2021 to fill the unexpired term of Ms. Arzo Mehdavi.

On January 3, 2022, Ms. Varsha Chauhan submitted a letter of resignation, which created another unexpected vacancy on the Community Services Commission. Ms. Hazel De Leon, who is a Community Services Commission alternate, was contacted to confirm her eligibility status and her interest for serving on the Community Services Commission. If appointed to the Community Services Commission, Ms. Hazel De Leon's term would be effective January 18, 2022, and would end on September 30, 2025.

¹ September 21, 2021 City Council Meeting:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5142639&GUID=BFFDD5B6-F1A6-437A-9246-64F1AD9C2DC3&Options=&Search=>

FISCAL IMPACT

There is no fiscal impact associated with this report.

STRATEGIC ROADMAP

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

NEXT STEPS

Following Council's action, Ms. Hazel De Leon will take her oath of affirmation prior to her first Community Services Commission meeting.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

A handwritten signature in dark ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 22-

Introduced by Council Member _____

RESOLUTION APPOINTING MS. HAZEL DE LEON TO THE COMMUNITY SERVICES
COMMISSION TO FULFILL THE UNEXPIRED TERM OF MS. VARSHA CHAUHAN

WHEREAS, the City Council conducted its annual recruitment for Commissions and Keep Hayward Clean and Green Task Force from April 13, 2021, to June 30, 2021; and

WHEREAS, on July 27, 2021, the City Council interviewed twelve applicants to fill nine vacancies on the Community Services Commission; and

WHEREAS, due to the limited number of vacancies on the Community Services Commission, Ms. Hazel De Leon was not appointed to the Community Services Commission but was placed on the Alternate List; and

WHEREAS, Community Services Commissioner Varsha Chauhan resigned due to unforeseen circumstances, effective January 3, 2022.

THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Ms. Hazel De Leon is selected from the alternate list to fulfill Ms. Chauhan's unexpired term, which will expire on September 30, 2025.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022.

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

File #: CONS 22-044

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Manager
City Clerk

SUBJECT

Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

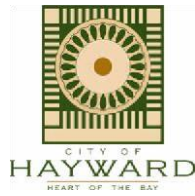
SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet-based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit A to Resolution

File #: CONS 22-044



DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Manager
City Clerk

SUBJECT: Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet-based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

BACKGROUND

In general, the Brown Act allows legislative bodies to use teleconferencing during a public meeting as long as certain requirements are met, such as:

- Identification of any remote location from which a member of the legislative body is participating via teleconference;
- Posting of agendas at all remote locations from which members of the legislative body are participating;
- Public accessibility to the remote location and the technological means for allowing the public to participate in the meeting from the location; and
- A quorum of the members must be participating from a location within the jurisdiction of the legislative body.

In response to the COVID 19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements.

With the expiration of Executive Order N-29-20, AB 361 amends the Brown Act to allow virtual public meetings during a state of emergency proclaimed by the Governor. A local agency may hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body.

AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency. However, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist:

- The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

DISCUSSION

Current orders of the Alameda County Health Official satisfy both conditions necessary for the AB 361 findings described above:

- Order No. 20-05f, originally issued April 3, 2020 and most recently amended on January 7, 2022, imposes a mandate that all individuals diagnosed or likely to have COVID 19 must isolate themselves and follow requirements further specified in the Order.

- Order No. 20-06m, originally issued April 3, 2020 and most recently amended on January 7, 2022, imposes a quarantine requirement on individuals who have had close contact to a person infected with COVID 19 unless specific criteria described in the order are met.
- In response to circulation of the Delta variant of COVID 19, Order No. 21-06 (effective on December 8, 2021) requires all individuals within the County of Alameda to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business.

Additionally, the California Department of Public Health has mandated that everyone in California wear a mask in indoor public spaces and workplaces through February 15, 2022.

Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

Currently, the Council is holding hybrid Council meetings that allow for virtual participation via the Zoom platform as well as in-person participation. This format also allows for real-time public comments, in compliance with AB 361. All in-person participants are required to document they are fully vaccinated against COVID-19 before entering the Council chamber. In compliance with Alameda County public health orders, everyone inside the Council chamber is required to wear a mask or other face-covering. All City commissions, task forces, and Council committees continue meeting entirely virtually over the Zoom platform.

Based on the above, staff recommends that the Council adopts the attached resolution making the necessary findings to allow the Council and the appointed boards and commissions identified in Exhibit A to the resolution to continue holding teleconferenced meetings pursuant to AB 361.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

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

NEXT STEPS

Adoption of the resolution will allow the Council and specified appointed boards and commissions to hold a subsequent teleconferenced meeting pursuant to the provisions of AB

361. Additional resolutions must be adopted every thirty days during the existence of the state of emergency in order to continue holding teleconferenced meetings.

Prepared and Recommended by: Kelly McAdoo, City Manager
Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO AB 361
TO CONTINUE TO HOLD TELECONFERENCED PUBLIC MEETINGS
DURING THE COVID 19 STATE OF EMERGENCY

WHEREAS, the Brown Act (Government Code section 54950 et seq.) allows for public meetings of a legislative body to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction; and

WHEREAS, in response to the COVID 19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements; and

WHEREAS, the Governor signed AB 361 prior to the expiration of Order N-29-20; and

WHEREAS, AB 361 amends the Brown Act to the legislative body of a local agency to hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body; and

WHEREAS, AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency, however, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings specified in the statute justifying the continued use of teleconferenced public meetings; and

WHEREAS, it shall be the policy of the City that the appointed boards and commissions of the City will hold teleconferenced public meetings in compliance with the provisions of AB 361 during the COVID 19 state of emergency; and

WHEREAS, the COVID 19 state of emergency declared by the Governor remains active; and

WHEREAS, public meetings involve many people in shared indoors spaces for hours, when the number of people present does not always allow for a minimum six foot distance between persons, and close contacts raise the risk of the spread of COVID-19; and

WHEREAS, the California Department of Public Health has mandated that everyone in California wear a mask in indoor public spaces and workplaces through February 15, 2022; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-05f (originally issued April 3, 2020 and most recently amended on January 7, 2022) imposing a mandate that all individuals diagnosed or likely to have COVID 19 must isolate themselves and follow requirements further specified in the Order; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-06m (originally issued April 3, 2020 and most recently amended on January 7, 2022) imposing a quarantine requirement on individuals who have had close contact to a person infected with COVID 19 unless specific criteria described in the order are met; and

WHEREAS, the Alameda County Health Officer has issued Order No. 21-06 (effective on December 8, 2021) which requires all individuals within the County of Alameda to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business; and

WHEREAS, Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward makes the following findings pursuant to AB 361 to continue holding teleconferenced public meetings during the COVID 19 state of emergency:

- The City Council has reconsidered the circumstances of the state of emergency.
- The COVID 19 state of emergency declared by the Governor remains active and continues to directly impact the ability of Councilmembers to meet safely in-person.
- State and local officials continue to recommend or impose measures to promote social distancing.
- The Alameda County Health Officer has issued orders imposing measures to promote social distancing via isolation and quarantine of individuals infected or likely infected with COVID 19 and individuals with close contact to persons infected with COVID 19.

- The Alameda County Health Officer has issued orders imposing a mask mandate on all individuals in Alameda County, regardless of vaccination status, in all indoor public settings venues, gatherings, and workplaces.
- The California Department of Public Health has mandated that everyone in California wear a mask in indoor public spaces and workplaces through February 15, 2022.

BE IT FURTHER RESOLVED that in the interest of public health and safety, based on the findings contained herein, the City Council of the City of Hayward and the appointed boards and commissions identified in Exhibit A of this Resolution shall continue to hold teleconferenced public meetings pursuant to AB 361.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

EXHIBIT A

- Community Services Commission
- Keep Hayward Clean and Green Task Force
- Library Commission
- Personnel Commission
- Planning Commission
- Council Airport Committee
- Council Budget and Finance Committee
- Council Economic Development Committee
- Council Infrastructure Committee
- Council Homelessness-Housing Task Force
- Council Sustainability Committee
- Hayward Youth Commission
- Hayward Police Department Community Advisory Panel



CITY OF HAYWARD

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

File #: CONS 22-001

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$242,865 in Grant Funding from the Federal Emergency Management Agency for the Creation of Defensible Space in the Hayward Hills Project

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$242,865 in grant funding from the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program for the creation of defensible space in the Hayward Hills Project (Defensible Space Project).

SUMMARY

In October 2020, the Hayward Fire Department was awarded a pre-planning grant of \$21,132 to conduct a defensible space campaign, strengthen partnerships, and plan out the demonstration process. After careful planning across three departments, the City successfully completed phase I of the three-year project and was awarded an additional \$242,865 by FEMA's Hazard Mitigation Grant Program (HMGP) to prepare for and implement a large-scale project, *Creation of Defensible Space in the Hayward Hills and Five Canyons*. The scope of work for the project consists of creating a full-scale outreach campaign to educate the Hayward and Fairview communities on wildfire behavior, the importance of defensible space for wildfire mitigation, and to demonstrate how to create defensible space. The project is focused on the Ward Creek Drainage area and demonstrations will be visible in a high-trafficked area.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Fire Safety Mailer

File #: CONS 22-001



DATE:

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$242,865 in Grant Funding from the Federal Emergency Management Agency's the Creation of Defensible Space in the Hayward Hills Project

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$242,865 in grant funding from the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program for the creation of defensible space in the Hayward Hills Project (Defensible Space Project).

SUMMARY

In October 2020, the Hayward Fire Department was awarded a pre-planning grant of \$21,132 to conduct a defensible space campaign, strengthen partnerships, and plan out the demonstration process. After careful planning across three departments, the City successfully completed phase I of the three-year project and was awarded an additional \$242,865 by FEMA's Hazard Mitigation Grant Program (HMGP) to prepare for and implement a large-scale project, *Creation of Defensible Space in the Hayward Hills and Five Canyons*. The scope of work for the project consists of creating a full-scale outreach campaign to educate the Hayward and Fairview communities on wildfire behavior, the importance of defensible space for wildfire mitigation, and to demonstrate how to create defensible space. The project is focused on the Ward Creek Drainage area and demonstrations will be visible in a high-trafficked area.

BACKGROUND

HMGP funds are awarded to local agencies that have identified plans and projects that reduce the effects of future natural disasters. Program goals include improving the resiliency of communities and implementing effective mitigation strategies in high-risk areas. In October 2020, HFD was awarded a pre-planning grant of \$21,132 to conduct a defensible space campaign, strengthen partnerships, and plan out the demonstration process.

As part of the Phase 1 work, HFD worked with the City's Public Information Officer and staff to inform Hayward Hills and Fairview residents of the City's efforts. Staff conducted a full-scale

outreach and education plan to increase knowledge about wildfires, reiterate the importance of mitigation strategies for property owners, and address general safety concerns. The defensible space project is based on a previously delivered and successful educational campaign on defensible space creation. HFD designed this project's campaign by evaluating past program designs and making strategy adjustments to promote even more resident buy-in and maintenance. In addition, staff also conducted stakeholder outreach and presented to the City's community partners, including the East Bay Regional Park District (EBRPD), Hayward Area Recreation District (HARD), and Pacific Gas & Electric (PG&E), and asked for their participation to deliver messages to the community on the campaign. HFD also conducted educational workshops and produced educational materials and a video for reference (Attachment III). Upon completing Phase I planning and campaigning activities, FEMA approved \$242,865 of grant funding to complete Phase II activities.

DISCUSSION

The *Creation of Defensible Space in the Hayward Hills and Five Canyons* project consists of an education campaign and demonstration that aims to provide defensible space education and promote participation by communities within a two-mile radius of the Ward Creek Drainage area. The purpose of this project is to inform residents on what defensible space is and demonstrate how to create defensible space on their property.

The City of Hayward's Fire, Utilities, and Maintenance Department staff will partner with HARD and PG&E to conduct a large-scale demonstration project visible in a high-trafficked area around the Ward Creek Drainage area. The Ward Creek Drainage area is a large canyon at Walpert Ridge (elevation 1,300 feet) and terminates at Mission Boulevard (elevation 300 feet). It is approximately 1,200 acres. The site includes a mix of grassland and heavy brush and sits on the top of south/southwest-facing slopes. The riparian zone and north-facing slopes are oak woodland with some scattered stands of eucalyptus. Heavy ladder fuels with brush, down-dead wood, litter, and duff are found throughout the hills, where 1,184 residential properties are situated. The Ward Creek Canyon extends along the City of Hayward, unincorporated Fairview, and private properties.

This project also includes the HFD Chipping Program, which incentivizes residents to maintain the pruning of lower limbs on trees and removal of dead materials and aged shrubs. Residents may "apply" and select a week for chipping between the beginning of fire season (spring) and in the late summer-fall, when wildfire awareness is heightened. Residents are expected to cut and stack the materials along their driveways or curbs for the contractor(s) to collect weekly. Chips will be hauled and disposed of offsite as green waste. If a resident cannot perform their maintenance, they can apply to HFD's Resident Assistance Program. This program is grant-funded and assists residents with limited physical abilities or who need economic assistance to participate in the Chipping Program.

ECONOMIC IMPACT

This project has no direct economic impact.

FISCAL IMPACT

By accepting this grant, the City will receive \$242,865 in reimbursement for the activities completed to continue the education campaign and conduct large-scale demonstrations for Hayward residents. The match requirement of 25% (\$80,955) for the City will be met through existing staff salaries paid through General Fund monies. No additional staff will be required to complete the work for this project. HFD would not be able to conduct a project of this scale without the grant and opportunity for staff hours used for cost-share.

STRATEGIC ROADMAP

This item is not directly tied to a project identified in the Strategic Roadmap; however, creating defensible space to mitigate wildfire risk and property loss will benefit all members of the Hayward community.

SUSTAINABILITY FEATURES

This project is an educational campaign and does not go above and beyond minimum code requirements, as identified by the Fire Chief, to maintain and protect the wildland-urban interface.

NEXT STEPS

With Council approval, staff will accept the grant funds and start planning the Phase II activities.

Prepared by: Shanalee Gallagher, Management Analyst

Recommended by: Garrett Contreras, Fire Chief

Approved by:

A handwritten signature in dark ink, appearing to read 'Kelly McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE \$242,865 IN GRANT FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CREATION OF DEFENSIBLE SPACE IN HAYWARD HILLS PROJECT

WHEREAS, the Federal Emergency Management Agency's ("FEMA") Hazard Mitigation Grant Program awarded the City of Hayward Fire Department \$242,865.00 for the Creation of Defensible Space in the Hayward Hills Project;

WHEREAS, this money was awarded in order to fund the large-scale demonstration project in the Ward Creek Drainage area and to provide defensible space education and promote participation in communities at risk for wild fires; and

WHEREAS, the 25% non-federal cost share will be contribution of staff hours up to \$80,955.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward that the City Manager is hereby authorized to accept and appropriate the grant for the amount of \$242,865 for the Creation of Defensible Space in Hayward Hills Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

LET'S GET FIRE SAFE

Hayward, Fairview & Five Canyons!

The Hayward Fire Department is preparing a new education, assistance and prevention program to improve wildfire safety ahead of the 2021 wildfire season.

THIS PROGRAM FOCUSES ON HOW WE CAN WORK TOGETHER TO KEEP OUR COMMUNITIES SAFE BY:

- ➔ Creating defensible space around our homes
- ➔ Introducing fire-resistant landscaping
- ➔ Learning safer ways to use garden equipment to avoid sparking fires





Dear Neighbors:

As we all look to support each other and keep our families safe, we invite you to learn more about how you can work with your neighbors and the Hayward Fire Department toward a wildfire-safe community!

HEAD TO OUR WEBSITE to find dates and times for meetings, trainings, drills and more:

 www.hayward-ca.gov/fire-safe

 FiresafeHFD@hayward-ca.gov

 (510) 583-4930

 **SCAN TO LEARN MORE!** 

#FireSafeHayward

#FireSafeFairview

#FireSafeFiveCanyons



City of Hayward

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CITY OF HAYWARD

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

File #: CONS 22-010

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing Project Design and Engineering Services for the Sewer and Water Line Improvements Project by \$175,000 for a Total Not-to-Exceed Contract Amount of \$1,642,865

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the professional services agreement (PSA) for project design and engineering services with HydroScience Engineers, Inc., (HydroScience) in an amount not-to-exceed \$175,000, resulting in a total contract amount of \$1,642,865 for the Sewer and Water Line Improvements Project (Project).

SUMMARY

The project design for the Project started in September 2020. Design for the Water portion of the Project has been completed and was approved by Council with bids to be received on January 11, 2022. Design for the Sewer portion of the Project is anticipated to be completed by February 2022. The scope of work for the sewer portion has increased due to unanticipated changes in site conditions, additional services requested by the City, incomplete data from the City's database, and additional efforts required to adjust incorrect existing data. As a result, the PSA requires an additional authorization amendment of \$175,000 for a total not-to-exceed contract amount of \$1,642,865.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT:

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing Project Design and Engineering Services for the Sewer and Water Line Improvements Project by \$175,000 for a Total Not-to-Exceed Contract Amount of \$1,642,865

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the professional services agreement (PSA) for project design and engineering services with HydroScience Engineers, Inc., (HydroScience) in an amount not-to-exceed \$175,000, resulting in a total contract amount of \$1,642,865 for the Sewer and Water Line Improvements Project (Project).

SUMMARY

The project design for the Project started in September 2020. Design for the Water portion of the Project has been completed and was approved by Council with bids to be received on January 11, 2022. Design for the Sewer portion of the Project is anticipated to be completed by February 2022. The scope of work for the sewer portion has increased due to unanticipated changes in site conditions, additional services requested by the City, incomplete data from the City's database, and additional efforts required to adjust incorrect existing data. As a result, the PSA requires an additional authorization amendment of \$175,000 for a total not-to-exceed contract amount of \$1,642,865.

BACKGROUND

The water portion of the Project includes replacing approximately 26,600 linear feet of existing 4, 6, 8, and 12-inch cast iron, ductile iron, and asbestos cement pipes throughout the City. The sewer portion of the Project includes replacing approximately 18,500 linear feet of existing 6, 8, 10 and 12-inch sanitary sewer vitrified clay, asbestos cement, and high-density polyethylene pipes.

On September 15, 2020¹, Council approved Resolution No. 20-141, authorizing the City Manager to enter into a PSA with HydroScience for design services and technical support, during construction in an amount not-to-exceed \$1,467,865.

On December 7, 2021², Council approved Resolution No. 21-631, adopting an Initial Study/Mitigated Negative Declaration, approving the Plans and Specifications, and calling for bids to be received on January 11, 2022 for the Water Line Improvements Project.

DISCUSSION

During the design of the Sewer Project, HydroScience provided additional design and engineering services which were not anticipated at the time of the original contract negotiation and incurred costs that exceeded the budgeted amount. An amendment to the PSA is needed due to the following:

1) BART Crossing Permit at Torrano Ave. – The PSA anticipated preparing permit applications for two Union Pacific Railroad crossings, but no application for crossing the BART track at the end of Torrano Ave. This required revising the design to meet BART's pipeline crossing requirements and the preparation of a third permit application.

The cost for this effort is \$5,470.

2) Alternate alignments for the sewer line at Torrano Ave. – At the same Torrano Ave. location, it was discovered that an existing storm drain line was conflicting with the new sewer alignment. This conflict was not apparent until after survey elevation and record drawings were obtained. HydroScience met with staff multiple times to discuss alternate approaches and solutions. Four alternate alignments were developed. This required extensive record research, alignment selection, flow modeling, and conferring with the City.

The cost for this effort is \$16,200.

3) Flood Control channel modifications at Torrano Ave. – Out of the four alternative alignments mentioned above, the alignment selected by the City requires constructing the new sewer main through the bottom of the Alameda County Flood Control storm channel. This will require modification of the County's flood control channel wall to install the new sewer pipeline, encase the pipeline in concrete, and restore the channel walls to original condition. This approach required structural engineering assistance and preparation of details for the construction and restoration of the channel wall.

The cost for this effort is \$10,010.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4640098&GUID=DAAB6C51-8A86-47A4-B5D0-35F45982BD1F&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=5347829&GUID=B1C01790-44AD-4D1E-A005-CD3DADA51E29&Options=ID|Text|&Search=>

4) Additional sewer line replacement at Meek Ave. – The City requested to extend the new 12” sewer line replacement by another 570 linear feet. This additional replacement section is being added to the project late into the design process. As a result, HydroScience will expedite their design efforts to meet the delivery timeline.

The cost for this effort is \$36,740.

5) CCTV procurement effort and lateral locations from alternate sources – Closed-circuit television (CCTV) is used to inspect the interior conditions of the City’s sewer collection system. Due to the proprietary software used by the City, HydroScience was unable to review much of the video information. Multiple attempts were made to visit the City’s facilities for in-person viewing but only a portion of the project’s footage was obtained. New COVID restrictions at the time added new and unfamiliar challenges to visiting City facilities. HydroScience resorted to reviewing record drawings to identify sewer lateral connections in preparation of the project drawings.

The cost related to this is \$18,300.

6) Update GIS mapping – When budgeting this project, HydroScience expected to utilize the topographic information contained in the City’s Geographic Information System (GIS) for preparation of the base mapping for the sewer project. However, the City’s GIS data was found to be inconsistent with field-surveyed data. Pipeline invert information was incomplete and what was available was found to be incorrect. As a result, a substantial amount of time was spent on additional surveying and adjustment of the base maps.

The cost related to this is \$78,000.

The total cost of the extra work is \$164,720 plus \$10,280 for contingencies for a total of \$175,000. This additional amount is needed for the services by HydroScience for the completion of Sewer Project design and engineering.

ECONOMIC IMPACT

Replacing the sewer mains, water mains, manholes, and appurtenances are part of an effort to, pursuant to Council direction, modernize and upgrade existing infrastructure. The Project will reduce operations and maintenance costs associated with servicing the high frequency, undersized, and structurally defective sewer mains, water mains, and structures. In addition, staff time attending to issues related to high frequency maintenance, sanitary sewer overflows, and system breaks will be reduced. The community will enjoy the benefits of the Project, including the continued operability and serviceability of the sewer collection and water distribution system. Furthermore, robust, and reliable water and sewer infrastructure can help foster economic development and viability in the City.

FISCAL IMPACT

The estimated project cost are as follows:

<u>Total Project Cost</u>	
Engineering Services (Consultant)	\$ 1,642,865
Design and Construction Management – City Staff (Estimated)	\$600,000
Construction Contract (Estimated)	\$19,029,120
Inspection and Testing (Estimated)	\$300,000
Total	<hr/> \$21,571,985

The adopted FY22 CIP includes \$10,538,000 for the Water Line Improvements Project, Project No. 07093, and \$11,117,000 for the Sewer Line Improvements Project, Project No. 07761. The construction cost is an engineer's estimate. Given the current construction bidding climate, the Project needs to go through the bidding process to determine what the budget needs will be. At that time staff would return to Council to request whether additional funds need to be appropriated to cover the total cost of the project.

STRATEGIC ROADMAP

This agenda item supports the Strategic Roadmap, which includes Improve Infrastructure as one of the strategic priorities. Specifically, this item relates to the implementation of the following projects:

Project 13b: Replace 4-6 miles of water pipelines annually.

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

STAINABILITY FEATURES

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

PUBLIC CONTACT

There is no public contact needed for this item.

NEXT STEPS

If Council approves the resolution to amend the contract with HydroScience, staff will route the amendment to be executed by the City Manager, allowing the firm to continue to provide design and engineering services.

Prepared by: Sammy Lo, Associate Civil Engineer

Reviewed by: Tay Nguyen, Senior Utilities Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS, INC. IN AN AMOUNT OF \$175,000, FOR PROJECT DESIGN AND ENGINEERING SERVICES FOR THE SEWER AND WATER LINE IMPROVEMENTS PROJECTS FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,642,865

WHEREAS, Council authorized and the aforesaid parties entered into an Agreement dated the 28th day of September 2020, entitled "Agreement for Professional Services between the City of Hayward and HydroScience Engineers, Inc., for Sewer and Water Line Improvements Project" for a total not-to-exceed amount of \$1,467,865; and

WHEREAS, the City and the Consultant desires to amend the Agreement in certain respects to provide additional unanticipated services for completion of project design and engineering services for the Sewer and Water Line Improvements Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to execute, on behalf of the City of Hayward, Amendment No. 1 to the agreement with HydroScience Engineers, Inc., for additional services in an amount not-to-exceed \$175,000, thereby increasing the total contract amount to a total not-to-exceed \$1,642,865 associated with the Sewer and Water Line Improvements Project, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-017

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$450,000 for a Not-to-Exceed Amount of \$1,125,000

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amendment to the professional services agreement (PSA) for materials testing and special inspection services with Consolidated Engineering Laboratories (CEL) in an amount not-to-exceed \$450,000, thereby increasing the total contract amount to \$1,125,000 for the Fire Station 6 (FS6) and Fire Training Center Project (FTC).

SUMMARY

The FS6 and FTC Project commenced construction on August 17, 2020, and is anticipated to be completed in Fall 2022. Construction requires materials testing and special inspection services to ensure that the materials and construction comply with project plans, specifications, and codes. Furthermore, buildings owned by the Chabot-Las Positas Community College District (District) require testing and inspections pertaining to specific regulations of the Division of the State Architect (DSA). On May 25, 2021, Council adopted the resolution authorizing the City Manager to execute the first amendment to the PSA with CEL in the amount of \$325,000. The amended amount is nearly exhausted. A second amendment in the amount of \$450,000 is necessary to complete the project.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$450,000 for a Not-to-Exceed Amount of \$1,125,000

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amendment to the professional services agreement (PSA) for materials testing and special inspection services with Consolidated Engineering Laboratories (CEL) in an amount not-to-exceed \$450,000, thereby increasing the total contract amount to \$1,125,000 for the Fire Station 6 (FS6) and Fire Training Center Project (FTC).

SUMMARY

The FS6 and FTC Project commenced construction on August 17, 2020, and is anticipated to be completed in Fall 2022. Construction requires materials testing and special inspection services to ensure that the materials and construction comply with project plans, specifications, and codes. Furthermore, buildings owned by the Chabot-Las Positas Community College District (District) require testing and inspections pertaining to specific regulations of the Division of the State Architect (DSA). On May 25, 2021¹, Council adopted the resolution authorizing the City Manager to execute the first amendment to the PSA with CEL in the amount of \$325,000. The amended amount is nearly exhausted. A second amendment in the amount of \$450,000 is necessary to complete the project.

BACKGROUND

In 2014, the voters of the City approved Measure C which authorized the City to increase the sales tax rate by one-half cent for, among other things, the restoration and maintenance of City services and facilities, including firefighting/emergency medical services. This project includes partnership with the District in the shared use of the FTC.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

Below is a list of major milestones for the FS6 and FTC project:

- June 3, 2014: Voters approved Measure C, which authorized the City to increase the sales tax rate by one-half cent for twenty years to restore and maintain City services and facilities, including firefighting/emergency medical services.
- October 10, 2014: The City's consultant, RossDrulisCusenbery (RDC), completed a facility needs assessment for Fire Stations 1-6 and the FTC, which determined that all facilities needed substantial upgrades.
- May 26, 2015²: Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for Fire Stations 1-6 and the FTC Improvement project.
- October 18, 2016³: Staff provided Council with an update on the project.
- October 24, 2017: The District's Board of Trustees passed a motion directing the Chancellor to create a Memorandum of Understanding (MOU) with the City of Hayward.
- October 25, 2017: Staff provided a project update to the Council Infrastructure Committee.
- June 28, 2018: Staff submitted a request to the Federal Aviation Administration (FAA) for the release of the land at the Hayward Executive Airport on which FS6 and the FTC would be constructed for non-aeronautical purposes.
- July 24, 2018⁴: Council authorized the City Manager to negotiate and execute an MOU with the District to establish the basis for a ground lease and to accept up to \$20 million from the District for the design, construction, and furnishing of the District's Facilities at the FTC.
- September 24, 2018: The design team submitted the project plans to DSA for their review of District owned buildings.
- October 25, 2018: The Planning Commission adopted the Mitigated Negative Declaration and approved the Site Plan Review.
- March 5, 2019⁵: Council approved the plans for the abatement and deconstruction of the existing FS6 and FTC and call for bids.

² <https://hayward.legistar.com/MeetingDetail.aspx?ID=454184&GUID=7CD463F3-CFEB-4ADB-B836-DFC19D7730F0&Options=info|&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=2860809&GUID=635FEBB7-ACCB-45F8-9DF6-DF54CBC6CD12&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3582269&GUID=1C949039-8749-4463-B1C2-B2B8CE709EDF&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3874592&GUID=ADD09360-6319-4C1F-9C84-FF60B8CE554D&Options=&Search=>

- March 6, 2019: Staff provided a design update to the Council Infrastructure Committee.
- September 2019: Completed demolition of the old Fire Station 6 and the Fire Training Center.
- October 1, 2019⁶: Council authorized the City Manager to Negotiate and Execute a Ground Lease and Facilities Use Agreement with the District for the FTC.
- November 19, 2019: Council adopted a resolution approving the plans and specifications for the construction of FS6 and the FTC and calls for bids after approval from FAA and DSA.
- July 7, 2020: Council awarded the construction contract to S. J. Amoroso Construction.
- August 17, 2020: Construction commenced.
- May 25, 2021⁷: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for materials testing and special inspection services with CEL in the amount of \$325,000.
- September 28, 2021⁸: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for construction support services with RDC in the amount of \$830,000.

DISCUSSION

The construction of FS6 and the FTC requires materials testing and special inspection services to ensure that the materials and construction comply with project plans, specifications, and codes. Furthermore, buildings owned by the District have testing and inspections which require DSA specific regulations. On January 21, 2020⁹, Council authorized the City Manager to negotiate and execute a professional services agreement with CEL in an amount not-to-exceed \$350,000. CEL's services began at the start of construction on August 17, 2020. Due to added scope and actual hours spent on testing & inspections compared to CEL's initial estimate, an amendment to the PSA was needed. On May 25, 2021² Council authorized the City Manager to execute an amendment to the PSA in an amount of \$325,000.

Currently, approximately 70% of the construction duration has transpired and approximately 93% of the original and first amended amount to CEL's PSA have been expended. This is due to the number of buildings and site work in construction concurrently as well as off-site shop inspections and testing that have resulted in more staffing and time spent by CEL.

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4148714&GUID=329BEA63-4E98-41D4-861F-5D39454D5C54&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

⁸ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149122&GUID=0B64C69C-054A-4C54-A58D-656A73A01820&Options=&Search=>

⁹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4310191&GUID=989A319B-355D-4AAD-AB7D-BB8094C3ED4D&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

Additionally, changes to the contract document require additional inspections and testing. This accounts for approximately 1,350 inspections and their related testing to date that are required by DSA for District-owned buildings and by the City for City-owned buildings. Inspections and testing are continued and needed through the end of construction and as such an amendment to CEL's PSA is needed to complete the project. The amount of testing and inspection time that was required was under-estimated in the first amendment. Using the current rate of expenditure and projecting the remaining months with some slow-down in the end months, the estimated cost is \$390,000 plus \$60,000 for contingencies for a total of \$450,000 needed for the completion of materials testing and special inspection services with CEL.

ECONOMIC IMPACT

Completion of this project will add classrooms and spaces for training and use by others which may result in positive economic benefits for businesses around the area. Additionally, the local economy and local workforce will be positively impacted during construction of the facilities.

FISCAL IMPACT

The total estimated project cost is \$70.9 million. As of FY 2022, Council has authorized the appropriation of \$66.7 million. The remaining \$4.2 million will be considered for approval and appropriation as part of the FY 2023 CIP budget process.

The breakdown of the total estimated project cost are as follows:

Construction Contract	\$52,397,000
Construction Contingency (ACO)	\$5,239,700
Consultant Design	\$5,000,000
Construction Management Administration	\$4,000,000
Inspector of Record Service & Special Testing	\$1,500,000
Demolition of old Fire Station and FTC	\$425,000
Temporary Housing	\$500,000
Permit & Utility Fees	\$940,000
Fixture, Furniture & Equipment	\$600,000
Staff Construction Administration	\$300,000
Total	\$70,901,700

The above item, Inspector of Record Service & Special Testing included contracts with ABC Inspections, Inc., who provides the inspector of record services, and CEL, who provides the special inspection and testing. CEL's original contract amount of \$350,000 and the first amended amount of \$325,000 were within the estimated \$1,500,000 for inspection of record and special testing services. Staff recommends approving a third amendment in the amount of \$450,000. There is sufficient funding available to cover the cost of the amendment through the use of the construction contingency. Currently, \$1,257,393 of the \$5,239,700 construction contingency has been expended.

Construction management administration, temporary housing, permit & utilities, fixture, furniture & equipment are estimated and may change at which time, staff will seek approval from Council for additional funding.

STRATEGIC INITIATIVES

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

Project 12: Construct the Fire Station and FTC

SUSTAINABILITY FEATURES

This project incorporates sustainability features as they relate to water, energy, and the environment. Additionally, the proposed buildings will be designed to meet Leadership in Energy and Environmental Design (LEED) Silver, or better.

PUBLIC CONTACT

There is no public contact needed for this item.

NEXT STEPS

If Council approves the resolution to amend the contract with CEL, staff will route the amendment to be executed by the City Manager, allowing the firm to continue to provide materials testing and special inspection services until the completion of construction. Currently, construction is anticipated to be completed in Fall 2022.

Prepared by: Dave Hung, Senior Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works
Garrett Contreras, Fire Chief

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CONSOLIDATED ENGINEERING LABORATORIES FOR ADDITIONAL SERVICES ASSOCIATED WITH THE FIRE STATION 6 AND FIRE TRAINING CENTER IMPROVEMENT PROJECT

WHEREAS, the aforesaid parties have entered into that certain Agreement dated the 19th day of February, 2020, entitled "Agreement for Professional Services between the City of Hayward and Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Improvement Project Materials Testing and Special Inspection" in the amount of \$350,000; and

WHEREAS, by Resolution No. 21-081 on May 25, 2021, the City Council adopted a resolution authorizing the City Manager to execute an amendment to the Professional Services Agreement with Consolidated Engineering Laboratories by \$325,000 for a total not-to-exceed amount of \$675,000; and

WHEREAS, the City and the Consultant desire to amend the Agreement in certain respects to provide additional services for completion of materials testing and special inspection services for the Fire Station 6 and Fire Training Center Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to execute, on behalf of the City of Hayward, an amendment to the agreement with Consolidated Engineering Laboratories for additional services in an amount not-to-exceed \$450,000, thereby increasing the total contract amount to a total not-to-exceed \$1,125,000 associated with the Fire Station 6 and the Fire Training Center, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-018

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the Sole Source Purchase of Specialized Laboratory Equipment for Use at the Water and Wastewater Laboratory at the Water Pollution Control Facility in an Amount Not-to-Exceed \$90,000

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute the sole source purchase of a specialized laboratory equipment for use at the Water and Wastewater Laboratory at the Water Pollution Control Facility (WPCF) in an amount not-to-exceed \$90,000.

SUMMARY

The Water and Wastewater Laboratory at the WPCF currently utilizes a highly specialized instrument known as an Ion chromatography system (ICS-6000), for the analysis of nutrients in the City's wastewater. In order to meet the required and exceedingly high level of accuracy for wastewater testing, the City must purchase an additional piece of equipment, known as a single quad mass spectrometer (ISQEC-IC), which only one vendor, Thermo Electron North America LLC. (Thermo), is currently able to provide. As such, staff recommends that the City Manager be authorized to execute the sole source purchase of this equipment from Thermo in an amount not-to-exceed \$90,000. Council has previously approved funding for the purchase of this equipment as part of the FY 2022 Capital Improvement Program.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the Sole Source Purchase of Specialized Laboratory Equipment for Use at the Water and Wastewater Laboratory at the Water Pollution Control Facility in an Amount Not-to-Exceed \$90,000

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute the sole source purchase of a specialized laboratory equipment for use at the Water and Wastewater Laboratory at the Water Pollution Control Facility (WPCF) in an amount not-to-exceed \$90,000.

SUMMARY

The Water and Wastewater Laboratory at the WPCF currently utilizes a highly specialized instrument known as an Ion chromatography system (ICS-6000), for the analysis of nutrients in the City's wastewater. In order to meet the required and exceedingly high level of accuracy for wastewater testing, the City must purchase an additional piece of equipment, known as a single quad mass spectrometer (ISQEC-IC), which only one vendor, Thermo Electron North America LLC. (Thermo), is currently able to provide. As such, staff recommends that the City Manager be authorized to execute the sole source purchase of this equipment from Thermo in an amount not-to-exceed \$90,000. Council has previously approved funding for the purchase of this equipment as part of the FY 2022 Capital Improvement Program.

BACKGROUND

The City's WPCF provides wastewater treatment for Hayward's residential and business communities, treating an annual average of eleven million gallons per day (MGD) of wastewater and ensures that the treated water meets local, State, and Federal requirements for discharge to the deep waters of the San Francisco Bay.

The Water and Wastewater Laboratory at the WPCF tests the City's wastewater, surface water and drinking water to ensure compliance with these regulations, in addition to testing wastewater samples from certain industrial dischargers throughout the City.

Regularly testing the wastewater, surface water and drinking water is critical to ensuring continued compliance with new regulations.

DISCUSSION

While the City's current Ion Chromatograph (ICS-6000) equipment allows for highly sensitive testing of the City's wastewater samples, only one product on the market can enhance the sensitivity of this particular model to the levels now required. That product is the ISQEC-IC by Thermo. The ISQEC-IC equipment will essentially increase the sensitivity of the Laboratory's existing equipment, enabling the City to test at a lower detection limit and with a greater level of accuracy than any other spectrometer available today. Laboratory analysts utilizing the same instrument throughout the Bay Area have verified the equipment's superior performance. Thermo is the sole manufacturer of this critical piece of equipment and, as such, staff is requesting Council authorization to execute its sole source purchase.

ECONOMIC IMPACT

Purchase of this equipment will have no direct impact on the local economy.

FISCAL IMPACT

The cost of the equipment, as quoted by Thermo is approximately \$90,000, including tax and shipping. Funding for this equipment was previously approved as part of the FY2022 Capital Improvement Program, Project No. 07783, at an amount of \$90,000 within Sewer Improvement Fund 612.

STRATEGIC ROADMAP

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

SUSTAINABILITY FEATURES

Purchase of this equipment will enable staff to continue conducting water and wastewater tests to ensure compliance with regulations including those set forth by the Environmental Protection Agency and Clean Water Act. Regular and accurate testing of the City's water and wastewater helps ensure protection of the Bay, as well the health and safety of the Hayward community.

PUBLIC CONTACT

Purchase of this equipment requires no public contact.

NEXT STEPS

If Council approves staff's recommendation, staff will work with the City Manager to execute the sole source purchase of this equipment from Thermo.

Prepared by: Farid Ramezanzadeh, Water and Wastewater Laboratory Supervisor

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SOLE SOURCE PURCHASE OF SPECIALIZED LABORATORY EQUIPMENT FROM THERMO ELECTRON NORTH AMERICA LLC., FOR USE AT THE WATER AND WASTEWATER LABORATORY AT THE WATER POLLUTION CONTROL FACILITY IN AN AMOUNT NOT-TO-EXCEED \$90,000

WHEREAS, the Water and Wastewater Laboratory at the Water Pollution Control Facility (WPCF) uses highly specialized equipment to analyze drinking water, surface water and wastewater samples to ensure compliance with the U.S. Environmental Protection Agency (EPA) regulations and Clean Water Act (CWA); and

WHEREAS, the City's water and wastewater tests must meet an extremely high quality, high performing, and lowest detection limits for drinking water, which only the IC-MS technology manufactured by Thermo Electron North America LLC., is currently able to provide; and

WHEREAS, the Adopted FY 2022 Capital Improvement Program includes funding for the purchase of the single quad mass spectrometer equipment in the amount not-to-exceed \$90,000 in the Sewer Improvement Fund (Fund 612), Project No. 07783.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to proceed with the sole source purchase of remaining and necessary Ion Chromatograph – Mass Spectrometer equipment from Thermo Fisher Scientific, in an amount not-to-exceed \$90,000.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-024

DATE: January 18, 2022

TO: Mayor and City Council

FROM: CIO/Director of Information Technology

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Cooperative Procurement Contract with Dell Technologies for Microsoft Software, Subscriptions, and Services for a Three-Year Contract in an Amount Not-to-Exceed \$328,114.40 Annually, for a Total Contract Amount of \$984,343.21

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute a three-year cooperative procurement contract between the City and Dell Technologies for the acquisition of Microsoft Software, Subscriptions, and Services for an amount not-to-exceed \$984,343.21, which a 10% contingency of \$89,485.75, for a term of three years, effective February 28, 2022 through February 28, 2025 under the terms of the contract.

SUMMARY

The City's current Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Software Licenses will expire February 28, 2022. This agreement includes licensing for Windows 10, Office 365, servers, other Microsoft applications, and professional services that are critical to the daily operations of the City. Staff is in negotiations to continue these services and is requesting authorization to fund the contract at the conclusion of negotiations.

The City's core software infrastructure is based on Microsoft desktop, server, collaboration, and development products. The execution of this contract will ensure continuity of current services provided by Microsoft, primarily the annual licenses necessary for Office 365 that provides the city-wide email services, SharePoint, a cloud infrastructure that helps the City share and organize content and applications, and critical applications, such as Teams, Word, Excel and PowerPoint.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution

File #: CONS 22-024



DATE: January 18, 2022

TO: Mayor and City Council

FROM: CIO/Director of Information Technology

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Cooperative Procurement Contract with Dell Technologies for Microsoft Software, Subscriptions, and Services for a Three-Year Contract in an Amount Not-to-Exceed \$328,114.40 Annually, for a Total Contract Amount of \$984,343.21

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute a three-year cooperative procurement contract between the City and Dell Technologies for the acquisition of Microsoft Software, Subscriptions, and Services for an amount not-to-exceed \$984,343.21, which a 10% contingency of \$89,485.75, for a term of three years, effective February 28, 2022 through February 28, 2025 under the terms of the contract.

SUMMARY

The City's current Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Software Licenses will expire February 28, 2022. This agreement includes licensing for Windows 10, Office 365, servers, other Microsoft applications, and professional services that are critical to the daily operations of the City. Staff is in negotiations to continue these services and is requesting authorization to fund the contract at the conclusion of negotiations.

The City's core software infrastructure is based on Microsoft desktop, server, collaboration, and development products. The execution of this contract will ensure continuity of current services provided by Microsoft, primarily the annual licenses necessary for Office 365 that provides the city-wide email services, SharePoint, a cloud infrastructure that helps the City share and organize content and applications, and critical applications, such as Teams, Word, Excel and PowerPoint.

BACKGROUND

The City's core software infrastructure is based on Microsoft desktop, server, collaboration, and development products. The execution of this contract will ensure continuity of current

services provided by Microsoft, primarily the annual licenses necessary for Office 365 that provides the city-wide email services, SQL servers, SharePoint, a cloud infrastructure that helps the City share and organize content and applications, and critical applications, such as Teams, Word, Excel and PowerPoint.

The City issued RFP 2210-111821 on November 19, 2021 and invited vendors to procure Microsoft software, subscriptions and services to ensure that the City is receiving the best pricing available. At the conclusion of the competitive bid process and at the conclusion of analysis, the Riverside Enterprise Agreement (EA) was found to be the best fit for the City. Dell Technologies has extended the pricing model and terms of the Riverside EA in response to the RFP 2210-111821. As a result, staff is requesting authorization to negotiate and execute a new agreement with Dell Technologies under the pricing and terms of the Riverside EA. The Riverside EA is a cooperative purchasing program that was renegotiated in 2016 for three years.

Typically, Microsoft offers government ELA customers's volume discounts in four tiers A-D. Tier D is reserved for very large enterprises which have over 150,000 workstations. We will be receiving Tier D pricing which represents a significant savings from what a City of our size would normally be charged, during this agreement period.

DISCUSSION

The City's core software infrastructure is based on Microsoft desktop, server, collaboration, and development products. The ELA positions the City to benefit from the next generation of Microsoft platform products seamlessly through ownership of Software Assurance. Specifically, this agreement ensures that the City has access to the latest version of software for government and the technical support that is available. The current agreement term expires February 28, 2022. The term of this agreement is three years and the price of these licenses remain constant throughout the term of the agreement which assists in financial planning of future years. The maximum term available for the ELA is three years.

These agreements have saved the City money through volume purchasing and greatly simplified licensing by requiring a single transaction to acquire licenses for the City. This agreement includes software assurance which will provide the City with the legal right to continue to receive the current version of Microsoft products used by the City, including the MS Office suite of products, annual licenses necessary for Office 365 that provides the city-wide email services, SharePoint, a cloud infrastructure that helps the City share and organize content and applications, and critical applications, such as Teams, Word, Excel and PowerPoint.

As part of its technology procurement practices, the City typically upgrades and deploys core City software in a timeframe that keeps the version at, or near, current government release versions.

ECONOMIC IMPACT

There is no economic impact resulting from this action.

FISCAL IMPACT

Staff used a competitive procurement process by posting RFP 2210-111821. After analyzing and comparing bids received, including various licensing scenarios, staff recommends the City to negotiate a contract with Dell Technologies under the Riverside EA.

The three-year contract is not-to-exceed \$984,343.21 (\$894,857.46 plus a 10% contingency of \$89,485.75). This is a 12% increase from the contract signed in 2019, but includes additional software requested by staff from a survey conducted in September 2021 and the library requirements for public computers.

To account for these licensing terms, staff requests Council authorize the City Manager to negotiate and execute a contract not-to-exceed \$984,343.21, which requires an additional \$29,829 appropriation annually from the General Fund to fund the additional cost of the three-year contract; a total of \$89,487 over the life of the contract. Staff had originally budgeted based on a prior contract amount and is requesting additional appropriation to match the pricing for the new agreement. This appropriation will be included in the proposed operating budgets for the appropriate future fiscal years.

STRATEGIC ROADMAP

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

SUSTAINABILITY FEATURES

Upgrades to server software licensing allow for consolidation of servers and increased storage capacity to storage area networks and cloud storage with products such as Microsoft's cloud storage products OneDrive and SharePoint. These moves increase the City's goal of reducing energy consumption within City buildings and maintaining an environmentally sound information technology infrastructure.

PUBLIC CONTACT

Not applicable.

NEXT STEPS

Following approval, staff will execute an agreement with Dell Technologies, to procure and provide the Microsoft licensing recommended for the City.

Prepared by: Sandi Wong, IT Solutions Analyst II/ Project Manager
Nathaniel Roush, Information Systems Manager

Recommended by: Adam Kostrzak, CIO / IT Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. - ____

Introduced by Council Member _____

RESOLUTION OF THE COUNCIL OF THE CITY OF HAYWARD TO EXECUTE A
COOPERATIVE PROCUREMENT CONTRACT WITH DELL TECHNOLOGIES
FOR MICROSOFT SOFTWARE, SUBSCRIPTIONS, AND SERVICES

WHEREAS, the City through its current Microsoft Enterprise Agreement receives access to Microsoft software that is the primary software used daily by City staff in the operation and delivery of information technology services, including Microsoft Office 365, and Windows software; and

WHEREAS, on November 19, 2021, a Request for Purchase (RFP) 2210-111821 for Microsoft Enterprise Licenses and Services which called for the evaluation and award of contracts to resellers that would act on behalf of Microsoft for the fulfillment and management of purchases of licenses for Microsoft enterprise software and related services; and

WHEREAS, based on the results of the competitive process, the City staff is now seeking approval to enter into a cooperative procurement contract with Dell Technologies for a term of three years beginning February 28, 2022 with a total not to exceed value of \$984,343.21.

WHEREAS, to account for licensing terms, it is necessary to appropriate an additional \$29,829 per year of the three-year contract from the General Fund. A total of \$89,487 for the life of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward that the City Manager is hereby authorized to execute, on behalf of the City of Hayward, the Cooperative Procurement Contract between the City and Dell Technologies for the acquisition of Microsoft Software, Subscriptions and Services for an amount not to exceed \$984,343.21 for a term of 3 years, effective February 28, 2022, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby approved and appropriates additional funds in the amount of \$29,829 in the 730-30-0001-17300-62120 fund per year for the duration of the contract for a total of \$89,487.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: CONS 22-033

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$238,130.94 from the Federal Communications Commission Emergency Connectivity Fund to Purchase Eligible Equipment and Services

That Council approves the attached resolution (Attachment II) authorizing the City Manager to accept and appropriate \$238,130.94 from the Federal Communications Commission (FCC) Emergency Connectivity Fund (ECF) to purchase eligible equipment and services.

SUMMARY

Hayward Public Library (HPL) is the lead community organization providing Hayward residents with free access to internet and computing devices. This supports HPL's mission to assist Hayward residents in the economic recovery process, as Hayward residents are still in need of internet access and computing devices to continue distance learning, working from home, seeking employment, and accessing educational resources.

To help fund the purchase of additional internet access and computing devices to help meet this need, the Library applied for funding through the FCC's ECF and was awarded \$238,130.94 in funding for this fiscal year. This funding can be used to purchase eligible equipment and services through the ECF.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT: Adopt Resolution Authorizing the City Manager to Accept and Appropriate \$238,130.94 from the Federal Communications Commission Emergency Connectivity Fund to Purchase Eligible Equipment and Services.

RECOMMENDATION

That Council approves the attached resolution (Attachment II) authorizing the City Manager to accept and appropriate \$238,130.94 from the Federal Communications Commission (FCC) Emergency Connectivity Fund (ECF) to purchase eligible equipment and services.

SUMMARY

Hayward Public Library (HPL) is the lead community organization providing Hayward residents with free access to internet and computing devices. This supports HPL's mission to assist Hayward residents in the economic recovery process, as Hayward residents are still in need of internet access and computing devices to continue distance learning, working from home, seeking employment, and accessing educational resources.

To help fund the purchase of additional internet access and computing devices to help meet this need, the Library applied for funding through the FCC's ECF and was awarded \$238,130.94 in funding for this fiscal year. This funding can be used to purchase eligible equipment and services through the ECF.

BACKGROUND AND DISCUSSION

With the shift to distance learning during the COVID pandemic, City facilities, and community centers offered access to internet and computing devices to help Hayward residents and students in need of access to technology to connect to virtual classrooms and to support their educational needs. In collaboration with key community stakeholders such as Hayward Unified School District (HUSD), California State University East Bay (CSUEB), and Chabot Community College, HPL was able to determine that many families still lacked access to technology—specifically internet access and computer access.

The FCC's ECF is a \$7.17 billion program that was created to help schools and libraries provide the tools and services their communities need for remote learning necessitated by the COVID-19 pandemic. ECF is intended to provide relief to students, school staff, and library patrons and help close the Homework Gap for students who lack necessary internet access or the devices they need to support their schoolwork. To assist in closing the digital divide, HPL applied to the FCC's ECF for assistance, and was awarded \$238,130.94 in funding to purchase eligible equipment and services through the ECF.

With the high need in Hayward, HPL was able to work with HUSD leadership to determine the extent of the gap, and which students still needed access to technology. A cross collaborative team, comprised of HUSD's Feeder Director and Director of IT Support as well as HPL staff, was able to create a list of every student, and what their technology needs are so that students receiving technology resources, such as hotspots and Chromebooks from the Library would not be receiving duplicate resources from other partner agencies. HPL's Education Services division, in coordination with HUSD, created a detailed Tech Lending Library check-out process. Students at specific school sites can check-out hotspots and Chromebooks for up to one year. Pipelines for student distribution are currently working successfully. To date, 684 devices are available to HUSD students and adult literacy learners who are in need of technology or access to Wi-Fi.

Additionally, HPL will be utilizing stimulus funding to further grow the Tech Lending Library and open it up to serve the greater Hayward community.

STRATEGIC ROADMAP

This agenda item aligns with the Support Quality of Life priority in the City's Strategic Roadmap.

FISCAL IMPACT

There is no adverse impact to the General Fund from accepting these funds.

Prepared by: Brad Olson, Management Analyst II

Recommended by: Jayanti Addleman, Director of Library Services

Approved by:

A handwritten signature in dark ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE \$238,130.94 FROM THE FEDERAL COMMUNICATIONS COMMISSION (FCC) EMERGENCY CONNECTIVITY FUND (ECF) TO PURCHASE ELIGIBLE EQUIPMENT AND SERVICES

WHEREAS, the City recognizes the importance of connectivity and thus provides free access to internet and computing devices through its Library Department; and

WHEREAS, During the closures due to COVID-19, many Hayward residents and students were lacking access to technology to connect to virtual classrooms and to support their educational needs; and

WHEREAS, the Library's Education Services division developed a tech lending library during the pandemic closures to meet the needs of students and their families who still lacked access to technology—specifically internet access and computer access; and

WHEREAS, the Library is expanding the Tech Lending Library to open it up to serve the greater Hayward community; and

WHEREAS, the Library applied for, and was awarded, funding through the FCC's ECF.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate \$238,130.94 from the FCC's ECF to purchase eligible equipment and services.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-034

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to Support the Purchase of a Lactation Pod for the Downtown Library

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to accept and appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to support the purchase of a Lactation Pod for the Downtown Library.

SUMMARY

Hayward Public Library (HPL) seeks to serve everyone in the City of Hayward, at every stage of life. The children's area grew immensely in size when the City opened the new Downtown Library building, occupying a large part of the first floor. This area and other areas of the library are regularly used by families, including nursing mothers. Providing an enclosed and private space in the library where nursing mothers can be by themselves or with their infants or older children while breastfeeding or pumping makes for a safer, and often more comfortable, environment for the mother and children.

Library staff submitted a grant application for a Mamava ADA lactation pod to the Kaiser Foundation Health Plan Inc. (Foundation). The Foundation approved the Library's application for funding and awarded HPL with \$15,000 to help fund the purchase of the pod. The remaining funds necessary for the design, purchase, and delivery of the pod (up to \$25,000) will come from the Furnishings, Fixtures, and Equipment (FF&E) budget for the 21st Century Library that is included in the Calpine Library Construction Fund.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

File #: CONS 22-034



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to Support the Purchase of a Lactation Pod for the Downtown Library

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to accept and appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to support the purchase of a Lactation Pod for the Downtown Library.

SUMMARY

Hayward Public Library (HPL) seeks to serve everyone in the City of Hayward, at every stage of life. The children's area grew immensely in size when the City opened the new Downtown Library building, occupying a large part of the first floor. This area and other areas of the library are regularly used by families, including nursing mothers. Providing an enclosed and private space in the library where nursing mothers can be by themselves or with their infants or older children while breastfeeding or pumping makes for a safer, and often more comfortable, environment for the mother and children.

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BACKGROUND AND DISCUSSION

HPL seeks to serve everyone in the City of Hayward, at every stage of life, in a safe and comfortable environment. When the new Downtown Library was designed, one major area of growth was the children's area. The children's section grew immensely in size when the City opened the new Downtown Library building, occupying much of the lower floor. The new

Storytime room is a focal point of the children's area, and is surrounded by many new toys, play areas, and learning spaces to accompany the greatly expanded selection of reading materials.

Before the closure due to COVID, the library had record numbers of visitors to see the new space and the expanded collection, including a large number of young mothers. As we start returning to more library programming for children, we expect to see an increase in the number of new mothers visiting the library. Providing an enclosed and private space in the library where nursing mothers can be by themselves or with their infants or older children while breastfeeding or pumping makes for a safer, and often more comfortable, environment for the mother and children. The lactation pod would provide just such a space and would be a great addition to the services offered to Hayward families. The pod would be open for use by any nursing mother walking into the library.

While there are different options for lactation spaces, many utilize rooms in an existing building, or are designed for outdoor use. These qualities make them better designed for office staff, rather than for the public. However, the Mamava pods, like the one HPL plans to install, can work in an indoor space using just one electrical hookup, are moveable if needed, have an online app for easy reservations, and have easy to clean surfaces.

The larger Mamava ADA pod is the preferred option for the Downtown Library, and the details on this product were provided to the Foundation as part of a grant application. The Foundation approved the Library's application for funding and awarded HPL with \$15,000 to help fund the purchase of the pod. The remaining funds necessary for the design, purchase, and delivery of the pod (up to \$25,000) will come from the FF&E budget for the 21st Century Library that is included in the Calpine Library Construction Fund.

STRATEGIC ROADMAP

This agenda item supports the Quality of Life priority outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

The City will be responsible for servicing and maintenance of the unit; however, this cost is considered minimal and will be absorbed by the Library's operating budget on an ongoing basis.

NEXT STEPS

If Council adopts the resolution, staff will work with the Foundation to accept the funds and purchase the lactation pod.

Prepared by: Brad Olson, Management Analyst II

Recommended by: Jayanti Addleman, Library Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE \$15,000 FROM THE KAISER FOUNDATION HEALTH PLAN INC. TO SUPPORT THE PURCHASE OF A LACTATION POD FOR THE DOWNTOWN LIBRARY

WHEREAS, Hayward Public Library (HPL) seeks to serve everyone in the City of Hayward, at every stage of life, in a safe and comfortable environment; and

WHEREAS, providing an enclosed and private space in the library where nursing mothers can be by themselves or with their infants or older children while breastfeeding or pumping makes for a safer, and often more comfortable, environment for the mother and children; and

WHEREAS, the lactation pod from Mamava would provide just such a space and would be a great addition to the services offered to Hayward families; and

WHEREAS, the Kaiser Foundation Health Plan Inc. approved HPL's application for funding and awarded HPL with \$15,000 to help fund the purchase of a Mamava Lactation Pod.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate \$15,000 from the Kaiser Foundation Health Plan Inc. to support the purchase of a Lactation Pod for the Downtown Library.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-021

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt Two Resolutions: 1) Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County for a New Solid Waste and Recycling Franchise Agreement until June 30, 2022; and 2) Authorizing the City Manager to Extend the Current Franchise Agreement with Waste Management of Alameda County by One Year to Expire March 1, 2023

RECOMMENDATION

That Council adopt two resolutions: 1) extending the current Solid Waste Franchise Agreement between Hayward and Waste Management of Alameda County (WMAC) for twelve months until March 1, 2023 (Attachment II); and 2) extending the authorization for exclusive negotiations with WMAC until June 30, 2022 (Attachment III).

SUMMARY

The City holds a franchise agreement with WMAC to provide solid waste, recycling, and organic materials collection and processing services. The current agreement commenced March 1, 2015, and is scheduled to expire March 1, 2022. The agreement includes the option to extend it for three, 12-month periods. If the City opted to extend the contract by the maximum numbers of times, the agreement would expire March 1, 2025. Staff and WMAC have made good progress in negotiating a new agreement, but it has become apparent that it will not be possible to have all terms agreed upon before March 1, 2022, so staff is requesting to extend the agreement for one 12-month period.

Staff is currently negotiating exclusively with WMAC as authorized by Council. Most recently, on June 15, 2021, staff requested from Council and was granted an extension of the exclusive negotiating period until December 31, 2021. Staff is requesting another extension of the exclusive negotiating period until June 30, 2022.

Review by Council Sustainability Committee - On January 10, 2022, the Council Sustainability Committee (CSC) considered a report with an update on solid waste franchise agreement negotiations. The CSC recommended that Council extend the Solid Waste Franchise Agreement for 12 months until March 1, 2023 and also extend the authorization for exclusive negotiations with WMAC until June 30, 2022. The

File #: CONS 22-021

Committee also requested more advertising of the bulky pickup service and commented that community outreach and operational efficiencies could be improved if the Hayward Unified School District also contracted with WMAC.

ATTACHMENTS

Attachment I Staff Report

Attachment II Resolution Extending Current Agreement

Attachment III Resolution Extending Negotiation Period



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt Two Resolutions: 1) Authorizing the City Manager to Continue Exclusive Negotiations with Waste Management of Alameda County for a New Solid Waste and Recycling Franchise Agreement until June 30, 2022; and 2) Authorizing the City Manager to Extend the Current Franchise Agreement with Waste Management of Alameda County by One Year to Expire March 1, 2023

RECOMMENDATION

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SUMMARY

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also requested more advertising of the bulky pickup service and commented that community outreach and operational efficiencies could be improved if the Hayward Unified School District also contracted with WMAC.

BACKGROUND

WMAC has been the City's solid waste and recycling services franchisee since at least the mid-1970s. WMAC provided the service under a different business name initially (Oakland Scavenger Company) and has, in the past thirty years, subcontracted with Tri-CED Community Recycling for residential recycling services.

At the March 9, 2020¹ CSC meeting, the CSC discussed possible approaches to the new solid waste franchise agreement, and recommended the City start exclusive negotiations with WMAC. The CSC also expressed a desire for the City to partner with Hayward schools, if possible, so that solid waste services and outreach would be consistent throughout Hayward. The CSC also directed staff to be innovative and sustainability-minded in negotiations.

At its June 23, 2020² meeting, Council approved a period of exclusive negotiations with WMAC through October 31, 2020. At the October 27, 2020 meeting, Council extended the exclusive negotiating period until June 30, 2021.

At the November 9, 2020³ CSC meeting, staff presented an update on negotiations. The CSC expressed a desire for increasing the number of public litter cans, as well as increasing the number of illegal dumping collections performed by WMAC, and flexibility on the contract length. At its March 8, 2021⁴ meeting, the CSC heard from Hayward recycling service providers, WMAC and Tri-CED, about the ongoing negative effects of the China National Sword policy on the recycling markets in California, and the importance of reducing contamination in collected recyclables.

On June 15, 2021⁵, Council approved an extension of the exclusive negotiation period with WMAC through December 31, 2021. On October 26, 2021⁶, Council received a report updating them on franchise agreement negotiations and Council held a work session on the negotiations between the City and WMAC. Council expressed a desire to keep rates reasonable, install more public litter cans, try to maintain the Main Street office, and maintain the bulky collection service. Council also expressed concern about SB1383 mandates wasting functional recycling and garbage carts merely due to their colors and not matching the State's new color scheme, and requiring jurisdictions to procure and disseminate a very large amount of organic material.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4389835&GUID=EFF0E6BA-0F1F-4CA3-B275-1B18D86FF2EE&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576643&GUID=060523BF-B23D-49D7-A78E-F40F4DB335C4&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4686767&GUID=7FE71371-C877-447E-993D-AFA9732B3526&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4816826&GUID=3FAFD9A3-6BEF-4BFE-B619-BB9C4A346E51&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4983870&GUID=CFAEB194-2F77-4434-BBD1-5FB23712A6E9>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5192092&GUID=1893F7A1-05E5-4606-9364-31F12BF785BD&Options=&Search=>

DISCUSSION

Although negotiations have been productive, they have been proceeding at a slower pace than anticipated. The current franchise agreement term will end on March 1, 2022. Once the terms of the new franchise agreement are agreed upon, the public noticing and approval hearings will take approximately four months before the new contract can take effect. Therefore, staff recommends extending the current franchise agreement for one 12-month period, starting March 1, 2022, and ending March 1, 2023. However, the full 12 months may not be needed, and Council can start the new contract at any time. Staff also recommends extending the exclusive negotiating period to June 30, 2022.

SB 1383 requires extensive efforts by jurisdictions to reduce the amount of organics sent to landfill and increase recycling. The law requires monitoring of customers' containers for contamination and also requires that the City procure significant quantities of organic material, primarily compost and mulch. Staff and WMAC have been discussing how to best craft a new agreement that will ensure the City is able to effectively and efficiently comply with SB 1383 regulations.

The following is an overview of some of the key services that have been discussed during negotiations since October 26, 2021.

Elements Tentatively Agreed Upon

SB 1383 Cart and Bin Requirements

SB 1383 and subsequent regulations developed by CalRecycle⁷ include several requirements that the franchise agreement can help address, including a cart color mandate. Trash carts are mandated to be black or gray, recycling carts are mandated to be blue, and organics carts are mandated to be green. While Hayward's existing organics carts are already green, WMAC and Tri-CED will replace trash and recycling carts to meet SB 1383 requirements. WMAC will also paint, replace, or change the lid color of existing bins to match the required color scheme.

SB1383 Organics Procurement

SB1383 requires that jurisdictions procure organics material annually based on population, and Hayward's requirement equates to about 13,000 tons of mulch or compost needing to be procured annually. WMAC has agreed to increase the amount of compost provided for compost giveaways from 5,000 bags of compost to 10,000 bags per year. The City will need to procure approximately an additional 12,500 tons to meet SB 1383 requirements. CalRecycle has indicated that strict enforcement of this requirement may not occur until 2025 and also that jurisdictions may receive credit for compost used on some private building projects. Staff and Stopwaste continue to work with CalRecycle to clarify procurement requirements and enforcement plans. Staff continues to discuss with WMAC the possibility of including the cost of compost procurement in the new franchise agreement.

⁷ <https://www.calrecycle.ca.gov/organics/slcp/>

SB 1383 Monitoring for Contamination

SB 1383 requires monitoring customers' containers for contamination. Staff and WMAC have discussed at length the procedures and criteria to be used to define and determine levels of contamination. WMAC has proposed to use cameras on collection trucks to monitor contamination, and also implement a method of charging fees for repeated occurrences of unacceptable levels of contamination.

Overage Charges

When containers are over-filled and lids are not closed, loose material can easily become unsightly litter. Also, when recycling containers are not closed, moisture can reduce the value of paper and cardboard. In addition to monitoring contamination, staff and WMAC have agreed to use the truck camera system to monitor for overages and implement a method of charging fees for overflowing carts and bins. Overage would be defined as a container's lid being open by 12 inches or more.

Big Belly Trash Receptacles

WMAC has agreed to increase the total number of public litter cans allowed citywide from 400 to 500, and allow for the installation of 25 Big Belly dual containers (trash & recycling), per year over the first four years of the contract. In addition, staff is considering replacing all the black metal cans in the Downtown area with new Big Belly dual containers. Many of the lids have been removed from the black metal cans and the Big Belly design deters over-filling and scavenging.

Davis Street Self-Haul Vouchers for Excess Waste

WMAC has agreed to continue offering 5,000 free disposal coupons every calendar year to all Hayward residents. The coupons are redeemable for the disposal of 2 cubic yards of waste at the Davis Street Transfer Station.

Electric Vehicles

Staff asked WMAC to leverage the opportunity presented by a new franchise agreement to seriously investigate deploying new electric route trucks instead of acquiring new compressed natural gas (CNG) trucks. WMAC has indicated it can potentially include some electric-power trucks to perform route service, should technological and economical changes occur through the course of the contract. In the near term, WMAC has agreed to add smaller electric support vehicles such as supervisor pick-ups, and trucks that deliver carts or collect bulky material to its fleet that serves Hayward. Tri-CED agreed to add an electric pickup truck to its fleet.

Household Battery Collection Expansion

Currently, household battery collection is only offered to single-family homes. WMAC has indicated it can provide collection containers for multi-family properties that may be located in a property manager's office. WMAC has also agreed to provide containers for collection of household batteries in public locations such as City Hall and the libraries.

Public Litter Container Service

WMAC's servicing of public litter containers has been a concern of the City's for several years. Staff has proposed that WMAC could use its Smart Truck technology to record video

of the servicing of public litter cans to ensure cans receive the agreed-upon schedule of service. WMAC will provide monthly summaries of locations and dates of servicing for each container and accept increased liquidated damages for missed collection while also adding contract definitions for Abandoned Waste, Litter, and Excluded Material.

Recycling Markets

City staff have tentatively agreed to add contract language to the to allow for rate adjustments if WMAC's revenue from the sale of recycling commodities changes significantly. WMAC has agreed to add Destinations of Recyclables to quarterly reports. Contract language will also be updated to reflect the California Statewide Commission on Recycling's recently published list of items that are truly recyclable.

Elements Under Discussion

Main Street Office

WMAC's office on Main Street has been closed for most of the pandemic. The precise cost savings of closing the office permanently compared to the benefits of keeping the office open for the next 10 years is still under discussion.

Rate Compression

City staff have agreed to the concept of "rate compression" or adjusting larger size cart rates to encourage customers to select the right size for their needs, but this requires further discussion. Staff intends to limit changes to rates so that any given customer does not experience an excessive rate increase. Potential alterations to the rate structure are still under discussion.

Diversion Requirements

The current contract includes very ambitious diversion requirements for WMAC called the franchise recovery rate that proved too ambitious, and were not attained. Staff and WMAC will discuss potential revisions to the Diversion Requirements.

Biosolids Management

SB 1383 regulations will require that the management and disposal of Hayward's biosolids change during the term of the new contract. The cost and potential operational changes are still under discussion.

Overall Cost

The overall initial rate increase, rate structure and cost of service is still under discussion. WMAC is completing economic projections, running cost models, and acquiring information from Tri-CED and has yet to provide final information to the City for review. WMAC has also requested a cost-based analysis be conducted during the course of the contract, where an approved return on investment is reviewed and assured.

Timeline:

If directed by Council, staff will continue to negotiate the terms listed above. Staff is hopeful that negotiations can be completed in the spring of 2022 so that a new contract can be

presented to Council in summer 2022. If negotiations are not completed in spring of 2022, staff may recommend issuance of a request for proposals (RFP) to potentially select a hauler through a competitive process to serve Hayward. The anticipated schedule for completing negotiations as well as the alternate schedule are as follows:

If Negotiated Agreement Successful:

Request Council Approval to Begin Negotiating with WMAC	September 2020
Begin Negotiating Period	October 1, 2020
Council Authorization to Continue Negotiating with WMAC	June 15, 2021
Council Work Session to Review Preliminary Terms	October 26, 2021
Potential Council Action to Extend Negotiating Period	January 2022
Potential Council Action to Extend Current Franchise	January 2022
Council Work Session to Consider Negotiated Terms	March/April 2022
Council Hearing to Consider Approval of New Contract	June 2022

If Terms Not Agreed Upon by April 2022:

Issue RFP for Consultant Services for Assistance with Selecting a New Franchisee	May 2022
Council Action to Hire Selected Consultant	July 2022
Prepare and Issue RFP	Fall 2022
Receive Proposals	Winter 2022
Select a Franchisee and Negotiate a Contract	Spring/Summer 2023
Council Approval of New Franchise Agreement	Fall 2023
New Service Provider to Order Carts, Bins, Vehicles, etc.	Fall 2023
Receive equipment and distribute new collection carts	Fall 2024
Begin New Service	January 1, 2025

FISCAL AND ECONOMIC IMPACTS

Staff is striving to keep rates reasonable and enhance services. The low-income rate assistance program will remain part of the agreement. Maintaining reasonable solid waste and recycling service fees and improving service levels would have a positive impact on the community. Regardless of the path chosen, the negotiation of a new franchise agreement will continue to require significant staff time, however, such staff time will be absorbed by already budgeted positions. If rates are increased, Franchise Fees will modestly increase, which will benefit the City's General Fund, Recycling Fund, Stormwater Fund, and Street System Improvement Fund.

STRATEGIC ROADMAP

This agenda item does not directly relate to any of the six priorities outlined in the Council's Strategic Roadmap. It is possible that a new franchise agreement could support the following project in the *Support Quality of Life* Strategic Priority:

Project 7:	Implement targeted illegal dumping prevention program
Project 7, Part 7a:	Pilot programs and analysis
Project 7, Part 7b:	Roll out permanent program

SUSTAINABILITY FEATURES

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural, resources, and plays an important role in making a community sustainable.

PUBLIC CONTACT

No public contact has been conducted.

NEXT STEPS

Upon adoption of the resolution by Council, staff will notify WMAC in writing that the Franchise Agreement is extended for 12 months until March 1, 2023. Upon direction from Council, staff will continue exclusive negotiations with WMAC with the goal of bringing a proposed agreement to Council prior to June 30, 2022. If negotiations are not successful, the City could prepare and issue an RFP and call for new proposals from any qualified and interested service provider, including WMAC.

Prepared by: Jeff Krump, Solid Waste Program Manager
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION FINDING AND DETERMINING THE NEED TO EXTEND THE FRANCHISE AGREEMENT BETWEEN THE CITY OF HAYWARD AND WASTE MANAGEMENT OF ALAMEDA COUNTY FOR SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANICS MATERIAL SERVICES FOR ONE 12-MONTH PERIOD ENDING FEBRUARY 28, 2023

WHEREAS, the City of Hayward holds a Franchise Agreement with Waste Management of Alameda County that expires February 28, 2022; and

WHEREAS, the City of Hayward is negotiating a new Franchise Agreement with Waste Management of Alameda County that may require another six months to complete; and

WHEREAS, the current Franchise Agreement allows the City of Hayward, at its sole discretion, the option to extend the Franchise Agreement with Waste Management of Alameda County for up to three 12-month periods.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows: The Franchise Agreement Between the City of Hayward and Waste Management of Alameda County for Solid Waste, Recyclable Materials, and Organic Materials Services shall be extended for one 12-month period ending February 28, 2023.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE EXCLUSIVE
NEGOTIATIONS WITH WASTE MANAGEMENT OF ALAMEDA COUNTY TO
EXTEND THE SOLID WASTE AND RECYCLING FRANCHISE AGREEMENT

WHEREAS, the City of Hayward holds a Franchise Agreement with Waste Management of Alameda County to provide Hayward with solid waste, recyclable materials and organic materials services that expires February 28, 2022; and

WHEREAS, the City of Hayward has been negotiating a new Franchise Agreement with Waste Management of Alameda County since October 2020 to enhance current services provided Hayward and to comply with new state recycling laws; and

WHEREAS, the City of Hayward and Waste Management of Alameda County still have several key terms left to negotiate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to continue exclusive negotiations with Waste Management of Alameda County through June 30, 2022, to extend the solid waste and recycling franchise agreement.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-038

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution 1) Authorizing the City Manager to Accept and Appropriate \$5,236 in Private Community Donations for the Hayward Navigation Center; and 2) Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Contract Amount by \$5,236 for a Not-to-Exceed Amount of \$2,453,356 to Provide Additional Flexible Funds for Hayward Navigation Center Residents

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to:

- 1) Accept and appropriate \$5,236 in private community donations to Hayward Navigation Center; and
- 2) Amend the professional services agreement with Bay Area Community Services (BACS) to increase the contract amount by \$5,236 for a not-to-exceed amount of \$2,453,356 to provide additional flexible funds for Hayward Navigation Center Residents.

SUMMARY

In 2019, as part of the development of the Hayward Navigation Center, staff created a PayPal donation portal for designated use at the Hayward Navigation Center. Since launching the donation portal, the City has received \$5,236 in private donations from private community members for designated use at the Hayward Navigation Center. Staff recommend allocating these funds directly to BACS to use as flexible funding for direct client support.

As part of the Hayward Navigation Center model, residents are provided with up to nine months of financial assistance upon exit from the program. The average flexible fund allocation is \$2,000 and is used to support overcoming barriers for individuals experiencing homelessness to move into, and stabilize in, permanent housing. Funds go toward direct housing costs, such as security deposits, first and last month's rent, housing furnishings and essentials.

ATTACHMENTS

File #: CONS 22-038

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution 1) Authorizing the City Manager to Accept and Appropriate \$5,236 in Private Community Donations for the Hayward Navigation Center; and 2) Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Contract Amount by \$5,236 for a Not-to-Exceed Amount of \$2,453,356 to Provide Additional Flexible Funds for Hayward Navigation Center Residents

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to:

- 1) Accept and appropriate \$5,236 in private community donations to Hayward Navigation Center; and
- 2) Amend the professional services agreement with Bay Area Community Services (BACS) to increase the contract amount by \$5,236 for a not-to-exceed amount of \$2,453,356 to provide additional flexible funds for Hayward Navigation Center Residents.

SUMMARY

In 2019, as part of the development of the Hayward Navigation Center, staff created a PayPal donation portal for designated use at the Hayward Navigation Center. Since launching the donation portal, the City has received \$5,236 in private donations from private community members for designated use at the Hayward Navigation Center. Staff recommend allocating these funds directly to BACS to use as flexible funding for direct client support.

As part of the Hayward Navigation Center model, residents are provided with up to nine months of financial assistance upon exit from the program. The average flexible fund allocation is \$2,000 and is used to support overcoming barriers for individuals experiencing homelessness to move into, and stabilize in, permanent housing. Funds go toward direct housing costs, such as security deposits, first and last month's rent, housing furnishings and essentials.

BACKGROUND AND DISCUSSION

The Hayward Navigation Center opened in November 2019 and is staffed by BACS. The Hayward Navigation Center provides immediate shelter, intensive case management, and housing navigation services to homeless adults in Hayward.

Despite significant reduced capacity due to the COVID-19 pandemic, as of November 1, 2021, BACS has successfully moved 98 formerly homeless Hayward residents into permanent housing. As part of the Hayward Navigation Center model, residents are provided with up to nine months of financial assistance upon exit from the program. The average flexible fund allocation is \$2,000 and is used to support overcoming barriers for individuals experiencing homelessness to move into, and stabilize in, permanent housing. Funds go toward direct housing costs, such as security deposits, first and last month's rent, housing furnishings and essentials.

In 2019, as part of the development of the Hayward Navigation Center, staff created a PayPal donation portal for designated use at the Navigation Center. Since launching the donation portal, the City has received \$5,236 in private donations for designated use at the Hayward Navigation Center. Staff recommends allocating these funds directly to BACS for use as flexible funding for direct client support.

ECONOMIC IMPACT

This funding will allow for ongoing sustainability of the Hayward Navigation Center, which has a positive economic impact by reducing homelessness and poverty and moving individuals into permanent housing.

FISCAL IMPACT

This item has no fiscal impact.

STRATEGIC ROADMAP

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

1. Sustain the Navigation Center to House and Support People who are Homeless
- 2b. Implement the Let's House Hayward! Homelessness Reduction Strategic Plan

Let's House Hayward! Strategic Plan

- 2.1a. Continue oversight and management of the Navigation Center
- 3.1f. Provide flex funds, including one-time financial assistance for diversion and problem-solving program

PUBLIC CONTACT

There is no public contact associated with this item.

NEXT STEPS

Upon authorization from the City Council, the City Manager will amend the agreement with BACS, increasing the grant by \$5,236.95 to a not-to-exceed amount of \$2,453,356.

Prepared by: Jessica Lobedan, Management Analyst II

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written above a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-_____

Introduced by Council Member_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE \$5,236 IN PRIVATE COMMUNITY DONATIONS FOR THE HAYWARD NAVIGATION CENTER AND AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH BAY AREA COMMUNITY SERVICES TO INCREASE THE HAYWARD NAVIGATION CENTER CONTRACT AMOUNT BY \$5,236 FOR A NOT-TO-EXCEED AMOUNT OF \$2,453,356

WHEREAS the City of Hayward has received \$5,236 in private community donations for designated use at the Hayward Navigation Center; and

WHEREAS Bay Area Community Services (BACS) operates the Hayward Navigation Center; and

WHEREAS, as part of the Hayward Navigation Center model, residents are provided with up to nine (9) months of financial assistance through flexible funds upon exit from the program; and

WHEREAS flexible funds are used to support overcoming barriers for individuals experiencing homelessness to move into and stabilize in permanent housing, including for direct housing costs such as security deposits, first and last month's rent, housing furnishings and essentials.

NOW, THEREFORE, BE IT RESOLVED THAT, that the City Council of the City of Hayward hereby authorizes the City Manager or her designate to accept and appropriate \$5,236 in community donations for the Hayward Navigation Center and amend the professional services Agreement with BACS to increase the Hayward Navigation Center contract amount by \$5,236 for a not-to-exceed amount of \$2,453,356 to provide additional flexible funds for Hayward Navigation Center residents.

IN COUNCIL, HAYWARD, CALIFORNIA_____, 2022.

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

File #: CONS 22-022

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Safe Routes for Seniors Project

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the plans and specifications, and call for bids for the Safe Routes for Seniors (SR4S) Project.

SUMMARY

The SR4S Program targets pedestrian improvements designed to improve accessibility for senior residents and visitors. Given the concentration of facilities serving senior residents in and around the Downtown, this phase of the multi-year program focuses primarily in the Downtown area of Hayward. The proposed improvements will encourage senior citizens to walk more and make walking in Downtown Hayward safer, more pleasant, and accessible for all.

The budget for this project is \$3.7 million of Measure BB infrastructure improvements funds and is included in the FY 2022 Capital Improvement Program (CIP). The Project includes four intersections located in the Downtown Hayward area. The construction documents are completed, and staff requests Council's approval of the plans and specifications and call for bids.

Council Infrastructure Committee Review

This project was presented to the Council Infrastructure Committee (CIC) on May 29, 2019, July 22, 2020, and April 38, 2021; and received their recommendation to be presented to Council for consideration.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution

File #: CONS 22-022



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Safe Routes for the Seniors Project

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the plans and specifications, and call for bids for the Safe Routes for Seniors (SR4S) Project.

SUMMARY

The SR4S Program targets pedestrian improvements designed to improve accessibility for senior residents and visitors. Given the concentration of facilities serving senior residents in and around the Downtown, this phase of the multi-year program focuses primarily in the Downtown area of Hayward. The proposed improvements will encourage senior citizens to walk more and make walking in Downtown Hayward safer, more pleasant, and accessible for all.

The budget for this project is \$3.7 million of Measure BB infrastructure improvements funds and is included in the FY 2022 Capital Improvement Program (CIP). The Project includes four intersections located in the Downtown Hayward area. The construction documents are completed, and staff requests Council's approval of the plans and specifications and call for bids.

Council Infrastructure Committee Review

This project was presented to the Council Infrastructure Committee (CIC) on May 29, 2019, July 22, 2020, and April 38, 2021; and received their recommendation to be presented to Council for consideration.

BACKGROUND

After receiving project approval from the Alameda County Transportation Commission (ACTC), the City's Community Services Division and Public Works & Utilities Department held two public outreach meetings. The meetings included a presentation, two design activities, and a survey. Seniors were able to participate via passive mapping activities in

which they selected which intersections are the most difficult to cross. After analyzing results from community meetings and collision data, staff prioritized the intersections located in the study area and narrowed down scope to five signalized and one unsignalized intersections. The selected six intersections are:

1. Hazel Ave./City Center Dr. and Foothill Blvd.
2. A St. and Montgomery Ave.
3. B St. and Montgomery Ave. (Unsignalized)
4. Watkins Ave. and D St.
5. A St and Main St.
6. C St and Main St.

Two of the prioritized intersections, A Street/Main Street, and C Street/Main Street, are located within the project scope area for the future Main Street Complete Street Project (Main Street). These two intersections have been removed from the SR4S project and will be included as part of the Main Street project to increase efficiency of both projects. The Main Street project is currently on hold pending coordination with local business owners.

Below is a list of major milestones for the SR4S project:

- May 29, 2019¹: Staff presented the SR4S program to the CIC.
- July 2 & 27, 2019: City staff, local senior housing facilities and senior centers, engaged in two outreach meetings.
- June 26, 2020: A Request for Proposals (RFP) was issued to solicit Engineering Design Consultants. W-Trans, Inc., was chosen as the design consultant.
- July 22, 2020²: City staff presented the project updates to the CIC.
- March 8, 2021: Following the development of conceptual design improvements, the team conducted public outreach to receive community feedback regarding proposed improvements for each intersection. An online community meeting was held to expand outreach beyond the meeting.
- April 28, 2021³: Staff presented the Phase I engineering design and proposed improvements to the CIC. Phase I focused on the existing conditions, evaluation, community outreach, and culminated in the selection of preferred concept plans.
- November 15, 2021: Phase II, including the engineering design plans, specifications, and estimates is completed.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3957521&GUID=DE0BC635-A9CB-49C9-9251-39C46E502CED&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4595746&GUID=9F8EF13D-EC8D-4F25-8F1E-17BB86078DB5&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4923165&GUID=906AD478-B718-4988-9657-461997B2F1D9&Options=&Search=>

- December 16, 2021: Construction documents completed.

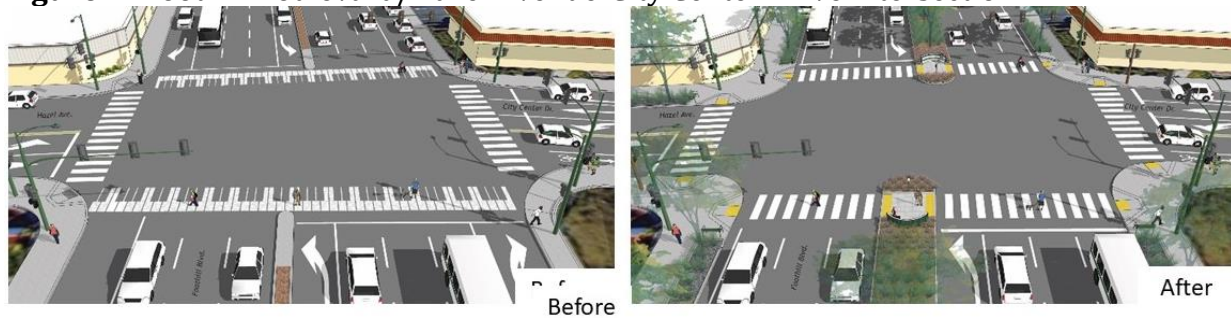
DISCUSSION

From the beginning through the end phases of design, the process for making improvements to the selected intersections included collaboration with community members through three outreach meetings. After each community meeting, staff provided updates to the CIC and received comments and direction. The construction documents are now complete and include the following features for each intersection:

Foothill Boulevard/Hazel Avenue-City Center Drive intersection (Figure A):

- Remove northbound and southbound right-turn lanes.
- Allow enough room for future bike lanes on Foothill Blvd.
- Extend curbs on all four corners facing Foothill Blvd.
- Extend curb towards Hazel Avenue on the northeast corner.
- Widen medians on Foothill Blvd. for pedestrian refuge including seating and ped push buttons.
- Install directional American with Disabilities Act (ADA) approved ramps with high visibility yellow or similar color on all four corners.
- Setback advance stop bar further in advance of crosswalks.
- Reposition existing crosswalks as needed to accommodate new directional ADA ramps.
- Signal poles to be moved to accommodate bi-directional ramps.
- Relocate pedestrian push buttons to new poles closer to ADA ramps.
- Install pedestrian push buttons in Foothill Blvd. median refuge islands.
- Install larger pedestrian signal heads.
- Include a lead pedestrian phase for all pedestrian calls (4 seconds included).
- Maintain protected left-turn phasing on all four signal approaches.
- Increase pedestrian crossing time to serve a slower pedestrian speed
- Install 'No Right Turn on Red' extinguishable message signs on all four approaches which would activate during ped calls.
- Restripe continental crosswalks with high visibility thermoplastic including consideration of themed design to call attention to crosswalks.

Figure A: Foothill Boulevard/Hazel Avenue-City Center Drive intersection



Montgomery Avenue/A Street Intersection (Figure B):

- Remove westbound right turn lane.
- Extend curbs on the North-East corner facing south, but still allow for future bike lanes, east of Montgomery Avenue.
- Install directional ADA ramps with high visibility yellow or similar color on all four corners.
- Install advance stop bar in advance of crosswalks.
- Redesign north leg crosswalk so that it is perpendicular to roadway.
- Reposition existing crosswalks as needed to accommodate new directional ADA ramps.
- Proposed protected left-turn phasing with four new signal pole mast arms plus four new Type 1 poles.
- Relocate ped push buttons poles closer to ADA ramps.
- Install larger pedestrian signal heads for North-South pedestrian movements.
- Include a lead pedestrian phase for all pedestrian calls (4 seconds included).
- Convert all phases to include protected left-turn phasing.
- Increase pedestrian crossing time to serve a slower pedestrian speed.
- Install 'No Right Turn on Red' extinguishable message signs on all four approaches which would activate during pedestrian calls.
- Restripe continental crosswalks with high visibility thermoplastic.
- Enhanced pedestrian warning signs.

Figure B: Montgomery Avenue/A Street Intersection



Montgomery Avenue/B Street Intersection (Figure C):

- Extend bike lanes on D Street from the west to the intersection with Montgomery Avenue.

- Allow enough room for future bike lanes on B Street to the east.
- Redesign south leg with raised crosswalk.
- Install directional ADA ramps with high visibility yellow or similar color on all four corners.
- Install advance stop bar in advance of crosswalks.
- Redesign east and west leg crosswalks so that they are perpendicular to roadway.
- Reposition existing crosswalks as needed to accommodate new directional ADA ramps.
- Restripe continental crosswalks with high visibility thermoplastic.
- Enhanced pedestrian warning signs.

Figure C: Montgomery Avenue/B Street Intersection

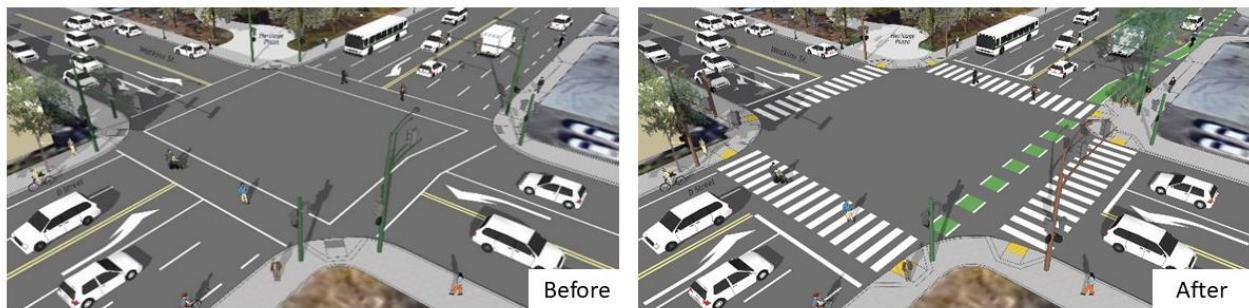


Watkins Avenue/D Street (Figure D):

- Eliminate southern eastbound through lane between Watkins Street to Francisco Street and extend curb to narrow D Street.
- Reconstruct driveway curb cuts and sidewalks on South-East corner to be more ADA compatible.
- Install directional ADA ramps with high visibility yellow or similar color on all four corners.
- Install advance stop bar in advance of crosswalks.
- Redesign south leg crosswalk so that it is perpendicular to roadway.
- Reposition existing crosswalks as needed to accommodate new directional ADA ramps.
- Proposed protected left-turn phasing (North-South) with two new signal pole mast arms. Five other poles to be relocated to accommodate bi-directional ramps.

- Relocate ped push buttons poles closer to ADA ramps.
- Install larger pedestrian signal heads for pedestrian movements.
- Increase intensity lighting to ensure full coverage of pedestrian crosswalks and corners.
- Include a lead pedestrian phase for all pedestrian calls (4 seconds included).
- Convert N-S phases to include protected left-turn phasing.
- Install 'No Right Turn on Red' extinguishable message signs on all four approaches which would activate during ped calls.
- Restripe continental crosswalks with high visibility thermoplastic.
- Enhanced pedestrian warning signs.

Figure D: Montgomery Avenue/B Street Intersection



ECONOMIC IMPACT

The SR4S program fosters economic activities by making walking in Downtown Hayward safer, pleasant, and accessible for all. It can result in a reduction of single lane occupancy vehicles, reduced congestion, and less costs related to automobile-related infrastructure maintenance and contributes to the overall efficiency of the transportation system.

FISCAL IMPACT

The project utilizes the City's Measure BB Paratransit special revenue fund derived from Measure BB sales tax revenues administered by ACTC. The FY 2019-2021 Annual Paratransit Program Plan allocated \$2.7 million of Measure BB infrastructure improvements funds toward the SR4S program. An additional \$1 million was allocated in FY 2022 to continue and expand the program. There are sufficient funds available in the Measure BB Paratransit Capital fund balance (Fund 219). The recommended appropriation will enable the City to utilize these funds in a timely manner. The project will not have a fiscal impact on the General Fund.

STRATEGIC ROADMAP

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

- Project 1: Improve Access and Mobility in Downtown Hayward
- Project 8, Part 8e: Implement the Bike & Ped Master Plan; Assess Safe Routes for Seniors in the downtown area
- Project 8, Part 8f: Implement the Bike & Ped Master Plan; Implement Safe Routes for Seniors in the downtown area

SUSTAINABILITY FEATURES

The plan will be a comprehensive effort to improve connectivity, public health, physical activity, and recreational opportunities. By applying best practices, the program will increase transportation options, reduce environmental impacts of the transportation system, and enhance the overall quality of life for residents. The goal of the program is to make walking in Downtown Hayward safe, pleasant, and accessible for all while prioritizing senior community residents. The resulting reduction in single occupancy vehicles will reduce vehicle miles traveled and greenhouse gases.

PUBLIC CONTACT

On July 2 and July 27, 2019, staff engaged in two outreach meetings to gather seniors' input on their mobility needs. The purpose of these meetings was to identify obstacles for walking, encourage walking as a transportation option, and develop design solutions to improve walkability and safety for the senior residents.

Following the development of conceptual design improvements, the team conducted public outreach to receive community feedback regarding proposed improvements for each intersection. An online community meeting was held on March 8, 2021. Notification of the meeting was provided to individuals from the project mailing list as well as through Nextdoor, Facebook, Instagram, Twitter, and the dedicated City webpage. Meeting notification flyers were sent to the senior facilities located in the study area. The meeting was attended by eleven residents as well as City staff and members of the consultant team. There were eleven comments presented by participants, which were a combination of expressions of support for the project, clarification questions, and intersection-specific recommendations. Staff also received seven comments through emails from the senior residents.

To expand outreach beyond the meeting, an online survey was prepared through SurveyMonkey. The survey was made available in both English and Spanish and was distributed to senior residential facilities and as well as the distribution networks used for the meeting notification. The survey solicited input from respondents on the project proposals based on images of existing conditions and the proposed improvements for each of the four project intersections.

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses nearby the affected intersections. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each intersection.

NEXT STEPS

February 2022	Bid Opening
March 2022	Award of Contract
April 2022	Start of Construction
October 2022	End of Construction

Prepared by: Ayeh Khajouei, Associate Transportation Planner
Saeed Saebi, Associate Civil Engineer

Reviewed by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR
BIDS FOR THE SAFE ROUTES FOR SENIORS PROJECT

WHEREAS, those certain plans and specifications for the Safe Routes for Seniors (SR4S) Project, Project No. 05309, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the Project is categorically exempt from environmental review under Section 15301 (c) of the California Environmental Quality Act (CEQA) for existing facilities, consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, 1st Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, February 15, 2022, and immediately thereafter publicly opened and declared by the City Clerk in the Hayward City Hall Rotunda, located on the 1st Floor of City Hall, Hayward, California.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will consider a report on the bids at a future regular meeting following the aforesaid opening and declaration of same.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-016

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Rejecting All Bids, Approving Addendum No. 1 and Revised Plans and Specifications, and Calling for Bids for the Mission Boulevard Linear Park Project, Project No. 05288

RECOMMENDATION

That Council adopts a resolution (Attachment II) rejecting all bids, approving the revised plans and specifications incorporating additional requirements and Addendum No. 1, and calling for construction bids to be received on February 8, 2022 for the Mission Boulevard Linear Park Project.

SUMMARY

The Mission Boulevard Linear Park Landscape Project (Project) will provide improvements to the linear park adjacent to portions of the Mission Boulevard Corridor Improvements Phase 2 project. On November 16, 2021, Council approved the plans and specifications and authorized the Project to call for bids. On December 14, 2021, nine (9) bids for the project were received. The apparent low bid submitted by Los Loza, Inc., is \$1,716,601 or 16% below the engineer's estimate of \$2,046,061. On December 21, 2021, the third lowest bidder, Redwood Engineering Construction, submitted a bid protest. After review of the bid proposals and upon review of the Public Contract Code, it was determined that the omission by the design consultant of the language "or equal" for a product called out in the specifications and plans resulted in the specifications and plans to not be in compliance with the Public Contract Code. Therefore, staff is requesting Council reject all bids, approve the revised plans and specifications incorporating revised Public Contract Code requirements and approve Addendum No. 1, and call for construction bids to be received by February 8, 2022.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Rejecting All Bids, Approving Addendum No. 1 and Revised Plans and Specifications, and Calling for Bids for the Mission Boulevard Linear Park Project, Project No. 05288

RECOMMENDATION

That Council adopts a resolution (Attachment II) rejecting all bids, approving the revised plans and specifications incorporating additional requirements and Addendum No. 1, and calling for construction bids to be received on February 8, 2022 for the Mission Boulevard Linear Park Project.

SUMMARY

The Mission Boulevard Linear Park Landscape Project (Project) will provide improvements to the linear park adjacent to portions of the Mission Boulevard Corridor Improvements Phase 2 project. On November 16, 2021¹, Council approved the plans and specifications and authorized the Project to call for bids. On December 14, 2021, nine (9) bids for the project were received. The apparent low bid submitted by Los Loza, Inc., is \$1,716,601 or 16% below the engineer's estimate of \$2,046,061. On December 21, 2021, the third lowest bidder, Redwood Engineering Construction, submitted a bid protest. After review of the bid proposals and upon review of the Public Contract Code, it was determined that the omission by the design consultant of the language "or equal" for a product called out in the specifications and plans resulted in the specifications and plans to not be in compliance with the Public Contract Code. Therefore, staff is requesting Council reject all bids, approve the revised plans and specifications incorporating revised Public Contract Code requirements and approve Addendum No. 1, and call for construction bids to be received by February 8, 2022.

BACKGROUND

The Linear Park is on the east side of Mission Boulevard from approximately 600 feet south of Blanche Street to 500 feet north of Fairway Street, and is approximately 5,000 feet long

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5213906&GUID=5B691B4F-D712-4FC8-BF72-9565B00C92EB&Options=&Search=>

and varies in width from 50 to 65 feet. The Linear Park currently consists of an asphalt path, grasses, trees, and shrubs. Mission Boulevard Corridor Improvements Phase 2 project removed trees that were in declining health, replaced the asphalt path, added new pedestrian lighting and installed the main irrigation water line within the Linear Park. The landscape improvements were not included in the Phase 2 project because the cost estimate during the design phase exceeded the project budget.

From the beginning through the end phases of design, the process for making improvements to the Linear Park project included collaboration with community members through three meetings. After each community meeting, staff provided updates to the Council Infrastructure Committee (CIC) and received comments and direction. The construction documents are now complete and include the following features:

- Reshape the flat landscape areas, using cut and fill to create earth forms that echo the East Bay Hills
- Plant new trees, no-mow grass, native plants, wildflowers, and irrigation
- Realign the existing asphalt path at two locations
- Add decomposed granite shoulder along the existing path for alternative surface for walker/runners as well as making it dog friendly
- Create expanded paving areas and pathways using recycled concrete
- Add seating using reclaimed timbers and upcycled accent seating
- Add boulders
- Install Bigbelly trash and recycling receptacles and pet waste stations
- Add art crosswalk
- Provide privacy to adjacent properties by removing invasive plants, planting new shrubs and limbing up existing oleander along existing fencing
- Add shade trellis at Corrine Street bus stop

Below is a list of major milestones for the Project:

- October 2019²: Introduction of the project to CIC for scope options and associated costs.
- June 2020³: Council adopted a resolution authorizing the City Manager to execute a Professional Services Agreement with SurfaceDesign, Inc., (SDI) for the design of the Mission Boulevard Linear Park Landscape Project.
- August 2020: SDI began pre-design data collection and field survey.
- September 2020: Staff and SDI held first community meetings both virtual and onsite tent events to gather input for the conceptual design including a post meeting survey for additional community input.

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4199603&GUID=B7F58DED-4A4C-4A5B-B6FD-64D1060A0B8B&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576642&GUID=32D41BF8-52CB-4E7C-B048-08B61F8CB28D&Options=&Search=>

- October 2020⁴: Project update including community input to be considered in the conceptual design was presented to the CIC.
- December 2020: Staff and SDI held a second virtual community meeting to present the conceptual design and gather input.
- March 2021: Design development level completed.
- April 2021⁵: Project update was presented to the CIC.
- June 2021: Staff and SDI held the third and final virtual community meeting to present the design development and gather input.
- July 2021⁶: Project update on the final design was presented to the CIC.
- October 2021: Construction documents completed.
- November 16, 2021: Council approved plans and specifications and call for bids.
- December 14, 2021: Bid opening.

DISCUSSION

On December 14, 2021, nine (9) bids were received ranging from \$1,716,601 to \$3,047,150. Los Loza, Inc., of Hayward, submitted the lowest bid in the amount of \$1,716,601, which is 16.1% below the engineer's estimate of \$2,046,061. The second lowest bid was from ASG Builders of Mountain View at \$1,775,900, which is 13.2% below the engineer's estimate. The third lowest bid was from Redwood Engineering Construction of Redwood City at \$1,779,945, which is 13.0% below the engineer's estimate.

After review of the specifications, it was discovered that the paint product specified for the art crosswalk did not include "or equal" language in the specifications and plans. The paint product specified was StreetBond SB 150 Pavement Coatings which was used successfully on crosswalks in projects used by the design consultant and intended to be used for the Linear Park project. Staff did not intend to require exclusive use of StreetBond SB 150 Pavement Coatings for this project. Public Contract Code (PCC) Section 3400(b) prohibits specifying a specific brand unless the specification is followed by the words "or equal". The "or equal" was unintentionally omitted in the plans and specification for this project and as a result, the specifications were not in compliance with the Public Contract Code. Public Contract Code Section 3400(c) allows specifications to call for use of a specific item by brand name only

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4677680&GUID=566B11CB-76A2-467B-A13C-09E61025BF61&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4923166&GUID=5BE79211-DAA8-4DDD-965E-B8FEAF48DC1D&Options=&Search=>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5067291&GUID=4E2D20AA-0EFF-4D71-B5AB-86BCEBA9B795&Options=&Search=>

under limited circumstances and upon findings made by the legislative body justifying such exclusive use, none of which are applicable in this case.

Therefore, staff is requesting Council's approval to reject all bids. The specifications will be revised to include language that when a certain brand is specified for the construction of the project, bidders may propose an equivalent product through a substitution process. This language will also be included in the specifications for all future projects.

On December 21, 2021, Redwood Engineering Construction of Redwood City submitted a bid protest stating that the first and second lowest bidders are not responsive since they did not list subcontractors to perform the art crosswalk and tree removal work. Because the specification was not in compliance with PCC Section 3400(b), the bid protest is rendered irrelevant. Staff has communicated this with Redwood Engineering Construction and that staff is requesting Council's approval to reject all bids.

In addition to the above, the plans and specifications will include revisions to incorporate Addendum No. 1 which responded to bidder questions. With the completion of the revised plans and specification, staff seeks the Council's approval of the plans and specifications and call for bids to be received by February 8, 2022.

Environmental review of the Linear Park project was included in the review of the Mission Boulevard Phase 2 project. Phase 2, including the Linear Park, was determined to be categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines for 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 existing or former use.

ECONOMIC IMPACT

Completion of the landscape improvements will provide the final aspect of the complete streets total project for this portion of Mission Boulevard by providing additional pedestrian and bicycle facilities, recreation facilities which will result in positive economic benefits for nearby businesses and increased property values for residential areas adjacent to the Linear Park.

FISCAL IMPACT

This landscaping project is funded by the Route 238 Corridor Improvement Fund. Currently, the adopted FY20 CIP includes \$2,813,000 for the project.

The estimated project costs are as follows:

	Estimated Cost
Construction	\$2,000,000
Construction Contingency	\$200,000
Design	\$400,000
Construction Admin, Inspection, Testing	\$213,000
Project Total	\$2,813,000

Currently, there is sufficient funding based on the estimates. The bid documents include three additive bid alternates; specifically, they are for the installation of timber seating, reclaimed concrete pavers and shade trellis. Depending on the bids received, award of the construction contract may include or exclude these items so that the construction contract amount will be within the funded amount. The estimated project cost is based on the improvements outlined in the Discussion section and does not include new fencing along the existing private property fencing, additional exercise equipment, or sound walls, which were requested through community meetings. For these improvements, additional funding will be needed.

STRATEGIC ROADMAP

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

Project 7 Improve Mission Boulevard as a key ‘Gateway to the City’

SUSTAINABILITY FEATURES

1. Water: The Project will include the installation of drought tolerant plants to reduce water usage.
2. Environment: This project will implement ReScape California (initially Bay-Friendly Landscaping) techniques to use native and climate appropriate plants for the Linear Park. The Project will be reviewed for ReScape certification after the project design is complete.
3. Bike and Ped: The Project will provide a pleasant, safe, and inviting environment for walking, jogging, casual biking, and exercise.

PUBLIC CONTACT

As part of the design process, staff and the design consultant held three community meetings on September 25, 2020, December 10, 2020, and June 23, 2021. Based on the presentation of the conceptual design and design development, the feedback from the community members who provided input was overall positive. Information about the project can also be found on

the project webpage⁷. After the construction contract is awarded, a preliminary project notice will be distributed to residents along the Linear Park and nearby neighborhoods.

NEXT STEPS

If Council adopts the attached resolution, staff will send a formal rejection notice to all nine (9) bidders. Staff will then modify the specifications as described in the Discussion section. If Council approves re-advertising the project for public bidding, staff will return to Council for the award of the construction contract after construction bids have been received and reviewed.

The following is the tentative schedule for this project:

Advertise for Bids	January 21, 2022
Open Bids	February 8, 2022
Award Construction Contract	March 8, 2022
Begin Construction	April 4, 2022
Complete Construction	Summer 2022

Prepared by: Dave Hung, Senior Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

⁷ <https://hayward-ca.gov/Linear-Park>

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION REJECTING ALL BIDS, APPROVAL OF ADDENDUM NO. 1 AND REVISED PLANS AND SPECIFICATIONS, AND CALLING FOR BIDS FOR THE MISSION BOULEVARD LINEAR PARK PROJECT, PROJECT NO. 05288

WHEREAS, by Resolution No. 21-226 on November 16, 2021, the City Council approved the plans and specifications for the Mission Boulevard Linear Park Project, Project No. 05288, and called for bids to be received on December 14, 2021; and

WHEREAS, Addendum No. 1 was issued to respond to bidder questions; and

WHEREAS, on December 14, 2021, nine (9) bids were received ranging from \$1,716,601 to \$3,047,150. The low bid, submitted by Los Loza Inc., is approximately 16% below the engineer's estimate of \$2,046,061; and

WHEREAS, the specification for a specific product did not include an "or equal" language which is not in compliance with Public Contract Code Section 3400(b); and

WHEREAS, on December 21, 2021, the third lowest bidder, Redwood Engineering Construction, submitted a bid protest stating that the first and second lowest bidders are not responsive since subcontractors were not listed to perform certain work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the above listed bids, and all other bids for the Project are hereby rejected.

BE IT FURTHER RESOLVED that Addendum No. 1, which makes certain revisions to the plans and specifications are hereby approved and adopted as part of the plans and specifications for the project.

BE IT FURTHER RESOLVED, that those certain plans and specifications for the Mission Boulevard Linear Park Project, Project No. 05288, on file in the Office of the City Clerk, are hereby adopted as the plans and specifications for the Project.

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

BE IT FURTHER RESOLVED, that the bid protest of Redwood Engineering Construction is found to be moot and any administrative fee paid by Redwood in relation to the bid protest shall be returned.

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

BE IT FURTHER RESOLVED, that sealed bids will therefore be received by the City Clerk's office at City Hall, 777 B Street, 1st Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, February 8, 2022, and immediately thereafter publicly opened and declared by the City Clerk in the Rotunda, City Hall, Hayward, California.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-048

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Opposing the California Public Utilities Commission's Proposed Decision Threatening Net Energy Metering and Supporting a Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar

That Council adopts the attached resolution (Attachment II) opposing the California Public Utilities Commission's proposed decision threatening new energy metering and supporting a net energy metering policy that continues the growth of local and rooftop solar.

SUMMARY

The California Public Utilities Commission Board (CPUC) issued a proposed decision (PD) that threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike. The CPUC could vote on the PD as early as January 27, 2022. If the PD is approved, it would make it extremely difficult for Hayward and California to meet adopted climate action and equity goals.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Opposing the California Public Utilities Commission's Proposed Decision Threatening Net Energy Metering and Supporting a Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) opposing the California Public Utilities Commission's proposed decision threatening new energy metering and supporting a net energy metering policy that continues the growth of local and rooftop solar.

SUMMARY

The California Public Utilities Commission Board (CPUC) issued a proposed decision (PD) that threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike. The CPUC could vote on the PD as early as January 27, 2022. If the PD is approved, it would make it extremely difficult for Hayward and California to meet adopted climate action and equity goals.

BACKGROUND

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own electricity to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility.

The current NEM program was adopted by the CPUC in 2016¹. The program provides customer-generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-NEM customer costs. NEM is designed to support the installation of customer-sited renewable energy generation.

On December 3, 2021, the East Bay Community Energy (EBCE) Board of Directors adopted a resolution² urging the CPUC to strengthen the NEM program by expanding clean

¹ The CPUC approved Decision 16-01-044 on January 28, 2016.

² The EBCE resolution is available at <https://ebce.org/meetings/special-meeting-board-of-directors-12-3-21/>

distributed generation access to all households, particularly of low- and moderate-income ratepayers.

DISCUSSION

In early 2021, the CPUC launched a formal proceeding to update the current NEM structure. The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program. More than 17 proposals were submitted to the CPUC for consideration, including a joint proposal from the state's big three investor-owned utilities (IOUs): Pacific Gas & Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDG&E). Opponents of the big three IOUs' joint proposal claim that it would hinder the state's highly successful rooftop solar market, which is a key strategy in the state reaching its ambitious clean energy and environmental goals.

On December 13, 2021, the CPUC issued a PD³ that is very similar to the IOUs' joint proposal. Notable elements of the PD include the following:

- Credit Value of Excess Energy Exported to the Grid is Slashed by Nearly 80%
 - There is no transition identified, so the full reduction would take effect as soon as NEM 3.0 is implemented.
 - The PD proposes values for each hour of the day rather than consistent values within existing time-of-use periods.
- Inadequate Market Transition Credits are Proposed
 - There would be no incentive for commercial customers, including small businesses, schools, places of worship, and non-profits.
 - There would be no incentive for solar on new home construction, thus further exacerbating the unaffordability of the statewide real estate market and interfering with California's ambitious new Title 24 goals, particularly its solar mandate for residential customers.
 - A new fund of \$150 million per year would be created to fund solar for the lowest-income customers. The PD proposes no further specifics, with details promised to be worked out later.
- Eligibility Term Reduced for Existing (NEM 1.0 and NEM 2.0) Solar Customers
 - The PD proposes that the current 20-year eligibility period for NEM 1.0 and NEM 2.0 would be reduced to 15 years for residential non-California Alternate Rates for Energy (CARE) customers.
- Dramatic Increases in Payback Periods for Rooftop Solar Systems
 - Under the current NEM 2.0 rate design, the payback period for a typical residential rooftop solar system is estimated to range between 5 and 9 years.
 - Under the PD, the residential simple payback period for market-rate customers would increase to 16.0 years for PG&E customers, 18.6 years for SCE customers, and 9.3 years for SDG&E customers. The residential simple

³ The CPUC's proposed decision is available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M430/K903/430903088.PDF>

payback period for lower-income customers would increase to 11.6 years for PG&E customers, 11.2 years for SCE customers, and 12.2 years for SDG&E customers.

A consensus is emerging that a fair and effective rooftop solar policy must share its benefits with low-income and disadvantaged communities that have previously been left out. The PD further exacerbates these inequities. If approved, the PD is expected to significantly curtail the installation of new rooftop solar and battery storage, which would make it very difficult for California to meet its ambitious clean energy targets. The attached resolution opposes the PD and supports a NEM that expands clean energy access to all households, particularly of low-and-moderate income customers.

FISCAL AND ECONOMIC IMPACTS

Adoption of the attached resolution will not cause a fiscal or economic impact. If the CPUC adopts the PD, there would be negative consequences for existing and potential solar customers as well as for manufacturers and installers of rooftop solar and battery storage systems.

Under the current NEM structure, local and rooftop solar installations are proliferating rapidly in Hayward with monthly building permits in the hundreds of kilowatts. For example, in December 2021, which is not a representative month for construction activity, the City issued final inspections for more than 280 kilowatts of solar generation capacity in Hayward. Making the NEM structure less rewarding would not only impact the local economy by discouraging installation of new local and rooftop solar, but it would also adversely impact the environment.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Combat Climate Change. Specifically, this item relates to the implementation of the following project:

Project 1: Reduce Dependency on Fossil Fuels

SUSTAINABILITY FEATURES

No direct identifiable environmental sustainability savings are associated with this item. However, the passage of the IOUs' joint proposal would likely squelch the deployment of rooftop-scale solar and storage in the City of Hayward, which would interfere with a key strategy in the realization of Hayward's climate action goals.

PUBLIC CONTACT

No public contact has been conducted.

NEXT STEPS

If approved by Council, staff will send the resolution to Governor Gavin Newsom, State Senator Bob Wieckowski, Assemblymember Bill Quirk, and members of the CPUC.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION IN OPPOSITION TO THE NET ENERGY METERING 3.0
PROPOSED DECISION AND IN SUPPORT OF A NET ENERGY METERING
POLICY THAT CONTINUES THE GROWTH OF LOCAL AND ROOFTOP SOLAR

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low and moderate income households; and

WHEREAS, the California Public Utilities Commission (CPUC) has launched a formal proceeding to update the current NEM structure to be introduced in 2022 as NEM 3.0 and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS, the California Investor Owned Utilities (IOUs), Pacific Gas and Electric, San Diego Gas & Electric and Southern California Edison, have submitted a joint proposal (the "IOU Proposal") that calls for drastic changes to NEM that would make customer-sited renewable energy more expensive, increase the amount of time it takes for customers to pay off their systems, and ground to a halt the installation of distributed solar in California; and

WHEREAS, the IOU Proposal would make it impossible for customer-sited renewables to continue to grow sustainably as mandated by law as a result of high monthly fixed fees for all solar installations, and slashing credits customers receive for sharing their excess electricity with the power grid; and

WHEREAS, proposals submitted to CPUC by Protect Our Communities Foundation, California Solar & Storage Association, Vote Solar, GRID Alternatives, Solar Energy Industries Association, and others not only would encourage new solar adoption but also include additional subsidies for low income customers; and

WHEREAS, on January 15, 2019, the City of Hayward City Council declared a climate emergency and requested regional collaboration on an immediate just transition and emergency mobilization effort to restore a safe climate; and

WHEREAS, on June 16, 2020, the City of Hayward City Council adopted revised greenhouse gas (GHG) emission targets of 30% below 2005 levels by 2025, 55% below 2005 levels by 2030 and carbon neutrality by 2045; and

WHEREAS, Hayward and California cannot meet adopted clean energy targets in time with utility scale solar alone and need to triple the amount of rooftop solar, as reported by the California Energy Commission 2021 SB 100 Joint Agency Report Summary; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own city to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from dirty energy; and

WHEREAS, on December 13, 2021, the CPUC issued a Proposed Decision (PD) that is very similar to the IOUs' proposal. Notable elements of it include the following:

- Credit Value of Excess Energy Saved and Exported to the Grid is Slashed by Nearly 80%
- Inadequate Market Transition Credits
- Eligibility Term Reduced for Existing (NEM 1.0 and NEM 2.0) Solar Customers
- Dramatic Increases in Payback Periods for Rooftop Solar Systems.

NOW THEREFORE, BE IT RESOLVED by the City Council hereby finds and determines that it supports protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity; and

BE IT FURTHER RESOLVED, that the City Council hereby urges the CPUC to reject the Net Energy Metering 3.0 Proposed Decision issued on December 13, 2021 and instead to strengthen the NEM program in a manner that:

- (i) Expands clean distributed generation access to all households, particularly of low- and moderate income ratepayers.
- (ii) Expands access to other clean energy technologies that pair with solar, such as battery storage.
- (iii) Ensures that the solar installations continue to grow in order to help meet State and local climate goals.
- (iv) Excludes provisions for high monthly fixed fees.
- (v) Integrates Time-Of-Use rates into NEM 3.0 as appropriate to incentivize solar distributed generation, electrification and energy efficiency.

- (vi) Ensures that customers in Environmental and Social Justice communities who have not had much access to rooftop, behind-the meter solar are provided generous incentives so they can be a greater part of the clean energy solution to the climate crisis.
- (vii) Ensures that low-income customers have the opportunity to access the bill savings and resilience benefits associated with the NEM tariff.
- (viii) Provides a pathway for Environmental and Social Justice communities to own and operate distributed generation and related storage projects in their communities and to their benefit.
- (ix) Ensures low-income customers are incentivized with retail rates to participate in the NEM program.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Governor Gavin Newsom, State Senator Bob Wieckowski, Assemblymember Bill Quirk, and members of the California Public Utilities Commission Board.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022.

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

File #: CONS 22-049

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Memorandum of Understanding between the City of Hayward and the Hayward Association of Management Employees (HAME) bargaining unit for the period of December 2, 2021 through June 30, 2024.

SUMMARY

The current Memorandum of Understanding (MOU) with HAME expired on June 30, 2021. The attached resolution will allow staff to execute a successor agreement with HAME for the term of December 2, 2021 through June 30, 2024. The new agreement will grant salary adjustments totaling ten percent (10%) over the three-year contract term, as well as equity salary adjustments based on a study completed in April 2021, and a lump sum payment to all HAME represented employees in the amount of \$1,500. The new contract also includes operational, administrative, and legal language updates.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Human Resources

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SUMMARY

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BACKGROUND AND DISCUSSION

During the term of its prior contract with HAME, the City worked hard to achieve and maintain fiscal sustainability. Though the City continues to face the challenges of growing pension and retiree health liabilities, the City also recognized it would need to provide competitive salary increases as part of any successor contract in order to maintain its ability to recruit and retain employees. In order to do so, however, the City also sought to maintain its cost sharing structure for major employee benefits, including health and retirement, to help mitigate those growing costs. As detailed below, the City was able to achieve both of these goals in the proposed contract.

As part of the prior contract, the City and HAME conducted a total compensation study for all represented classifications but did not implement any salary changes related to that study during the last contract term. The parties recognized that in order to improve the City's position

in the labor market, particularly for positions that have been challenging to recruit for, it would be beneficial to implement equity adjustments based on this study. As outlined below the parties agreed that:

- Positions that are more than 15% behind the market median (based on total compensation) would receive a 10% equity adjustment;
- Positions that are more than 10% behind the market median (based on total compensation) but less than 15% behind would receive a 5% equity adjustment; and
- Positions that are at least 5% behind the market median (based on total compensation) but less than 10% behind would receive a 3% equity adjustment.

All equity adjustments are scheduled to be implemented during the pay period including July 1, 2023. In addition to these equity adjustments, the City and HAME also agreed to a total of 10% in cost-of-living adjustments during the contract term. In FY2022, HAME represented employees will receive a one percent (1%) salary adjustment, effective the pay period including December 2, 2021, which is the date on which the parties reached a tentative agreement. In FY2023, salaries will be adjusted by four percent (4%) effective the pay period including July 1, 2022, and in FY2024, salaries will be adjusted by five percent (5%) effective the pay period including July 1, 2023. This structure provides the City with a period of fiscal stability as it continues to navigate the impacts of the COVID-19 pandemic, while also providing employees with significant, competitive salary increases over the full contract term.

The proposed contract contemplates the City and HAME completing a total compensation survey in advance of the next round of contract negotiations. It is expected that the results of that survey will be used as a tool in future negotiations, but the parties did not agree to implement any equity adjustments related to that future study. Importantly, the proposed contract maintains existing employee contributions toward the employer’s share of retirement costs, medical benefits, dental and vision plans.

The parties also agreed to a handful of operational, administrative, and legal updates to the contract. Of note, the City agreed to (i) modify the way in which employees may request vacation cash outs and (ii) modifications to the health & wellness reimbursement, while maintaining the status quo cap on the cost of that benefit.

The tables below summarize the key proposed changes in the new memorandum of understanding.

Table 1: Key Proposed Changes

MOU Term	Summary of Changes	Effective Date
Salaries	FY 2022 – 1% COLA	December 2, 2021 (date of tentative agreement)
	FY 2023 – 4% COLA	July 1, 2022

MOU Term	Summary of Changes	Effective Date
	FY 2024 – 5% COLA	July 1, 2023
Lump Sum Payment	\$1,500 to each full time HAME-represented employee (pro-rated for part-time employees)	Effective following Council adoption
Equity Adjustments	<ul style="list-style-type: none"> • +15% behind market median (total compensation): 10% salary increase • +10% - 15% behind market median (total compensation): 5% salary increase • 5%-10% behind market median (total compensation): 3% salary increase 	July 1, 2023
Equity Study	<p>Survey jurisdictions and classifications for which City will review special districts are consistent with prior salary survey</p> <p>Parties to meet and confer over benchmark positions in early 2023</p> <p>No guaranteed equity adjustments during contract term tied to future equity study</p>	Begin bidding and selection process by: February 1, 2023 and completed by December 1, 2023
Health and Wellness	Maintain annual cap but allow employees to seek reimbursement in lump sums as opposed to monthly and expand items covered under reimbursement to include equipment, consistent with policy during pandemic	Effective following Council adoption

FISCAL IMPACT

The total proposed changes will result in an estimated fiscal impact of \$1,666,043 to the General Fund, and a net cost of approximately \$1,124,212 across all other funds, over the

contract period when compared to projections in the City's budget model for the same three-year period (FY 2022-FY 2024).

STRATEGIC ROADMAP

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

NEXT STEPS

If adopted, Human Resources staff will finalize the agreement, the City Manager will execute the agreement, and the Finance Department will implement the above changes in coordination with Human Resources.

Prepared by: Kakshi Master, Acting Deputy Director of Human Resources

Recommended by: Jana Sangy, Director of Human Resources

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION APPROVING THE SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HAYWARD AND HAYWARD ASSOCIATION OF MANAGEMENT EMPLOYEES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the current Memorandum of Understanding between the City of Hayward and Hayward Association of Management Employees (“HAME”) expired on June 30, 2021; and

WHEREAS, the City and HAME reached a tentative agreement for a successor Memorandum of Understanding on December 2, 2021 which grants salary adjustments totaling 10% over the three-year contract term, equity adjustments based on an April 2021 equity study and more flexibility in the administration of the health and wellness reimbursement program; and

WHEREAS, the parties agrees to conduct an equity study prior to negotiations for a successor contract in FY2024, with no guaranteed adjustments tied to that future equity study; and

WHEREAS, the proposed contract maintains existing employee contributions toward the Employer’s share of retirement costs, medical benefits, dental and vision plans; and

WHEREAS, the proposed changes will result in an estimated fiscal impact of \$1,666,043 to the General Fund, and a net cost of approximately \$1,124,212 across all funds, over the contract period when compared to projections in the City's budget model for the same three-year period (FY 2022-FY 2024).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute, on behalf of the City of Hayward, a Memorandum of Understanding between the City and HAME for the period of December 2, 2021 through June 30, 2024, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-050

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Service Employees International Union, Local 1021 and Authorizing Staff to Execute the Agreement

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Memorandum of Understanding between the City of Hayward and the Service Employees International Union, Local 1021 (SEIU) bargaining unit for the period of December 21, 2021 through June 30, 2024.

SUMMARY

The current Memorandum of Understanding (MOU) between the City of Hayward and SEIU expired on June 30, 2021. The attached resolution will allow staff to execute a successor agreement with SEIU for the term of December 21, 2021 through June 30, 2024. The new agreement will grant salary adjustments totaling ten percent (10%) over the three-year contract term, provide continuous service benefits to staff with twenty-five or more years of service with the City, increase the night shift differentials while also settling an outstanding grievance related thereto, improve the overtime meal allowance to align with other bargaining units, and a lump sum payment to all SEIU represented employees in the amount of \$1,500. The new contract also includes operational, administrative, and legal language updates.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Service Employees International Union, Local 1021 and Authorizing Staff to Execute the Agreement

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Memorandum of Understanding between the City of Hayward and the Service Employees International Union, Local 1021 (SEIU) bargaining unit for the period of December 21, 2021 through June 30, 2024.

SUMMARY

The current Memorandum of Understanding (MOU) between the City of Hayward and SEIU expired on June 30, 2021. The attached resolution will allow staff to execute a successor agreement with SEIU for the term of December 21, 2021 through June 30, 2024. The new agreement will grant salary adjustments totaling ten percent (10%) over the three-year contract term, provide continuous service benefits to staff with twenty-five or more years of service with the City, increase the night shift differentials while also settling an outstanding grievance related thereto, improve the overtime meal allowance to align with other bargaining units, and a lump sum payment to all SEIU represented employees in the amount of \$1,500. The new contract also includes operational, administrative, and legal language updates.

BACKGROUND AND DISCUSSION

During the term of its prior contract with SEIU, the City worked hard to achieve and maintain fiscal sustainability. Though the City continues to face the challenges of growing pension and retiree health liabilities, the City also recognized it would need to provide competitive salary increases as part of any successor contract in order to maintain its ability to recruit and retain employees. In order to do so, however, the City also sought to maintain its cost sharing structure for major employee benefits, including health and retirement, to help mitigate those growing costs. As detailed below, the City was able to achieve both of these goals in the proposed contract.

The City and SEIU agreed to a total of 10% in cost-of-living adjustments during the contract term. In FY2022, SEIU represented employees will receive a two percent (2%) salary adjustment, effective the pay period including December 15, 2021. In FY2023, salaries will be adjusted by three percent (3%) effective the pay period including July 1, 2022, and in FY2024, salaries will be adjusted by five percent (5%), effective the pay period including July 1, 2023. This structure provides the City with a period of fiscal stability as it continues to navigate the impacts of the COVID-19 pandemic, while also providing employees with significant, competitive salary increases over the full contract term.

The tentative agreement also includes the creation of a continuous service pay benefit for employees with twenty-five or more years of continuous service with the City, in recognition of the dedication and institutional knowledge of such long-term employees and to encourage staff to remain with the City. The parties have also negotiated modifications to night shift differentials that, importantly, fully settle an outstanding grievance related to payment of shift differentials while improving the benefit for staff and clarifying when employees are eligible for shift differentials, and which differential they are eligible for.

The proposed contract contemplates the City and SEIU completing a total compensation survey in advance of the next round of contract negotiations. It is expected that the results of that survey will be used as a tool in future negotiations, but the parties did not agree to implement any equity adjustments as part of this contract. Importantly, the proposed contract maintains existing employee contributions toward the employer's share of retirement costs, medical benefits, dental and vision plans.

The parties also agreed to a handful of operational, administrative and legal updates to the contract. Of note, the City agreed to (i) tie the value of holiday pay to the length of mandated alternative work shifts for employees working twelve-hour shifts, (ii) allow employees whose vacation requests are denied in writing based on operational needs to cash out up to 80 hours of denied leave and (iii) modify the health & wellness benefit while maintaining the status quo cap on the cost of that benefit.

The tables below summarize the key proposed changes in the new memorandum of understanding:

Table 1: Key Proposed Changes

MOU Term	Summary of Changes	Effective Date
Salaries	FY 2022 – 2% COLA	Pay Period including December 15, 2021
	FY 2023 – 3% COLA	July 1, 2022
	FY 2024 – 5% COLA	July 1, 2023

MOU Term	Summary of Changes	Effective Date
Lump Sum Payment	\$1,500 to each full time SEIU-represented employee (pro-rated for part-time employees)	Effective following Council adoption
Continuous Service Pay	2.5% of base pay for employees with 25+ continuous years of service with the City plus an additional 5% of base pay (for a total of 7.5%) for employees with 30+ continuous years of service with the City	Effective following Council adoption
Night Shift Differential	<ul style="list-style-type: none"> • Increase swing shift differential to \$2 per hour (\$0.40 increase) • Increase graveyard shift differential to \$3 per hour (\$1.00 increase) • Modify language to clarify when employees are eligible for each differential pay 	Effective following Council adoption
Meal Allowance	Increase to \$15 per overtime meal (\$5 increase) to align with other bargaining units	Effective following Council adoption
Equity Study	<p>Survey jurisdictions and classifications for which City will review special districts are consistent with prior salary survey</p> <p>Parties to meet and confer over benchmark positions in early 2023</p> <p>No guaranteed equity adjustments during contract term</p>	Begin bidding and selection process by: January 1, 2023 and completed by December 31, 2023
Holiday Pay	Align holiday pay with mandated 12-hour schedules	Effective following Council adoption

MOU Term	Summary of Changes	Effective Date
Vacation Cash Out	Allow employees whose vacation requests are denied in writing for operational reasons to cash out denied leave, up to 80 hours per year	Effective following Council adoption
Health and Wellness	Maintain annual cap but allow employees to seek reimbursement in lump sums as opposed to monthly and expand items covered under reimbursement to include equipment, consistent with policy during pandemic	Effective following Council adoption

FISCAL IMPACT

The total proposed changes will result in an estimated fiscal impact of \$3,044,696 to the General Fund, and a net cost of approximately \$2,590,941 across all other funds, over the contract period when compared to projections in the City's budget model for the same three-year period (FY 2022-FY 2024).

STRATEGIC ROADMAP

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

NEXT STEPS

If adopted, Human Resources staff will finalize the agreement, the City Manager will execute the agreement, and the Finance Department will implement the above changes in coordination with Human Resources.

Prepared by: Kakshi Master, Acting Deputy Director of Human Resources

Recommended by: Jana Sangy, Director of Human Resources

Approved:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION APPROVING THE SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HAYWARD AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the current Memorandum of Understanding between the City of Hayward and the Service Employees International Union, Local 1021 ("SEIU") expired on June 30, 2021;

WHEREAS, the City and SEIU reached a tentative agreement for a successor Memorandum of Understanding on December 21, 2021 which grants salary adjustments totaling 10% over the contract term, continuous service pay, increases to overtime meal allowance and night shift differentials, and more flexibility in the administration of the health and wellness reimbursement program; and

WHEREAS, the parties agree to conduct an equity study prior to negotiations for a successor contract in FY2024, with no guaranteed adjustments tied to that future equity study; and

WHEREAS, the proposed contract maintains existing employee contributions toward the Employer's share of retirement costs, medical benefits, dental and vision plans; and

WHEREAS, the proposed changes will result in an estimated fiscal impact of \$3,044,696 to the General Fund, and a net cost of approximately \$2,590,941 across all funds, over the contract period when compared to projections in the City's budget model for the same three-year period (FY 2022-FY 2024).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute, on behalf of the City of Hayward, a Memorandum of Understanding between the City and SEIU for the period of December 21, 2021 through June 30, 2024, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

File #: CONS 22-053

DATE: January 18, 2022

TO: Mayor and City Council

FROM: GHAD Manager
GHAD Attorney

SUBJECT

Adopt a Resolution Approving Annexation of the Hayward SoMi (Tracts 8502 and 8614) into the Hayward Geologic Hazard Abatement District

RECOMMENDATION

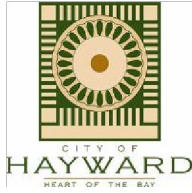
That the Council adopts a resolution (Attachment II) approving the annexation of the Hayward SoMi development (Tracts 8502 and 8614) into the existing Hayward Geologic Hazard Abatement District (GHAD) as requested by the GHAD Manager.

SUMMARY

In approving the 189 residential-unit project referred to as Hayward SoMi Development (Tracts 8502 and 8614) (Hayward SoMi Development), the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48 requiring the Hayward SoMi Development to be annexed into the existing Hayward GHAD. On November 16, 2021, with the approval of Resolution 21-03, the GHAD Board of Directors (GHAD Board) approved annexation of the Hayward SoMi Development into the Hayward GHAD. Public Resources Code Section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD; therefore, the Council is requested to approve a resolution approving annexation of the Hayward SoMi Development into the Hayward GHAD.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Attachment 1 to Resolution



DATE: January 18, 2022

TO: Mayor and City Council

FROM: GHAD Manager
GHAD Attorney

SUBJECT: Adopt a Resolution Approving Annexation of the Hayward SoMi (Tracts 8502 and 8614) into the Hayward Geologic Hazard Abatement District

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the annexation of the Hayward SoMi development (Tracts 8502 and 8614) into the existing Hayward Geologic Hazard Abatement District (GHAD) as requested by the GHAD Manager.

SUMMARY

In approving the 189 residential-unit project referred to as Hayward SoMi Development (Tracts 8502 and 8614) (Hayward SoMi Development), the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48 requiring the Hayward SoMi Development to be annexed into the existing Hayward GHAD. On November 16, 2021, with the approval of Resolution 21-03, the GHAD Board of Directors (GHAD Board) approved annexation of the Hayward SoMi Development into the Hayward GHAD. Public Resources Code Section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD; therefore, the Council is requested to approve a resolution approving annexation of the Hayward SoMi Development into the Hayward GHAD.

BACKGROUND AND DISCUSSION

On March 1, 2016, the Council adopted Resolution No. 16-030 approving the formation of the Hayward Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors.

Currently, The Reserve development (Tract 7620) and The Hideaway development (Tract 8439) are the only developments within the GHAD. As allowed by GHAD Law, the owner of property within the Hayward SoMi Development submitted a Petition for Annexation of Hayward SoMi Development into the Hayward GHAD. In approving the Hayward SoMi Development, the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48

requiring that the Hayward SoMi Development be annexed into the existing Hayward GHAD prior to recordation of the final map for the Hayward SoMi Development. To satisfy this requirement, the current owner of the Hayward SoMi Development petitioned the Hayward GHAD Board of Directors for annexation into the existing Hayward GHAD. On November 16, 2021, with the approval of Resolution 21-03, the GHAD Board approved annexation of the Hayward SoMi Development into the Hayward GHAD.

A Plan of Control has been prepared in connection with the proposed annexation. The Plan of Control for the Hayward SoMi Development is separate from The Reserve (formerly La Vista) and The Hideaway (formerly Ersted Property) Plans of Control and describes the work contemplated for the Hayward SoMi Development, including maintenance and monitoring activities, including slopes, retaining walls, subdrains, storm drain facilities, and concrete-lined drainage ditches. As adopted by the Hayward GHAD Board on November 16, 2021, with the approval of Resolution 21-03, the Hayward SoMi Development Plan of Control will address geologic hazards within Tracts 8502 and 8614.

If annexation is approved by the Council, the funding for the GHAD activities within the area proposed to be annexed to prevent, mitigate, abate, and control geologic hazards will be based on an assessment, and such funds will be collected and used in connection with the Hayward SoMi Development Plan of Control. The Engineer's Report recommends a proposed assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars). The proposed assessment is supported by an Engineer's Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218. The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-San Jose Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for The Reserve and The Hideaway landowners in the GHAD.

Public Resources Code section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD. Given that the Council approved formation of the Hayward GHAD, Council approval is necessary for the proposed annexation. Therefore, the Council is requested to approve the attached resolution approving annexation of the Hayward SoMi Development into the Hayward GHAD.

FISCAL IMPACT

The Petitioner of the Petition for Annexation is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Hayward SoMi Development portion of the GHAD. Therefore, there is no impact on the City's General Fund.

STRATEGIC ROADMAP

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

NEXT STEPS

If the resolution is approved, there are no additional steps for the Council related to annexation of the Hayward SoMi Development. The Hayward GHAD Board will conduct a Public Hearing to consider approval of the Engineer's Report and issue a Notice of Intent to Order an Assessment for the Hayward SoMi Development.

Prepared and Recommended by: Eric Harrell, GHAD Manager
Amara Morrison, GHAD Attorney

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 22-

Introduced by Council Member _____

RESOLUTION APPROVING THE ANNEXATION OF THE HAYWARD SOMI
DEVELOPMENT INTO THE HAYWARD GEOLOGIC HAZARD ABATEMENT
DISTRICT

WHEREAS, on March 1, 2016, the Hayward City Council approved Resolution No. 16-030 ordering the formation of the Hayward Geologic Hazard Abatement District ("GHAD") and appointed itself serve as the GHAD Board of Directors ("Board"); and

WHEREAS, on October 26, 2021, the GHAD Board was presented with and reviewed the Petition for Annexation of Hayward SoMi Development to the Hayward GHAD ("GHAD Petition"), which is attached here to as Attachment 1. The property proposed to be annexed into the GHAD is described in the legal description and identified in the boundary map set forth in Exhibits A and B to Attachment 1; and

WHEREAS, on October 26, 2021 the GHAD Board adopted Resolution No. 2021-02 accepting the GHAD Petition for the proposed Hayward SoMi Development and set a hearing for November 16, 2021 to consider the proposed annexation. This hearing was noticed in accordance with Public Resources Code section 26557, 26561, 26562, and 26563; and

WHEREAS, on November 16, 2021, the GHAD Board held a public hearing on the proposed annexation. At the time set for the hearing, the GHAD Board was presented with any and all objections to the annexation made pursuant to Public Resources Code Section 26564. At the hearing, owner(s) of more than 50 percent of the assessed valuation of the property to be annexed to the Hayward GHAD did not object to the annexation; and

WHEREAS, on November 16, 2021, the GHAD Board closed the hearing and, by Resolution 21-03, approved the annexation of the proposed Hayward SoMi Development into the Hayward GHAD; and

WHEREAS, Public Resources Code section 26581 states that a proposed annexation is subject to approval of the legislative body that approved the formation of the GHAD.

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. The Hayward City Council hereby approves the annexation of the proposed Hayward SoMi Development into the Hayward GHAD as described in the GHAD Petition and as ordered by the GHAD Board on November 16, 2021 with the approval of Resolution No. 2021-03 as required by Public Resources Code section 26581.
2. The recitals are incorporated herein by this reference.
3. This Resolution shall become effective immediately upon its passage and adoption.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022.

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

**PETITION FOR ANNEXATION OF TERRITORY TO THE
HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT PURSUANT TO
DIVISION 17 (commencing with section 26500)
OF THE PUBLIC RESOURCES CODE
OF THE STATE OF CALIFORNIA**

TO: The Clerk of the Hayward Geologic Hazard Abatement District ("GHAD")

The undersigned owner of land within the boundaries of the territory proposed to be annexed to the GHAD hereby requests that the Board of Directors of the GHAD ("GHAD Board") initiate proceedings to annex the territory described in Exhibit A ("Legal Description") and Exhibit B ("Plat to Accompany Legal Description"), attached hereto, to the GHAD pursuant to Article 3 (commencing with Public Resources Code § 26550) and Article 4 (commencing with Public Resources Code § 26561) of Chapter 2 of Division 17 of the Public Resources Code (§ 26500 *et seq.*). Said owner is the owner of all the territory proposed to be annexed.

(a) This petition is made pursuant to Division 17 of the Public Resources Code with particular reference to Article 3 (commencing with Section 26550) and Article 4 (commencing with Section 26561).

(b) Opposite the signature of the petitioner is an indication of the lot, tract and map number or other legal description sufficient to identify the signature of the petitioner as that of an owner of land within the territory proposed to be annexed to the GHAD.

(c) Opposite the signature of the petitioner is an indication of the date on which said petitioner's signature was affixed to this petition.

(d) The following documents are attached to this petition and are incorporated herein by this reference as if set forth in full in the petition:

1. A legal description of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "A");

2. A plat of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "B"); and

3. A Plan of Control prepared by an Engineering Geologist certified pursuant to Section 7822 of the California Business and Professions Code, which describes in detail geologic hazards, their location and the areas affected thereby, and a plan for their prevention, mitigation, abatement, and control thereof (Exhibit C).

Exhibits: A - Legal Description
B – Plat to Accompany Legal Description
C – Plan of Control for Mirza Development, Tract 8502

By:  _____

Name: Scott Menard

Title: Secretary

Date: September 9, 2021

Hayward, Somi, LLC

Assessor's Parcel Number(s): 078C-0461-10, -11, -12, -13, 078C-0461-001-14, and 078C-0455-001-04

17479.000.000
August 12, 2021

EXHIBITS A and B

Legal Description and Plat to Accompany Legal Description

**17479.000.000
August 12, 2021**

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

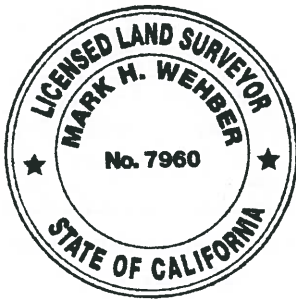
3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

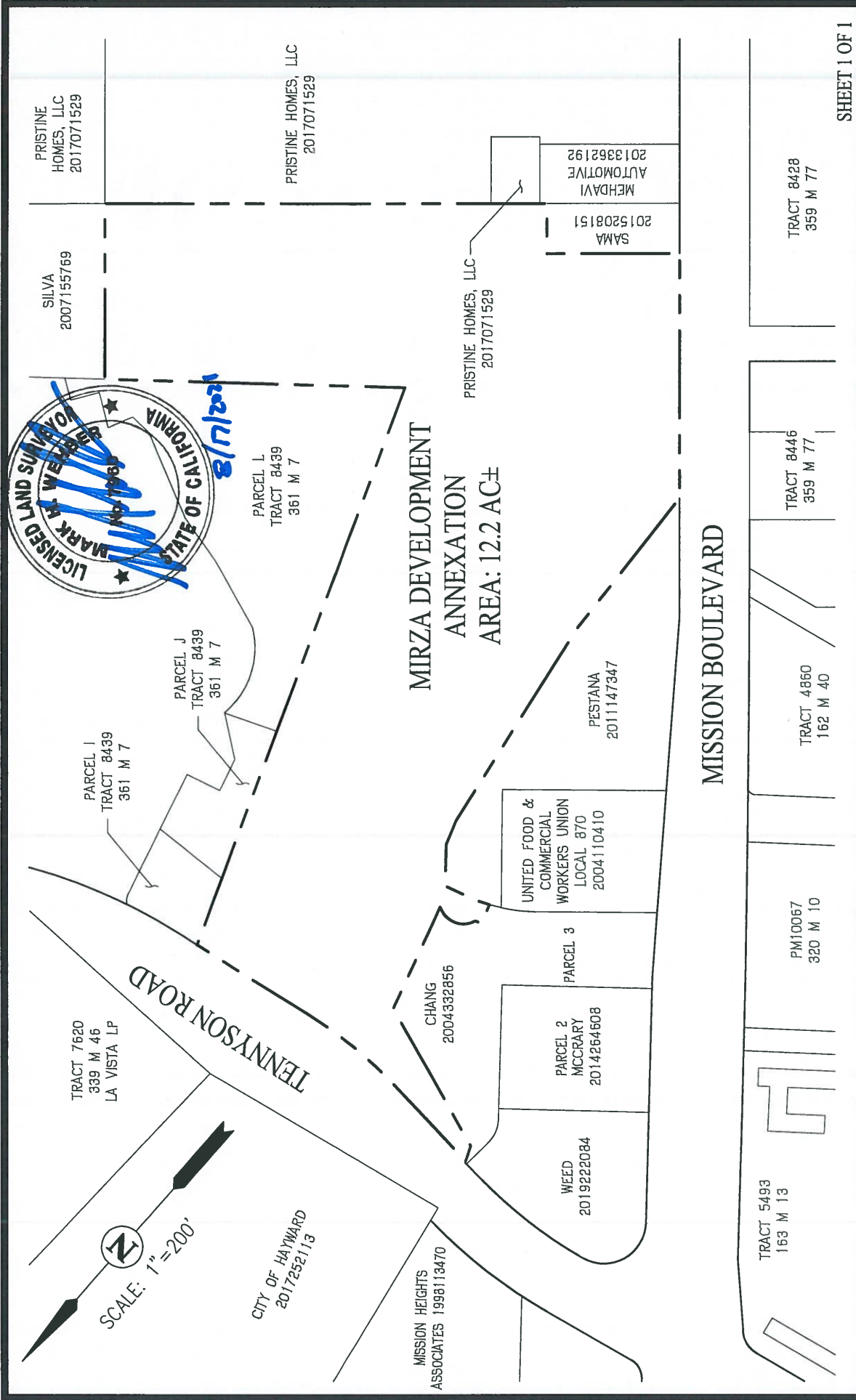
- 1) NORTH 39°50'35" WEST, 59.11 FEET,
 - 2) SOUTH 74°01'02" WEST, 33.35 FEET,
 - 3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,
 - 4) NORTH 18°00'55" WEST, 29.35 FEET,
 - 5) NORTH 71°59'05" EAST, 9.36 FEET,
 - 6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,
 - 7) NORTH 16°34'48" WEST, 160.59 FEET,
 - 8) NORTH 70°37'19" WEST, 226.37 FEET,
 - 9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;
- THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:
- 1) SOUTH 84°28'58" EAST, 151.56 FEET,
 - 2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,
 - 3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION



 10/17/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
MIRZA DEVELOPMENT ANNEXATION
CITY OF HAYWARD, CALIFORNIA

AUGUST 12, 2021



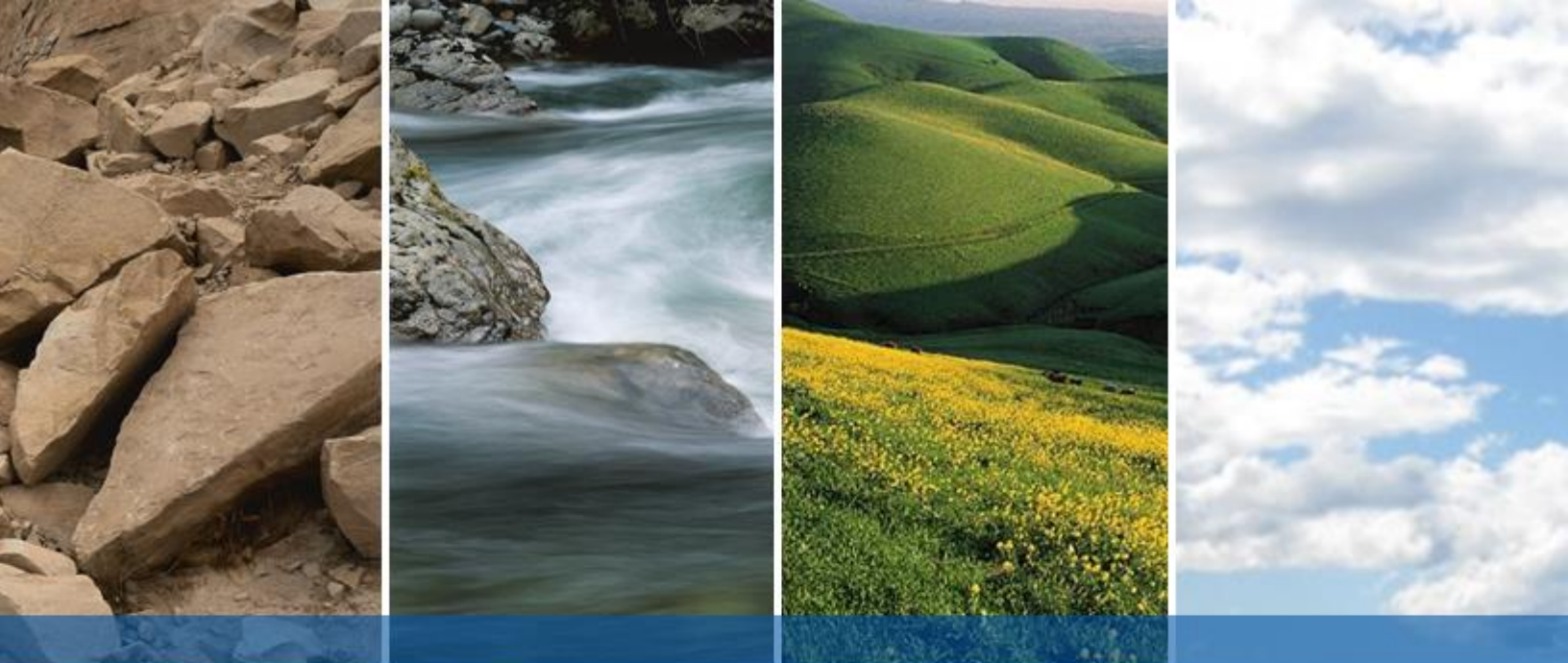
SAN RAMON (925) 866-0322
ROSEVILLE (916) 788-4456
WWW.CBANDG.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS

EXHIBIT C

Plan of Control for Mirza Development, Tract 8502

17479.000.000
August 12, 2021



HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
HAYWARD, CALIFORNIA

PLAN OF CONTROL
HAYWARD SOMI DEVELOPMENT, TRACTS 8502 and 8614

SUBMITTED TO
Hayward SoMi, LLC
12647 Alcosta Boulevard, Suite 470
San Ramon, CA 94583

PREPARED BY
ENGEO Incorporated

October 14, 2021

PROJECT NO.
17479.000.000

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SELECTED REFERENCES

APPENDIX A: FIGURE 1

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SoMi Development – Tract 8502 and Tract 8614

EXHIBIT B – Plat to Accompany Legal Description

APPENDIX C: Site Plans and Geologic Maps

APPENDIX D: Declaration of Disclosures, Right of Entry and Restrictive Covenants
Regarding Hayward Geologic Hazard Abatement District

APPENDIX E: Sample Transfer Application Form

1.0 AUTHORITY AND SCOPE

As approved under Hayward City Council Resolution 19-202, Infill Checklist Item No. 48 for the Hayward SoMi Development, Tract 8502, which includes Tract 8614, the City of Hayward has required that Tract 8502 be annexed into the existing Hayward Geologic Hazard Abatement District ("Hayward GHAD" or "GHAD"). To satisfy this requirement, the current owner of Tract 8502 has petitioned the Hayward GHAD Board of Directors for annexation into the Hayward GHAD.

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Pub. Res. Code § 26500, "GHAD Law"*). GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Pub. Res. Code § 26507*). Consistent with GHAD Law, on March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving and forming the Hayward GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The Hayward City Council members serve as the Board of Directors of the Hayward GHAD. The Reserve, formerly known as La Vista, and The Hideaway, formerly known as the Ersted development, are also included within the Hayward GHAD; however, each development has its own Plan of Control.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (see *Pub. Res. Code Sections 26601 and 26505*). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

As used in this Plan of Control, and as provided in Section 26507, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

1.1 PROPERTY IDENTIFICATION

The land to be annexed into the Hayward GHAD ("Annexation Area") is shown on the GHAD Boundary Plat (Appendix B, Exhibit B). The Annexation Area includes all areas within Tracts 8502 and 8614. The legal description of the Annexation Area is included in Appendix B, Exhibit A. Current Assessor's Parcel Numbers (APN) within the Annexation Area include 078C-0461-10, 078C-0461-11, 078C-0461-12, 078C-0461-13, 078C-0461-001-14, and 078C-0455-001-04.

2.0 BACKGROUND

2.1 HAYWARD SOMI DEVELOPMENT

The Annexation Area includes 23 multi-family buildings with 189 condominium and townhome units, and approximately 10,000 square feet of commercial space. Additional improvements and parcels include private streets, common area parcels, a dog park, parcels proposed to be deeded to the GHAD, landscape parcels, and three bioretention basins. The Annexation Area covers an approximate 12.2 acres. Site access to the Annexation Area will be via Tennyson Road along the northern portion of the Annexation Area and via Mission Boulevard along the southern portion of the Annexation Area.

Parcel designations used in this Plan of Control are those listed on the Hayward SoMi DRE Phasing Plan for Tracts 8502 and 8614 dated July 2021 (Reference 1). As described in this Plan of Control, the Hayward GHAD will have responsibilities throughout the entire Annexation Area including the parcels proposed to be deeded to the GHAD which are Parcel B (8502) and Parcels C and E in Tract 8614 ("GHAD-owned Parcels") as described in Section 2.2.

2.2 SUMMARY OF PROPOSED GHAD RESPONSIBILITIES WITHIN ANNEXATION AREA

The GHAD is expected to assume maintenance responsibilities for all properties within the Annexation Area as discussed in Section 7.0 and Table 10.0. In addition, the Developer is proposing that the GHAD take ownership of Parcels B, C, and E that are within the Annexation Area as shown in Appendix A, Figure 1. If the GHAD takes ownership of a parcel of land, it would also assume ownership and all maintenance responsibilities as a property owner.

The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which includes the maintenance of drainage facilities and associated improvements. This will include the monitoring and maintenance of drainage facilities that, if subject to improper care, could result in decreased slope stability, a primary concern of the GHAD. The drainage facilities include concrete-lined drainage ditches and storm drain improvements on GHAD-owned Parcels.

The GHAD will mitigate or abate landslide or erosion hazards that could directly affect improved, developed, and accepted properties (as defined in Section 6) within the Annexation Area in accordance with Section 5. The GHAD will also perform maintenance of water control and conveyance facilities and assume other peripherally related responsibilities, such as vegetation management for fire suppression, trail maintenance, and selected other maintenance activities associated with the GHAD-owned Parcels. Additionally, the GHAD shall have the right to approve any construction, maintenance, or repair in the GHAD-owned Parcels that the GHAD determines has the potential to impact geologic stability.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

The Annexation Area is located within the Bay Plains, west of the Front Hills in the Coast Ranges in central California, a series of northwest-trending ridges and valleys. Bedrock in the province

has been folded and faulted during regional uplift beginning around the Pliocene-Pleistocene period, roughly 3 to 5 million years before present. Geologic maps of the area prepared by Graymer and others (1995) indicate the Hayward SoMi Development is underlain by a combination of undifferentiated Quaternary deposits and Knoxville Formation bedrock in contact with the off-site Franciscan Complex (Earth Systems, 2017 and 2018).

3.1.1 Artificial Fill

Areas of pre-existing fill have been mapped along the northwestern portion of the Annexation Area (Earth System, 2017 and 2018). As recommended in the geotechnical engineering investigation report, soil within areas where development is proposed will be properly prepared during site grading.

3.1.2 Landslide Deposits

Dormant landslide deposits within the hillside portions of the Annexation Area were identified by Earth Systems during the referenced geotechnical investigation (Earth Systems, 2017, 2018, and 2020). The landslides are located in the area of proposed building footprints along the northern and eastern portions of the Annexation Area (Figure 1).

3.1.3 Knoxville Formation

As shown on cross sections prepared by Earth Systems (2020), the Annexation Area is reportedly underlain by interbedded brown to black shale and brown to greenish-gray greywacke sandstone identified as Knoxville formation. Exposures of the Knoxville formation are reported to be generally weak to moderately strong, highly fractured to crushed, and thinly bedded (Earth Systems, 2017 and 2018).

3.2 GROUNDWATER

Groundwater or evidence of groundwater was not encountered in exploration borings performed by Earth Systems (2017 and 2018). California Geological Survey (2003) and California Department of Water Resources (2015) report groundwater levels approximately 20 to 27 feet below ground surface at the Annexation Area, respectively. It should be noted that fluctuations in groundwater levels occur seasonally and over a period of years because of variations in precipitation, temperature, irrigation, and other factors.

3.3 SEISMIC SOURCES

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region, similar to those that have occurred in the past, could cause considerable ground shaking at the Annexation Area. The Hayward Fault (approximately 0.2 mile to the east) is considered capable of generating an earthquake with a maximum moment magnitude of 7.33. Other seismic sources near the Annexation Area include the Calaveras Fault (approximately 7.7 miles to the east) and the San Andreas Fault (approximately 29.9 miles to the west). The Calaveras Fault is considered capable of generating an earthquake with a maximum moment magnitude of 7.0, and the San Andreas Fault is considered capable of generating an earthquake with a maximum moment magnitude of 8.05 (Earth Systems, 2017 and 2018).

4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the Annexation Area in the referenced geotechnical investigation and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Fault rupture
- Seismically induced ground shaking
- Soil expansion potential
- Existing undocumented fill

4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the Annexation Area. This is not unique to this Annexation Area, but is of importance for hillside projects in the San Francisco Bay Area. This section describes several types of slope instability that are within the GHAD's responsibility, subject to the provisions of Sections 6 and 7.

In the referenced geotechnical investigation, the Annexation Area lies at the toe of dormant landslides. As recommended in the geotechnical investigation report, the landslide material should be removed and graded under stable static conditions as part of the corrective grading work.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered or fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials that are primarily intact and occur along discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for translational earth slide or bedrock block slides. Most landslides are truly "complex landslides," sliding, falling, and flowing with more than one type of movement and/or material.

Falls are an abrupt free-fall of earth materials off cliffs, steep cuts, or steep stream banks, while earthflows are mass movements of earth materials in which the type of movement is one of flowing. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche is composed of natural earth materials, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will become higher than average on a hillslope and groundwater pressures may become sufficiently high to initiate slope movement.

Landslides located within Open Space areas are natural landforms that do not require mitigation except where they affect man-made improvements. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable slopes and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the Site Improvements (as defined in Section 11.0). Maintenance and monitoring of these areas is described in Section 9. Potential mitigation and repair measures for areas within the GHAD near development are discussed in Section 7.

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces, and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clay, by solution and crystallization of salts, by the growth of roots, by burrowing animals and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by creep.

The GHAD will also monitor erosion and sedimentation in Open Space or affecting developed lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in the subsurface. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain Open Space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth-flow-, debris-flow- and mud-flow-type landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes in the GHAD, particularly those in excess of 20 feet in vertical height or those not sufficiently vegetated, can be subject to erosion and therefore a source of transported sediment.

4.1.1 Fault Rupture

Earth Systems (2017) mapped a possible fault trace in the northeastern portion of the GHAD Annexation Area (Figure 1). Although Earth Systems did not identify strong evidence suggestive of active faulting and suggested the identified feature may represent the toe of an ancient landslide deposit, they elected to maintain a 25-foot-wide structural setback. As identified in the geotechnical investigation (Earth Systems, 2017 and 2018), with the designated setbacks, the potential for ground rupture within the development area is low.

4.1.2 Seismically Induced Ground Shaking

As identified in the geotechnical investigation reports, an earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking at the Hayward SoMi Development, similar to that which has occurred in the past. To mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest building code requirements, as a minimum.

Seismic slope stability analysis was incorporated for use in the corrective grading plans for the graded portions of the Annexation Area; however, seismically generated slope failures could occur in Open Space areas outside of the development limits.

4.1.3 Soil Expansion Potential

Fine-grained near-surface soil at the site could exhibit a moderate to high potential for expansion. This potentially expansive soil could impact the planned site development. Expansive soil shrinks and swells as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. The potential for expansive soil has been identified in the geotechnical reports for the Annexation Area. As identified by Earth Systems (2021) recommended mitigation may include one or the following methods.

- Increase depth of footings
- Pre-expand clay
- Add a layer of non-expansive fill
- Keep soil moist until covered
- Manage surface water runoff and irrigation water

Shrinking and swelling of expansive soil on slopes are a portion of the mechanism of creep movement, which can result in shallow slope instability. As recommended, engineering measures will be used when mitigating the effects of expansive near-surface soil (Earth Systems, 2021). Within the Open Space area, slope instability caused by expansive soil creep will be addressed by the GHAD subject to the exceptions in Section 5.0.

4.1.4 Existing Undocumented Fill

As identified in the referenced geotechnical investigation reports, undocumented fill exists from past exploratory excavations and from past on-site grading activities. As recommended, undocumented fill materials in the northwestern area and within the development area are proposed to be removed during corrective grading (Earth Systems, 2021).

5.0 CRITERIA FOR GHAD RESPONSIBILITY

In establishing the assessment levels and budgets for the Annexation Area, it is important to clearly define the limits of the GHAD's responsibilities. The GHAD will accept responsibility for property as described in Section 6 of this Plan of Control; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of instability; rather, the following are exclusions from GHAD responsibility.

5.1 ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION

The GHAD shall not have responsibility to monitor, abate, mitigate, or control slope instability that does not involve damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, public and private roads, sidewalks, utilities, improved trails, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements.

5.2 SINGLE PROPERTY

The GHAD will not prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has damaged, or poses a significant

threat of damage to Site Improvements located on other property within the GHAD Annexation Area. This exclusion does not apply to geologic hazards existing on (i) Open Space property owned by any homeowner's associations or (ii) the GHAD-owned parcels.

5.3 GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate or control geologic hazards which occurred or resulted from any negligence of the homeowner and/or the homeowner's contractors, agents or employees in developing, investigating, grading, constructing, maintaining or performing or not performing any post-development work on the subject property as long as the geologic hazard is limited to a single lot, pursuant to the single-property exclusion noted above. If the GHAD bears expense as the result of negligence described in this section, the GHAD may pursue reimbursement from the negligent parties.

5.4 PROPERTY NOT ACCEPTED

The GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Section 6 below. The GHAD, however, may monitor, abate, mitigate or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Section 6 and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided, however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address damage to, or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Section 6. Should the GHAD be required to respond to a geologic hazard outside the Annexation Area, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating, or controlling such geologic hazard from the responsible party, if any.

5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT

The GHAD may elect not to prevent, mitigate, abate, or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate or control the geologic hazard will exceed the value of the structure(s) and Site Improvement(s) threatened with damage or loss.

5.6 GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS

In the event a residence or any other structure, Site Improvement, or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, the GHAD may fund or reimburse the property owner for the expenses necessary to repair or replace the damaged or destroyed structure, Site Improvement, or landscaping. Unless authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating, or controlling the geologic hazard.

responsible for the damage¹. In the event the geologic hazard damaged or destroyed a structure, Site Improvement, or landscaping which violated any provisions of the City Building Code or City Ordinance Code at the time of its installation or improvement, the GHAD may decline to provide any funding, or reimbursement to the property owner, for repair or replacement of the damaged structure, Site Improvement or landscaping.

5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS

The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed prior to the property owner incurring said expenses, and following an investigation conducted by the GHAD.

5.8 RECONSIDERATION AND APPEAL POLICY

If a property owner directly affected by an operational action as set forth in this Plan of Control does not agree with the decision of the GHAD Manager, the property owner may request reconsideration of that decision ("GHAD Manager Decision"). The property owner shall, within thirty (30) days from the date of a written GHAD Manager Decision, file with the GHAD Manager the grounds for reconsideration, and the requested relief, including the owner's special interest and injury. Within fifteen (15) days of receipt of the property owner's written request for reconsideration, the GHAD Manager shall issue a written decision on the request based on the evidence presented ("GHAD Manager Reconsideration Decision"). The property owner may appeal the General Manager Reconsideration Decision to the GHAD Board of Directors. This appeal must be filed with the GHAD Manager within fifteen (15) days from the date of the GHAD Manager Reconsideration Decision. The appeal must include the grounds for the appeal and the property owner's requested relief. The GHAD Board will make the final decision on the appeal. The GHAD Manager will proceed based on the decision of the GHAD Board of Directors.

6.0 ACCEPTANCE

6.1 ACTIVATION OF ASSESSMENT

An annual assessment should be promptly authorized on all residential parcels and habitable nonresidential space within the Annexation Area as shown on Appendix B, Exhibit B which will generate funding for the GHAD Activities. The assessment shall be levied by the GHAD on each individual parcel beginning the first fiscal year following issuance of a building permit for that parcel.

6.2 RESPONSIBILITY FOR GHAD ACTIVITIES

Hayward SoMi, LLC currently owns all the parcels shown on the Vesting Tentative Subdivision Map and shall have the responsibility to perform all the activities of the GHAD on the property within Annexation Area. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m.

¹ For example, if a landslide causes \$10,000 in structural damage to each one of four neighboring homes for a total of \$40,000 in structural damage and it costs the GHAD \$100,000 to design and install a new retaining wall to abate the slide, the District may only reimburse each property owner \$2,500 of their \$10,000 in structural damage.

on the day exactly three years after the first residential building permit is issued by the City of Hayward ("Transfer Eligibility Date"). The period between the levying of the GHAD assessment and the GHAD accepting maintenance responsibility of the GHAD Activities as defined in Section 7 below will allow the GHAD to accumulate reserve funds without incurring significant expenses.

6.3 OWNERSHIP OF THE OPEN SPACE

Ownership of Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614 shown on Appendix B - Exhibit B are proposed to be conveyed by the Developer to the GHAD at the end of the transfer process described in Section 6.4, which shall be the date the GHAD becomes responsible for oversight of the actual physical maintenance of the Annexation Area as provided in this Section. The Developer shall prepare and record a grant deed transferring unencumbered fee title to the GHAD for these parcels. The grant deed(s) must first be reviewed and approved by the GHAD Manager and GHAD Attorney.

6.4 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for the Annexation Area, the process for transferring responsibility for performing GHAD Activities on such Parcel(s) shall be as follows.

1. Up to one year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the Developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities (as such term is defined in Section 7.0 herein below) for such Parcel(s) to the GHAD.
2. Within 30 days of receiving such Transfer Application, the GHAD Manager shall verify that all the facilities for which the GHAD will have maintenance responsibility have been approved, constructed, and maintained according to the City of Hayward approved plans and specifications for the individual improvements, and that such improvements are operational and in good working order.
3. Within 15 days of such inspection, the GHAD will send the Developer a list ("Punch list") of all of the items that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications.
4. The Developer shall notify the GHAD Manager when it has completed the items identified on the Punch list. Within 30 days of receipt of such notice, the GHAD Manager shall verify that all Punch list items have been completed and notify the Developer that the GHAD accepts responsibility for performing all future GHAD activities on such Parcel(s).
5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer's Report approved by the GHAD Board has been met. The Engineer's Report is the document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.
6. Prior to the GHAD accepting any responsibility for GHAD Activities, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") as approved by the GHAD Manager and GHAD Attorney and as discussed in Section 12.
7. Any monies owed to the GHAD by the Developer have been paid.

As part of the transfer, the Developer of the Annexation Area to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans, or other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining parcels within the Annexation Area or any GHAD Activities as defined in Section 7.0 until it accepts such responsibilities pursuant to this section. Hayward SoMi, LLC will remain responsible for all GHAD activities until the GHAD accepts responsibility pursuant to this section.

7.0 HAYWARD GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the Annexation Area. The GHAD will assume monitoring and maintenance responsibilities for the site facilities and activities ("GHAD Activities") noted below and as described in Table 10.0.

- The GHAD is responsible for general monitoring, maintenance, and repair of the concrete-lined drainage ditches, subdrain outlets, and risers within the Annexation Area.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any within the Annexation Area.
- Maintenance of existing property line/boundary fencing on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
- Debris benches and or catchment structures within the Annexation Area.
- Storm drain inlets, outfalls, and pipelines within Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
- Slopes within the Annexation Area.
- Vegetation control for fire suppression on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.

7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques that may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted, drained fill.
- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, riprap, geotextiles, or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g. underdrains or horizontal drilled drains).

- Slope correction (e.g. gradient change, biotechnical stabilization, slope trimming or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill or erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage system.

8.0 PRIORITY OF GHAD EXPENDITURES

Emergency response and scheduled repair expenditures by the GHAD are to be prioritized by the GHAD Manager, utilizing his or her discretion, based upon available funds and the approved operating budget. When available funds are not sufficient to undertake all of the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority.

- (A) Prevention, mitigation, abatement or control of geologic hazards that have either damaged or pose a significant threat of damage to residences, critical underground utilities, or paved streets.
- (B) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage to ancillary structures, including but not limited to water quality facilities, pools, cabanas or restroom buildings.
- (C) Prevention, mitigation, abatement or control of geologic hazards, which have either damaged or pose a significant threat of damage to Open Space amenities.
- (D) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.
- (E) Prevention, mitigation, abatement or control of geologic hazards existing entirely on Open-Space property and which have neither damaged nor pose a significant threat of damage to any Site Improvements.

In performing its duties as described above, the GHAD may seek funding or reimbursements from public and private entities including, but not limited to, FEMA, City and County agencies, insurance companies, etc.

9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained improvements defined in Section 7.0 shall be inspected by GHAD staff or GHAD-assigned consultants as presented below. The site inspections shall be undertaken at appropriate intervals as determined by the GHAD Manager using supporting documents prepared for the Annexation Area and the Site Improvements. The GHAD budget should provide for three or more inspections in years of heavy rainfall. Generally, the inspections should take place in October, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in early April at the end of the rainy season. The frequency of the inspections should increase, depending upon the intensity and recurrence of rainfall.

The Developer shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development and the GHAD shall retain these reports in the records of the GHAD. In addition, copies of any earthwork-related testing and observation reports that will be finalized at the completion of grading, when as-built drawings are available, shall be provided to the GHAD by the Developer and maintained as part of the GHAD records.

Following are guidelines for a monitoring plan. The actual timing, scope, frequency and other details regarding such maintenance, inspection, and similar activities shall be at the discretion of the GHAD Manager.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures.
- A State-licensed Professional Engineer and/or Professional Geologist should carry out an inspection of lined surface ditches. Repairs and maintenance, as needed, should be undertaken including removal of excess silt or sediment in ditches and patching or replacement of cracked or broken ditches, prior to the beginning of the next rainy season.
- Subsurface drain outlets and horizontal drilled drain outlets, if any, should be checked. Water flowing from these outlets should be measured and recorded during each inspection.
- Piezometers to measure groundwater levels, or instruments such as inclinometers or tiltmeters measuring potential slope instability should be monitored as recommended, if installed.
- Settlement monitoring devices, if any, should be measured periodically and tracked. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.
- Bioretention basins shall be monitored and well maintained. The GHAD will maintain the bioretention basins in accordance with an approved Operation and Maintenance Plan if developed.
- Inlets, outfalls, or trash racks, if used, must be kept free of debris and spillways maintained. Additionally, water detention facilities and water quality facilities should be inspected and maintained. It is anticipated that initially, at least once every 2 years, cleanup of vegetation and removal of silt would be in order.
- Developer-constructed retaining walls should be inspected for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.
- An annual inspection shall be made by a State-licensed Professional Engineer and/or Certified Engineering Geologist to assess the effectiveness of the preventive maintenance program and to make recommendations as to which landslide or erosion measures should be undertaken in the next fiscal year. Any appropriate site-specific study of landslide or erosion conditions shall be determined at that time. Consultants, if necessary, will be retained to undertake the needed studies. An annual inspection report to the GHAD shall be prepared by the Professional Engineer and/or Certified Engineering Geologist.

10.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table. Parcel designations are derived from the final map (Reference 6).

**TABLE 10.0: HAYWARD SOMI DEVELOPMENT
Long-Term Ownership and Management Matrix**

FACILITY/FUNCTION	ROUTINE/ GENERAL MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
1. Annexation Area Excluding Parcels GHAD-Owned Parcels B (8502), C (8614), and E (8614)				
a. Multi-Family Residential Parcels (189 units)	Private	Private	3 Years	Private
b. Common Area Parcels "F" (8614), "G" (8502), and "G" (8614))	Homeowner's Association (HOA)	HOA Dues	3 Years	HOA
c. Private Roads (Parcels "A" (8502), "D" (8502), "E" (8502), "F" (8502), "H" (8502), "I" (8502), "J" (8502), "L" (8502), "M" (8502), "A" (8614), "B" (8614))	HOA	HOA Dues	3 Years	HOA
d. Dog Park (Parcel "D" (8614))	HOA	HOA Dues	3 Years	HOA
e. Bioretention Basins (Parcels "C" (8502) and "K" (8502))				
i. Ornamental Landscape Maintenance and Replacement	HOA	HOA Dues	Not Applicable	HOA
ii. Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	3 Years	GHAD
f. Trail to Dog Park	HOA	HOA Dues	3 Years	HOA
g. General Maintenance including Graffiti and Litter Removal	HOA	HOA Dues	Not Applicable	
h. Storm Drain Improvements	HOA	HOA Dues	3 Years	HOA
i. Subdrains	GHAD	GHAD Assessment	3 Years	GHAD
2. GHAD-Owned Parcels B (8502), C (8614) and E (8614) – Landowner Responsibilities				
Pretransfer Period				
a. Parcel "B" (8502), Parcel "C" (8614) and Parcel "E" (8614)				
i. Gates, Fencing, and Signage	Developer	Private Funding	3 Years	Developer
ii. General Maintenance including Graffiti and Litter Removal	Developer	Private Funding	3 Years	Developer
iii. Vegetation Management for Fire Suppression	Developer	Private Funding	3 Years	Developer
iv. Concrete-lined Drainage Ditches	Developer	Private Funding	3 Years	Developer

FACILITY/FUNCTION		ROUTINE/ GENERAL MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
iv	Storm Drain Improvements	Developer	Private Funding	3 Years	Developer
v	Subdrains	Developer	Private Funding	3 Years	Developer
vi	Retaining Walls	Developer	Private Funding	3 Years	Developer
b. Bioretention Basin (Parcel "C" (8614))					
i	Ornamental Landscape Maintenance and Replacement	Developer	Private Funding	3 Years	Developer
ii	Functional Maintenance, Repair, and Replacement	Developer	Private Funding	3 Years	Developer
Post Transfer Period					
a. Parcel "B" (8502), Parcel "C" (8614) and Parcel "E" (8614)					
i	Gates, Fencing, and Signage	GHAD	GHAD Assessment	Perpetual	GHAD
ii	General Maintenance including Graffiti and Litter Removal	GHAD	GHAD Assessment	Perpetual	GHAD
iii	Vegetation Management for Fire Suppression	GHAD	GHAD Assessment	Perpetual	GHAD
iv	Concrete-lined Drainage Ditches	GHAD	GHAD Assessment	Perpetual	GHAD
iv	Storm Drain Improvements	GHAD	GHAD Assessment	Perpetual	GHAD
v	Subdrains	GHAD	GHAD Assessment	Perpetual	GHAD
vi	Retaining Walls	GHAD	GHAD Assessment	Perpetual	GHAD
b. Bioretention Basin (Parcel "C" (8614))					
i	Ornamental Landscape Maintenance and Replacement	HOA	HOA Dues	Perpetual	GHAD
ii	Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	Perpetual	GHAD

11.0 RIGHT-OF-ACCESS

The GHAD Board of Directors, officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the Annexation Area as shown on Appendix C for the purpose of performing the GHAD Activities defined in this Plan of Control. Such GHAD Activities include, but are not limited to the inspection, maintenance and monitoring of those improvements listed in Section 7.0. Should the GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD,

an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the GHAD shall inform the landowner and/or resident as soon as reasonably possible.

The foregoing right-of-entry provision shall be recorded in the chain of title for all Annexation Area residential parcels and common area lots, and it shall be included in all Covenants, Conditions and Restrictions (CC&Rs) and homebuyer disclosure statements prepared for parcels within the GHAD Annexation Area.

12.0 GLOSSARY

Accepted Parcel – An assessor’s parcel within the Annexation Area that has been accepted for the transfer of GHAD responsibilities as provided in Section 6.4 of this Plan of Control.

Annexation Area – The land to be annexed into the Hayward GHAD as shown on the GHAD Boundary Plat (Appendix B, Exhibit B) in this Plan of Control. The Annexation Area includes all areas within Tracts 8502 and 8614.

GHAD Activities – Responsibilities that the GHAD will assume monitoring and maintenance responsibilities noted in Section 7.0 and described in Table 10.0 in this Plan of Control.

GHAD Board of Directors – The members of the Hayward City Council.

Engineer’s Report – The document that establishes the individual property owners’ GHAD assessment limit based on the projected expenses (budget) of the GHAD.

Geologic Hazard – An actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth (Public Resources Code § 26507).

Geologic Hazard Abatement District or GHAD – A district formed under Public Resources Code § 26500 to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard.

GHAD Law – Public Resources Code § 26500 through 26654.

GHAD Manager – An entity employing a licensed Geotechnical Engineer who will oversee the operations of the GHAD, including preparation of GHAD budgets. The GHAD Manager is hired by and reports to the GHAD Board of Directors.

GHAD Manager Decision – An operational action as set forth in this Plan of Control.

GHAD Manager Reconsideration Decision – A written decision prepared by the GHAD Manager in response to a written request from a property owner within the Annexation Area on the evidence presented.

GHAD-owned Parcels – The lands with Parcel B in Tract 8502 and Parcels C and E in Tract 8614 shown on Figure 1 in Appendix A.

Hayward GHAD – A district formed by the Hayward City Council on March 1, 2016, with the adoption of Resolution No. 16-030.

Plan of Control – Report prepared by a Certified Engineering Geologist which describes in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

Punch List – A document provided by the GHAD of all of the items, if any, that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications prior to the transfer of Plan of Control responsibilities to the GHAD.

Site Improvements – Buildings, public and private roads, sidewalks, utilities, improved trails, gazebos, cabanas, geologic stabilization features, or similar improvements.

Transfer Application Form – A document provided by the applicant to initiate transfer of Plan of Control responsibilities as outlined in this Plan of Control to the GHAD. A sample transfer application form is provided in Appendix E in this Plan of Control.

Transfer Eligibility Date – The earliest date a parcel within the Annexation Area is eligible for the transfer of Plan of Control responsibilities to the GHAD. For parcels with the Annexation Area, this period starts at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Hayward.

SELECTED REFERENCES

1. Carlson Barbee and Gibson, DRE Phasing Plan, Tracts 8502 and 8614, City of Hayward, Alameda County, California, July 2021, Project No. 2775-010.
2. Carlson Barbee and Gibson, Draft Final Map, Tract 8502, City of Hayward, County of Alameda, State of California, May 2021, Project No. 2775-010.
3. Earth Systems Pacific, Design-Level Geotechnical Engineering Investigation, Mirza Residential Development, 29212 Mission Boulevard, Hayward, California, October 8, 2020, Revised March 19, 2021, File No. 302068-001.
4. Earth Systems Pacific, Geologic Hazards Evaluation and Geotechnical Feasibility Study, Proposed Multifamily Residential Development, Northwest of 29212 Mission Boulevard, Hayward, California, September 27, 2018, File No. 302068-001.
5. Earth Systems Pacific, Addendum to Geologic Hazards Evaluation and Geotechnical Feasibility Study, Proposed Multifamily Residential Development, 29212 Mission Boulevard, Hayward, California, December 15, 2017, File No. SH-13387-SA.
6. Earth Systems Pacific, Geologic Hazards Evaluation and Geotechnical Feasibility Study Proposed Multifamily Residential Development, 29212 Mission Boulevard, Hayward, California, September 26, 2017, File No. SH-13387-SA.
7. Hayward, City of, Resolution No. 16-030 – Ordering Formation of the Hayward Geologic Hazard Abatement District (GHAD) and Appointing the Members of the Hayward City Council to Act as the GHAD Board of Directors, March 1, 2016.
8. Hayward, City of, Resolution No. 19-202 – Resolution Approving Zone Change and Vesting Tentative Map (Tract 8502) for the True Life Companies Mixed Use Development; and Approving the Related Infill Checklist; The True Life Companies/TTLC Mirza LLC and City of Hayward (Applicant/Owners), October 29, 2019.
9. SDG Architects, Inc., Development Plans, 29212 Mission Boulevard, Hayward, California, July 22, 2019.

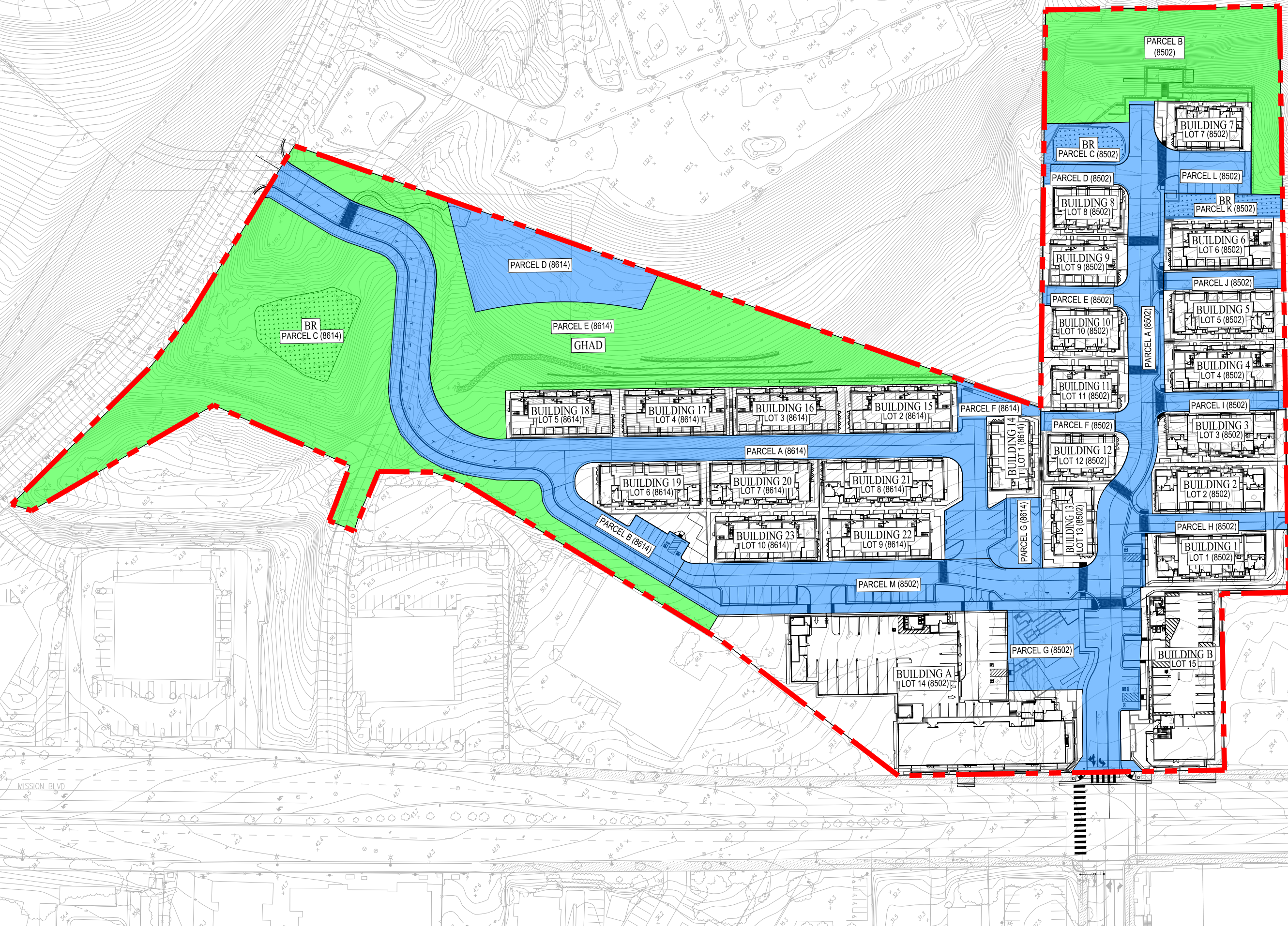


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APPENDIX A

FIGURE 1: GHAD OWNERSHIP AND MAINTENANCE EXHIBIT

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EXPLANATION
ALL LOCATIONS ARE APPROXIMATE

--- GHAD BOUNDARY

GHAD-OWNED AND MAINTAINED PARCELS

HOA-OWNED AND MAINTAINED PARCELS

PRIVATE RESIDENTIAL LOTS



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APPENDIX B

EXHIBIT A

LEGAL DESCRIPTION

**Geologic Hazard Abatement District, Hayward SoMi
Development – Tracts 8502 and 8614**

EXHIBIT B

Plat to Accompany Legal Description

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

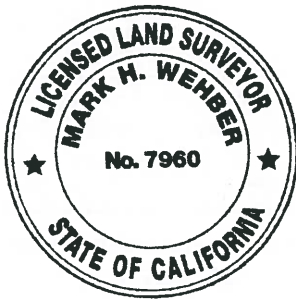
3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

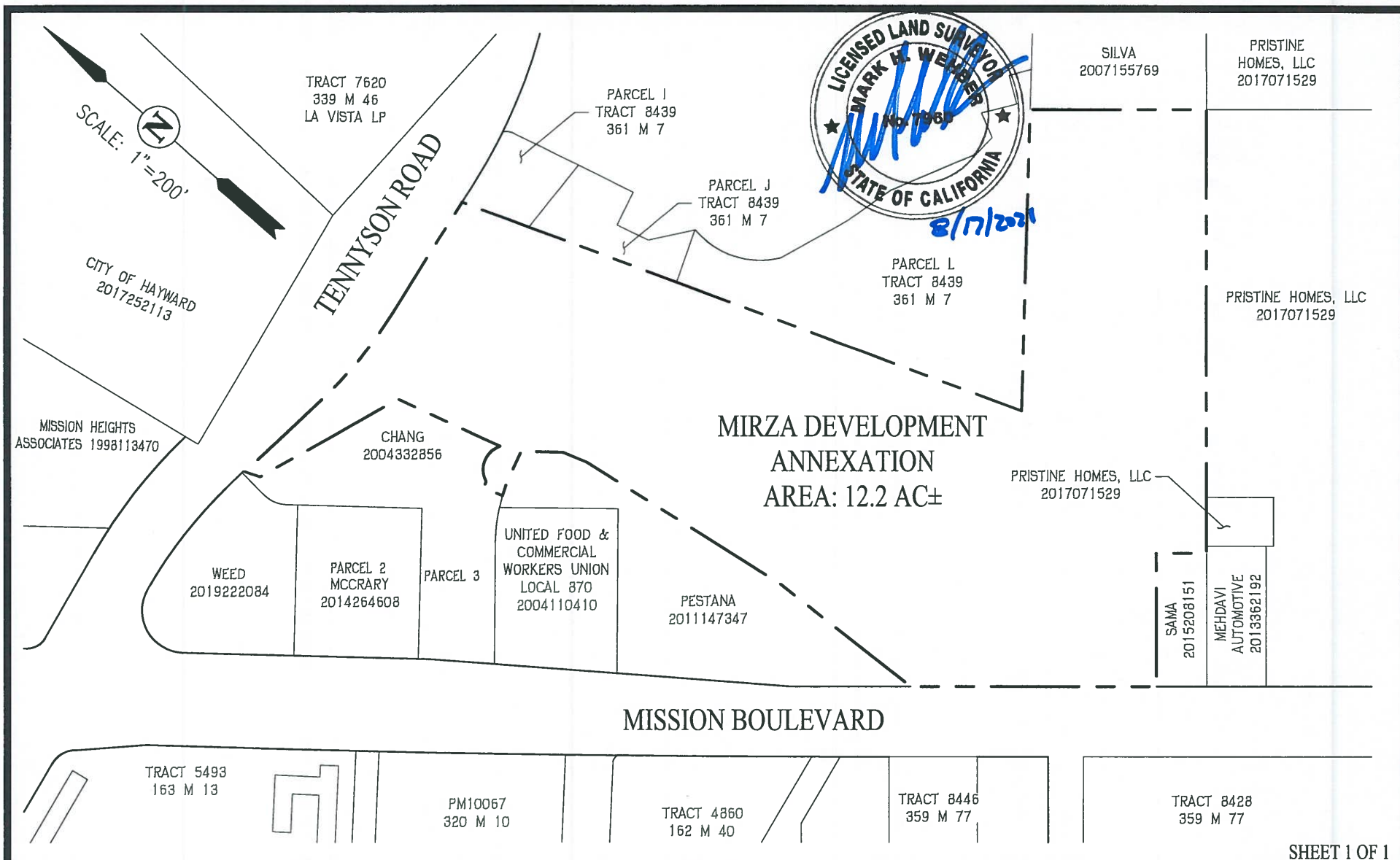
- 1) NORTH 39°50'35" WEST, 59.11 FEET,
 - 2) SOUTH 74°01'02" WEST, 33.35 FEET,
 - 3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,
 - 4) NORTH 18°00'55" WEST, 29.35 FEET,
 - 5) NORTH 71°59'05" EAST, 9.36 FEET,
 - 6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,
 - 7) NORTH 16°34'48" WEST, 160.59 FEET,
 - 8) NORTH 70°37'19" WEST, 226.37 FEET,
 - 9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;
- THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:
- 1) SOUTH 84°28'58" EAST, 151.56 FEET,
 - 2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,
 - 3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION



 10/17/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

MIRZA DEVELOPMENT ANNEXATION

CITY OF HAYWAYRD, CALIFORNIA

AUGUST 12, 2021



CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON (925) 866-0322

ROSEVILLE (916) 788-4456

WWW.CBANDG.COM

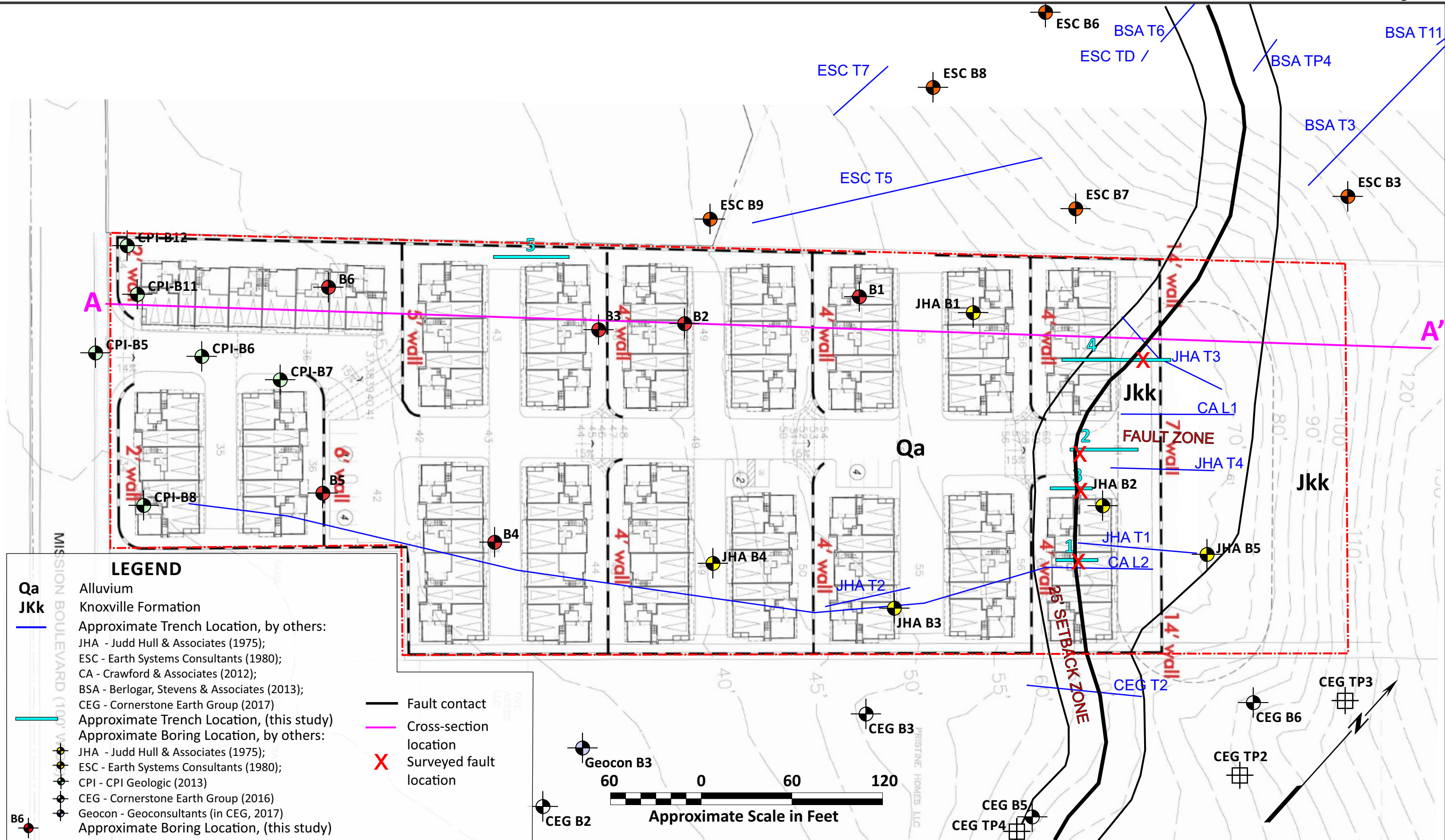


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APPENDIX C

SITE PLAN AND GEOLOGIC MAP FOR TRACTS 8502 AND 8614

Figure 2

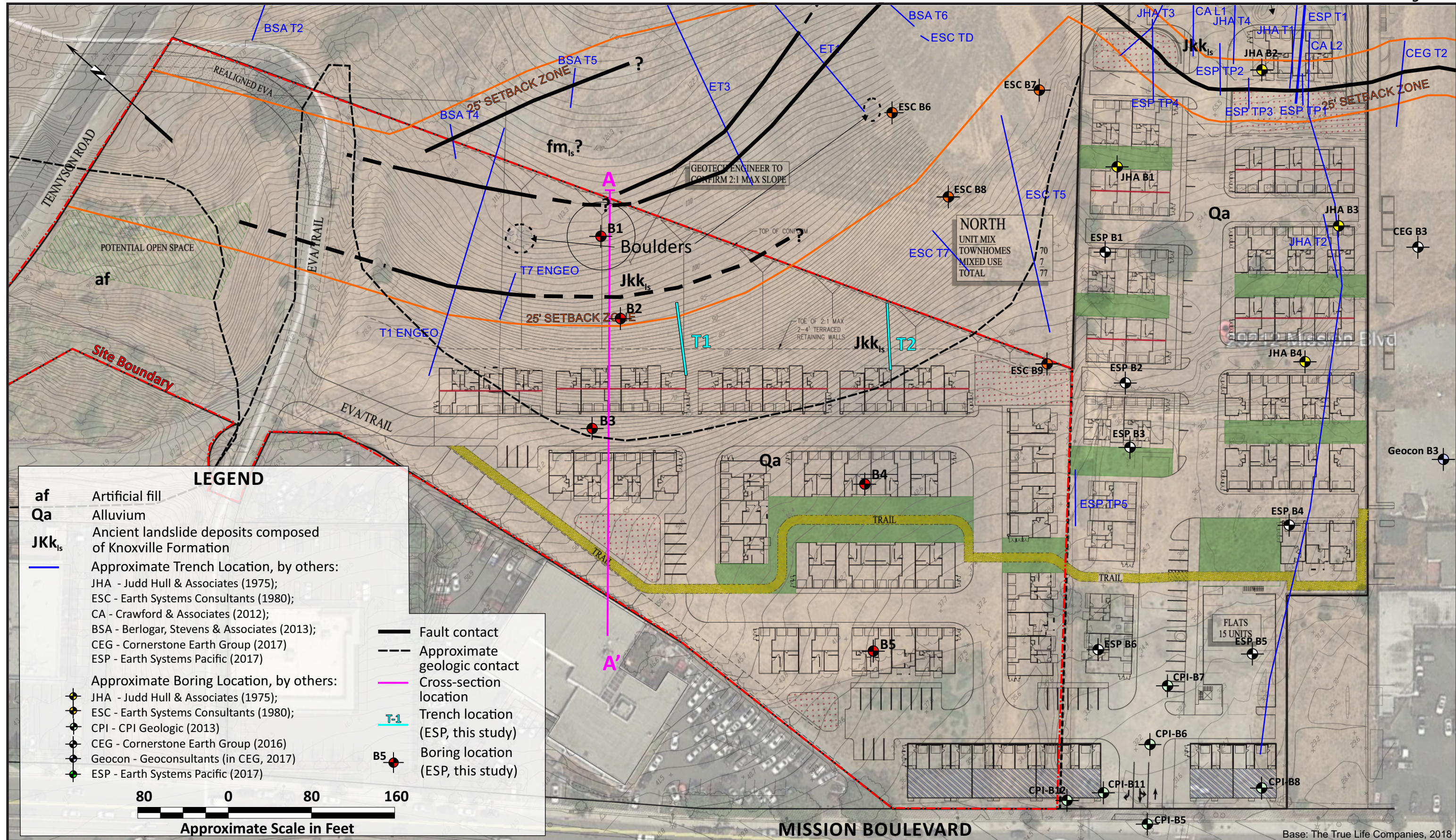


Earth Systems Pacific

Multifamily Residential Development
29212 Mission Boulevard
Hayward, California

Site Plan and Geologic Map
SH-13387-SA

Figure 2





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APPENDIX D

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY
AND RESTRICTIVE COVENANTS REGARDING
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
Hayward Geologic Hazard Abatement District
777 B Street
Hayward, CA 94541
Attn: Miriam Lens

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS
REGARDING HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Hayward Geologic Hazard Abatement District (the "Declaration") is made this ____ day of _____, 20__ (the "Effective Date"), by, Hayward SoMi, LLC, a California limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in the City of Hayward, County of Alameda, State of California, more particularly described as Tracts 8502 and 8614, filed on _____, 20__ in Book ____ of Parcel Maps, at pages __, all in the Official Records of Alameda County, California (the "Property").

B. The City of Hayward approved a 189-lot residential subdivision on the Property. A condition of approval for Tracts 8502 and 8614 was that the Property be annexed into the Hayward Geologic Hazard Abatement District ("Hayward GHAD").

C. Under the authority of California Public Resources Code section 26500, et seq., the Hayward City Council on March 1, 2016 adopted Resolution No. 16-030 forming and establishing the Hayward GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On _____, 2021, the Hayward GHAD adopted Resolution No. 21-____, approving annexation of the Property into the Hayward GHAD.

NOW, THEREFORE, Declarant, as the owner of the Property, for itself, its successors and assigns does hereby declare as follows:

1. Notification and Disclosure of Hayward GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Hayward GHAD. The Board of Directors of the Hayward GHAD are the members of the Hayward City Council. Pursuant to the Plan of Control for Annexation of the Property to Hayward GHAD as it may be amended from time to time (the "Plan of Control"), the Declarant and the Hayward GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement and control of potential geologic hazards on the Property. The powers of the Hayward GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the Hayward GHAD to be imposed on the Property pursuant to adopted Resolution 21-____.
2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Hayward GHAD, its officials, employees, contractors and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the Hayward GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Hayward

GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the Hayward GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarant hereby gives notice that the GHAD will acquire Access Rights immediately upon the execution of this Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: The Declarant hereby grants the Hayward GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as depicted in Exhibit A, and legally described in Exhibit B attached hereto, (the "GHAD Easement"). Such activities include, but are not limited to: (a) the inspection, maintenance, monitoring and replacement of site improvements including, drainage ditches, storm drains, outfalls and pipelines; (b) the monitoring, maintenance and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the open space areas shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the Hayward GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Hayward GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Hayward GHAD accepts such responsibilities consistent with the Plan of Control.
4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitude set forth in this Declaration, all of which are in furtherance of Declarant's plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarant's conveyance of fee title to the Property, or any portion thereof, Declarant shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarant," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.
5. Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect and indemnify Hayward GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Hayward GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarant, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarant.

6. Enforcement: The Hayward GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.
7. Modification or Termination: This Declaration shall not be modified, amended or terminated without the written consent of the Hayward GHAD.

Executed as of the Effective Date.

Declarant:

Hayward SoMi, LLC, a California limited liability company

By: _____

Its: _____

DRAFT

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Hayward Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated _____, 20__ and executed by _____, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. __-__, dated _____, 20__. The City of Hayward, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

Eric Harrell
Hayward GHAD Manager

Date:

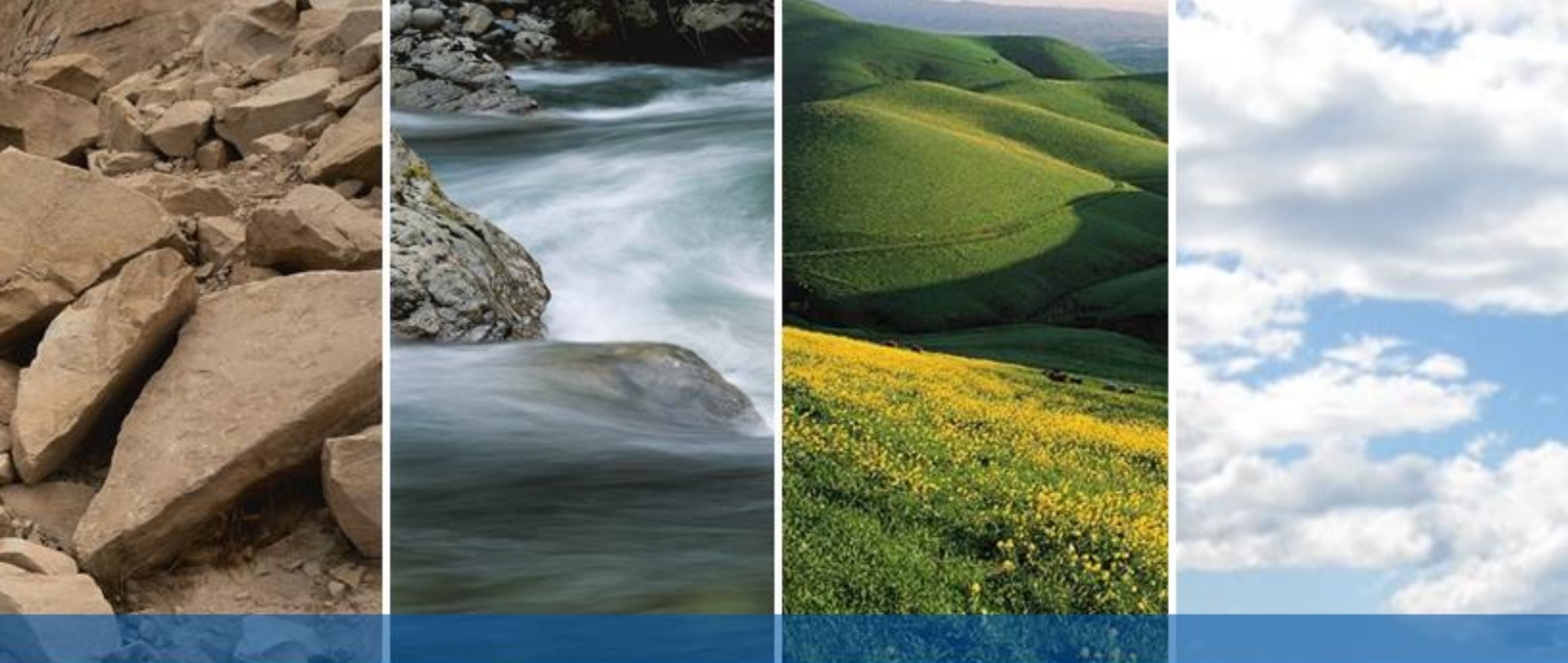
Attest:

Patricia E. Curtin
Hayward GHAD Clerk

Approved as to form:

Amara Morrison
Hayward GHAD Attorney

DRAFT



APPENDIX E

SAMPLE TRANSFER APPLICATION FORM

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) HAYWARD SoMi DEVELOPMENT

Hayward Geologic Hazard Abatement District Board of Directors
c/o Hayward GHAD Manager
ENGEO Incorporated
2010 Crow Canyon Place, Suite 250
San Ramon, CA 94583

As of _____, 20__, _____ is submitting an application for transfer of GHAD activities as provided in Section 6.0 of the Magee Preserve Plan of Control dated October 12, 2021. As specified in Section 6.0, _____ is submitting this Transfer Application to transfer the responsibility for performing GHAD activities for the listed parcels to the District. Within 30 days of the submittal of the Transmittal Application, the GHAD will monitor the listed parcels and verify that the facilities that the GHAD will have maintenance responsibility have been constructed and maintained in accordance with the conditions of Section 6.4 of the Plan of Control. Within 15 days of inspection, the GHAD will send _____ a punch list of all items that need to be constructed, repaired, or otherwise modified in compliance with the Town of Danville approved plans and specifications. _____ will notify the GHAD upon completion of the punch list items. Within 30 days of receipt of such notice, the GHAD shall verify that all punch list items have been completed and notify _____. GHAD staff will then bring a resolution before the Hayward GHAD Board of Directors for their consideration approving GHAD responsibility for performing all future GHAD activities on the parcel(s).

We submit the following parcels for the transfer of GHAD activities as provided in the Magee Preserve Plan of Control to the Hayward GHAD:

Lot Number/Tract	Address	Assessor's Parcel Number

Each party is to submit a copy of this application to the other party upon completion of the steps listed below.

GHAD receipt of Transfer Application: Initial of GHAD representative: _____ Date: _____

_____ receipt of punch list from GHAD: Initial of _____ representative: _____ Date: _____

GHAD receipt of notice of completion of punch list items: Initial of GHAD representative: _____ Date: _____



DRAFT

020866.0004\6429746.1



CITY OF HAYWARD

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

File #: PH 22-001

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Appeal of Planning Commission Denial to Develop a New Approximately 116,844 Square Foot Industrial Building for U-Haul at 4150 Point Eden Way (Assessor Parcel Number 461-0085-020-02) Requiring Approval of Site Plan Review and Historic Resources Demolition Permit Application No. 201901039 Including Certification of an Environmental Impact Report, Adoption of a Statement of Overriding Considerations, and Approval of a Mitigation, Monitoring and Reporting Program. Jerry Owen on Behalf of U-Haul; Amerco Real Estate Co. (Applicant/Property Owner) - **Item continued to 2/15/2022 at the request of applicant.**

RECOMMENDATION

The item was continued to the 2/15/22 Council meeting at the request of the applicant.



CITY OF HAYWARD

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

File #: LB 21-053

DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Legislative Program: Adopt a Resolution Updating the City of Hayward's Legislative Program

RECOMMENDATION

That the Council adopts a resolution (Attachment II) updating the City's Legislative Program.

SUMMARY

In July 2017, the Council adopted the City's first formal Legislative Program designed to inform interested parties of the City's stances on: state and federal budgets, legislation, and regulations; state-wide referenda; ballot measures; and government grant opportunities. The Legislative Program is based on two foundational general principles: (1) enhancing and preserving revenue sources; and (2) maintaining home rule authority as well as Council's priorities defined in the annual strategic priorities retreat. To prepare the update to the Legislative Program (Attachment III), City staff supporting the program coordinated with internal subject matter experts, reviewed the Strategic Roadmap documents, and consulted with the City's legislative advocates. The update to the Legislative Program incorporates two new policy areas: Immigration and Voting Rights. The program updates also reflect the prioritization of COVID-19 recovery and racial equity in the City's work.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Updated City of Hayward Legislative Program



DATE: January 18, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Legislative Program: Adopt a Resolution Updating the City of Hayward's Legislative Program

RECOMMENDATION

That the Council adopts a resolution (Attachment II) updating the City's Legislative Program.

SUMMARY

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BACKGROUND AND DISCUSSION

In July 2017, the Council adopted the City's first formal Legislative Program designed to inform interested parties of the City's stances on state and federal budgets, legislation, and regulations; state-wide referenda; ballot measures; and government grant opportunities. The Legislative Program provides direction to staff and the City's legislative advocates in Washington D.C. and Sacramento, and it serves as the foundation for any action taken by the City regarding legislation, regulations, referenda, and ballot measures.

The Legislative Program is based on two foundational general principles: (1) enhancing and preserving revenue sources and (2) maintaining home rule authority. Additionally, the Legislative Program outlines general subject areas in which the City will take a position on pending and existing public policy. In the original document, these subject areas are

identified in six (6) broad categories: Public Safety, Transportation and Infrastructure, Environmental Sustainability, Finance and Human Resources, Community and Economic Development, and Educational, Neighborhood, and Social Services. Staff regularly works with the City's legislative advocates and State and Federal representatives to advance the goals laid out in the Legislative Program.

To prepare the update to the Legislative Program (Attachment III), City staff supporting the program coordinated with internal subject matter experts, reviewed the Strategic Roadmap documents, and consulted with the City's legislative advocates.

The update to the Legislative Program incorporates two new policy areas: Immigration and Voting Rights. The program updates also reflect the prioritization of COVID-19 recovery and racial equity in the City's work.

Immigration

The inclusion of Immigration as an area of policy concern in the Hayward Legislative Program is in line with the City's commitment to ensuring continued protection and quality of life for all community members, the 2017 Sanctuary City declaration, and the maintenance of the City's Home Rule Authority.

The changes made to the Hayward Legislative Program to include Immigration as an area of policy concern would state that the City do the following:

- Support legislation that promotes the health and well-being, removes barriers to health services and economic success, fosters civic engagement, and streamlines integration for immigrants and immigrant families;
- Support DACA and any legislation that protects undocumented children;
- Support legislation that funds education and outreach efforts for hard to count populations, such as immigrants and limited English speakers during the U.S. Census; and,
- Oppose federal regulations or proposals that would withhold funding as a penalty for noncompliance with federal immigration policies.

COVID-19 Recovery

The Hayward Legislative Program has been updated to reflect the need to prioritize COVID-19 relief, as continued federal and state relief funding will be necessary for the City, Hayward residents, and Hayward businesses to recover. Changes made regarding state and federal COVID-19 legislation were made to the Community and Economic Development section, stating that the City do the following:

- Support legislation that would provide economic relief for local businesses and commercial property owners affected by the COVID-19 shut-downs and stay-in-place orders.

Voting Rights

In the wake of the impacts of COVID-19 and a myriad of changes to state and federal voting laws, the City has made it a priority to examine and strengthen voter accessibility for

residents of Hayward. The update of the Hayward Legislative Program includes the City's support legislation and policies that expand rights, increase accessibility, and provide protections for voters in Hayward.

The changes to Voting Rights as an area of policy concern would state that the City do the following:

- Support legislation that establishes or expands early voting opportunities and increases physical voting accessibility for elderly and disabled voters;
- Support legislation that expands voter registration opportunities by establishing or expanding automatic voter registration and same-day or Election Day registration;
- Oppose ballot initiatives that restrict mail-in voting ballot eligibility, accessibility to drop boxes, or ability to remain on an absentee voting ballot list;
- Oppose ballot initiatives that impose harsher in-person voting requirements or limit the number and accessibility of polling locations; and,
- Oppose ballot initiatives that restrict voter registration or expand voter roll purging.

FISCAL IMPACT

There is no direct fiscal impact associated with this report. However, supporting continued funding is not measurable at this time, but could likely provide a positive impact to the organization and community.

STRATEGIC ROADMAP

The updates made to the Legislative Program were made to reflect and support the Council's priorities and priority projects as outlined in the Strategic Roadmap.

NEXT STEPS

If the Council adopts the attached resolution, staff will draft a letter for the Mayor to send to the Board of Supervisors along with the signed resolution.

Prepared by: Terence Candell, Management Fellow
Laurel James, Management Analyst

Recommended by: Jennifer Ott, City Manager

Approved by:



Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION ADOPTING UPDATES TO THE CITY'S OFFICIAL LEGISLATIVE PROGRAM

WHEREAS, the City's legislative program informs interested parties of the City's stances on any piece of legislation, state-wide referenda, grant funding opportunity, or local ballot measure; and

WHEREAS, the City's legislative program serves as a basis for action regarding any piece of federal or state legislation or funding opportunity; and

WHEREAS, the proposed updates to the legislative program is based on the priorities and projects in the Council's Strategic Roadmap, including Support Quality of Life; Preserve, Protect and Produce Housing for All; Grow the Economy; Combat Climate Change; Improve Infrastructure; and Improve Organizational Health; and

WHEREAS, the updated legislative program retains the two foundational principles of maintaining financial stability including preserving revenue sources and maintaining local control, particularly over land-use decisions; and

WHEREAS, the updated legislative program was informed by staff subject matter experts as well as Council priorities and actions taken since the creation of the original Legislative Program document, including the Sanctuary City declaration, the Public Safety Policy Innovation Workshop, and the City's commitment to advancing equity.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward formally adopts the updated Legislative Program for the City of Hayward and directs staff to distribute it to the appropriate parties and to make it and future City stances public via the City's website.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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



Legislative Program

Federal and State Policy Priorities

777 B Street
Hayward, CA 94541

p. 510.583.4300
f. 510-583-3601

Office of the City Manager
Management Analyst

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Introduction

The Hayward Legislative Program outlines the legislative priorities and stances of the City of Hayward with the intent to inform residents, representatives, and policymakers of the City's stances on the myriad of public policies that intersect with City priorities, programs, and services. These priorities are applicable to legislation, state-wide referenda, grant funding opportunities, and local ballot initiatives.

The City Council Priorities of Safe, Clean, Green, Thriving, Fiscal Sustainability, and Organizational Health serve as the guiding principles for Hayward's legislative priorities. Moreover, the City supports all policies that will preserve or enhance the ability of the City to promote these guiding principles at the local level.

The City has two major legislative priorities: Enhancing Revenue Sources and Maintaining Home Rule Authority. City support of legislation will be contingent upon that legislation adhering to these priorities as well as the City Council priorities.

This document provides direction to the City's legislative advocates in Washington D.C. and Sacramento. Additionally, this document serves as the foundation for any City Council action regarding Federal or State legislation or funding opportunity. Staff may draft letters, direct our legislative advocates, or speak on behalf of the City regarding the legislative priorities this document outlines.

Any correspondence signifying the City's support or opposition of a given bill must be signed by the Mayor and/or City Manager with notification to the City Council.

Any questions regarding this Legislative Program can be directed to Laurel James, Management Analyst at 510-583-4303 or Laurel.James@Hayward-CA.gov.

Sincerely,

Kelly McAdoo
City Manager
ICMA-CM

Mayor and City Council

Mailing Address

City of Hayward
4th Floor
777 B Street
Hayward, CA 94588

Mayor and City Council

Mayor Barbara Halliday
510-583-4340
Barbara.Halliday@Hayward-CA.gov

Council Member Angela Andrews
510-583-4353
Angela.Andrews@Hayward-CA.gov

Council Member Aisha Wahab
510-583-4357
Aisha.Wahab@hayward-ca.gov

Council Member Sara Lamnin
510-583-4358
Sara.Lamnin@Hayward-CA.gov

Council Member Elisa Márquez
510-583-4357
Elisa.Marquez@Hayward-CA.gov

Council Member Mark Salinas
510-583-4355
Mark.Salinas@Hayward-CA.gov

Council Member Francisco Zermeño
510-583-4352
Francisco.Zermeno@Hayward-CA.gov

Contact Information

Mailing Address

City of Hayward
4th Floor
777 B Street
Hayward, CA 94588

Program Staff

City Manager
Kelly McAdoo
510-583-4300
Kelly.McAdoo@Hayward-CA.gov

Legislative Advocates

Federal Legislative Advocate

Capitol Advocacy Partners

Dana DeBeaumont

600 Pennsylvania Avenue SE
#15048
Washington, DC 20003

202-532-6856

DDebeaumont@CapitolAdvocacyPartners.com

State Legislative Advocate

Townsend Public Affairs

Eric Thronson

925 L. Street
Suite 1404
Sacramento, CA 95814

916-447-4086

ethronson@TownsendPA.com

General Legislative Principles

As part of the 2020 Strategic Roadmap, the City Council adopted six general guiding priorities:

1. Preserve, Protect, and Produce Housing
2. Grow the Economy
3. Combat Climate Change
4. Improve Infrastructure
5. Support Quality of Life
6. Improve Organizational Health

These priorities serve as the foundation for all actions the City will take, including advocacy for policies that promote those same guiding priorities.

Public policy encompasses a variety of subject and topic areas. However, as these policies intersect at the local level, they have the ability to impact municipal revenues and/or administrative discretion and control. In addition to the aforementioned Council Priorities the City will support policies that either preserve revenue sources, maintain home rule authority, or both. If a given policy does not meet these criteria, the City will oppose, support with amendments, or in some cases take no stance on that policy or legislation.

The General Legislative Principles for the City of Hayward are:

Enhancing Revenue Sources

- Support the protection or expansion of Federal, State, and local funding sources that provide revenue to the City.
- Oppose any Federal or State legislation, policies, programs, referenda, unfunded mandates and budgets that would have an adverse impact on the City's ability to provide adequate programs, projects and services.

Maintaining Home Rule Authority

- Support any legislation, policies, referenda, and budgets that maintain or improve local regulatory control and authority.
- Oppose any legislation, policies, referenda, and budgets that undermine or circumvent the City Charter.

City Public Policy Positions

The General Legislative Priorities help identify which public policy positions the City will take. The list of policy positions below is by no means exhaustive. In addition to the general legislative priorities, the City takes the following more specific public policy positions:

1.1 Community and Economic Development

- A. Support legislation, policies, referenda, and budgets that maintain or increase economic development resources and flexibility at the local level.
- B. Support legislation that provides tools for cities to improve business development and retention.
- C. Oppose legislation that strips the benefit provisions of AB 1484 associated with the wind down of redevelopment agencies.
- D. Oppose legislation that reduces or erodes local land use control and decision making.
- E. Support legislation to streamline and increase efficiency of the California Environmental Quality Act (CEQA) while ensuring environmental stewardship is retained.
- F. Support legislation, policies and programs that are explicitly designed to address racial disparities by advancing racial equity and anti-racism.
- G. Support legislation that would provide economic relief for local businesses and commercial property owners affected by the COVID-19 shut-downs and stay-in-place orders.

1.2 Educational, Neighborhood and Social Services

- A. Support legislation that aims to advance racial equity by improving the standard of living for historically disenfranchised groups and low-income families.
- B. Support legislation and initiatives that increase funding for library programs and literacy services.
- C. Support legislation and initiatives that sustain or increase funding for the development and maintenance of public parks and open spaces.
- D. Support legislation and initiatives that boost funding for local school districts, public institutions of higher education and for low-income students.

1.3 Public Safety

- A. Oppose legislation that would eliminate the City's ability to engage in cooperative service agreements.

- B. Oppose any legislation that restricts or limits the City's ability to regulate cannabis at the local level.
- C. Support legislation that protects the public from dangerous or improper use of weapons.
- D. Support legislation that develops and expands programs to encourage and support the City's emergency preparedness initiatives.
- E. Support legislation that develops and expands programs that aid the city in its local hazard mitigation activities as prescribed in the Local Hazard Mitigation Plan.
- F. Support legislation or programs that provide Federal and State funding or resources for effective non-violent emergency services alternatives to policing and violence prevention programs.
- G. Support legislation that provides funding for county and local mental health services.
- H. Support legislation and funding that allows the City to prepare and respond to emergency situations, natural disasters, and health pandemics, including its ability to continue to provide critical public services.

1.4 Transportation and Infrastructure

- A. Support legislation and initiatives that boost funding for infrastructure projects within the City and surrounding region.
- B. Support legislation and initiatives that increase access and funding for regional public transportation, as well as complete streets and active transportation infrastructure.
- C. Support legislation and initiatives that would reduce traffic congestion and boost public transportation ridership.
- D. Support legislation and initiatives that promote the use of design-build methods for faster project delivery.
- E. Support legislation that gives local government more control over micro-mobility regulation and infrastructure.
- F. Support legislation that provides reliable funding for transportation system improvements and maintenance at the State and local level.
- G. Support legislation and funding that supports transportation electrification including electric vehicle charging infrastructure and electric bicycles.
- H. Support legislation and initiatives that improve the transportation system, specifically for vulnerable users of the system (children, pedestrians, cyclists, etc.), to improve safety, reduce greenhouse gas emissions, and promote active transportation.

1.5 Environmental Sustainability

Waste

- A. Support legislation and initiatives that hold manufacturers accountable for proper disposal of non-recyclable products they produce to foster more environmentally sustainable product design.
- B. Support legislation and initiatives that limit production, distribution, or sale of nonrecyclable single-use items that negatively impact the environment.
- C. Support legislation and initiatives that encourage recycling and waste reduction efforts and incentivize efforts to improve markets for recycling.

Climate and Energy

- D. Support legislation and initiatives that address the impacts of climate change and the reduction of greenhouse gas emissions.
- E. Support legislation and initiatives that improve climate adaptation and resiliency – especially while reducing impacts to vulnerable populations and improving equity.
- F. Support legislation and initiatives that call for improved energy efficiency and building electrification.
- G. Support legislation and initiatives that support community choice energy programs and reduce unfair competition from investor-owned utilities.
- H. Support legislation that expands the development of renewable energy systems – especially within the City.
- I. Support legislation and funding intended to assist local agencies in adapting to sea level rise.

Stormwater

- J. Support legislation and funding for stormwater quality improvements.

1.6 Homelessness, Affordable Housing and Housing Development

- A. Support legislation that provides funding to the City and/or non-profit entities to build or support affordable housing projects.
- B. Support legislation and programs that fund homeless navigation and support facilities or provide homeless assistance, reduction, and prevention services.
- C. Support legislation that aids first time homebuyers.
- D. Support legislation that expedites and incentivizes housing development around transit and employment, including streamlining environmental approval processes for housing while maintaining local authority and maintaining environmental protections.

- E. Support legislation that aids or helps to fund the City and/or non-profit entities that provide support services and housing for the homeless, seniors, veterans, and other people with special needs.

1.7 Finance/Human Resources

- A. Oppose Federal or State unfunded mandates.
- B. Support legislation that expands municipal tax increment financing power.
- C. Oppose legislation that reduces or removes the tax-exempt status of municipal bonds.
- D. Support legislation that reduces the costs of healthcare and other post-employment benefits.
- E. Oppose any legislation that would divert local revenues to the State or other governmental entities.
- F. Oppose ballot initiatives or legislation to increase local government voter–approval requirements for general taxes.
- G. Support broadening the base of the Sales Tax to include services and e-commerce as well as through decreasing Sales Tax exemptions.

1.8 Immigration

- A. Support legislation that promotes the health and well-being, removes barriers to health services and economic success, fosters civic engagement, and streamlines integration for immigrants and immigrant families.
- B. Support Deferred Action for Childhood Arrival and any legislation that protects undocumented children.
- C. Support legislation that funds education and outreach efforts for hard to count populations, such as immigrants and limited English speakers, during the U.S. Census.
- D. Oppose federal regulations or proposals that would withhold funding as a penalty for noncompliance with federal immigration policies.

1.9 Voting Rights

- A. Support legislation that establishes or expands early voting opportunities and increases physical voting accessibility for elderly and disabled voters.
- B. Support legislation that expands voter registration opportunities by establishing or expanding automatic voter registration and same-day or Election Day registration.
- C. Oppose ballot initiatives that restrict mail-in voting ballot eligibility, accessibility to drop boxes, or ability to remain on an absentee voting ballot list.
- D. Oppose ballot initiatives that impose harsher in-person voting requirements or limit the number and accessibility of polling locations.

- E. Oppose ballot initiatives that restrict voter registration or expand voter roll purging.

Legislative Program Coordination

Legislation can be brought to the attention of the City through a variety of channels:

- State and Federal Legislative Advocates
- Elected Representatives
- League of California Cities
- City Council Members
- City Staff
- City Residents
- Other Governmental Associations

All legislative requests for support or opposition will be directed toward the Office of the City Manager. City staff will then review the legislation in coordination with any relevant departments to analyze whether or not the legislation aligns with the City's general legislative priorities. Staff will then monitor and track the legislation, providing updates when necessary. Concurrent with this evaluation, the City Manager's office will recommend a position and course of action. There are six main levels of action all of which are coordinated by the City Manager:

1. Direction to Legislative Advocates to advocate in support, support with changes, or opposition to legislation.
 - City staff will notify Legislative Advocates of the City's stance and direct them to take appropriate action with legislators.
 - The City reserves the right to remain neutral on a given piece of legislation.
2. Mayoral correspondence with relevant legislators
 - City staff will draft a support or opposition letter for the City Manager and/or Mayor to review and sign. This letter will be distributed to the appropriate legislators.
3. Council approved resolution
 - City staff will draft a staff report and resolution for consideration by the full City Council. Approved resolutions will be forwarded along with a letter signed by the Mayor to the appropriate legislators.
4. Council outreach
 - City staff will draft talking points and other relevant information for individual Council Members to personally contact appropriate legislators to advocate on behalf of the City.

5. Travel to Sacramento or Washington, D.C.
 - City staff and/or Council Members may decide to advocate in person. Staff will coordinate with the appropriate Legislative Advocates to organize meetings or attendance at other advocacy events.
6. Draft or sponsor specific legislation
 - City staff and legislative advocates will work with the City's legislative representatives to articulate the City's stance on a policy and to ensure said stance is codified in statute.



CITY OF HAYWARD

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

File #: RPT 22-001

DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Informational Report Regarding Hayward Water Bills

RECOMMENDATION

That the Council receives this informational report regarding the Hayward water bill redesign.

SUMMARY

Staff is currently implementing an Advanced Metering Infrastructure (AMI) water customer portal with bill payment functionality. As part of this effort, the City is partnering with bill printing and distribution vendor, InfoSend, Inc. (InfoSend), who is redesigning the bill distributed to utility customers. This report serves to provide an update about the bill redesign effort, and to share a mockup of the redesign, which is included as Attachment II.

Council Sustainability Committee

The Council Sustainability Committee received this information at the November 8, 2021 meeting and concurred with staff's recommendation that the new bill design should highlight basic information and new payment options.

ATTACHMENTS

Attachment I Staff Report
Attachment II Bill Redesign
Attachment III Current Bill



DATE: January 18, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Informational Report Regarding Hayward Water Bills

RECOMMENDATION

That the Council receives this informational report regarding the Hayward water bill redesign.

SUMMARY

Staff is currently implementing an Advanced Metering Infrastructure (AMI) water customer portal with bill payment functionality. As part of this effort, the City is partnering with bill printing and distribution vendor, InfoSend, Inc. (InfoSend), who is redesigning the bill distributed to utility customers. This report serves to provide an update about the bill redesign effort, and to share a mockup of the redesign, which is included as Attachment II.

Council Sustainability Committee

The Council Sustainability Committee received this information at the November 8, 2021 meeting and concurred with staff's recommendation that the new bill design should highlight basic information and new payment options, outlined in the discussion below.

BACKGROUND AND DISCUSSION

Since Fall 2019, staff have been working to implement an AMI water customer portal that would enable customers to view details of their water consumption, sign up for leak alerts, and pay their bills in one, online, user-friendly location. At their May 18, 2021¹ meeting, the Council authorized the City Manager to execute an agreement with WaterSmart, Inc. (WaterSmart), for implementation of this customer portal platform. WaterSmart was selected following an extensive Request for Proposals and Pilot testing process, which is further detailed in the reports delivered to the Council Sustainability Committee (CSC) on March 9, 2020² and March 8, 2021³.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4955269&GUID=10EF9795-0805-4832-BAFC-666221A843E9&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4389832&GUID=F46CB11A-247F-400F-AE74-907A02B58D6C&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4816829&GUID=09108CFF-23E6-4179-8AD1-5A0C4732D469&Options=&Search=>

In order to provide bill payment functionality within the WaterSmart customer portal, staff have entered into an agreement with third-party bill payment vendor Invoice Cloud, Inc. (Invoice Cloud), who will embed a range of payment services directly within the portal, effectively replacing the City's current utility bill payment vendor, Tyler Munis' Hayward Self Service (HSS). Partnering with Invoice Cloud was authorized by Council at their September 28, 2021 meeting⁴.

The third critical component to providing customers a robust water customer portal and bill payment experience is the ability to provide customers copies of their bill PDFs through the portal. This functionality is not currently possible through Tyler Munis. As such, with the authorization provided by Council at their September 28, 2021 meeting⁵, staff have also entered into an agreement with bill print and distribution vendor, InfoSend. InfoSend can perform all of the City's physical bill distribution functions, like bill printing, sorting, and mailing, in addition to the necessary PDF archiving and water customer portal integration services, at lower rates than those currently paid to four vendors to provide limited versions of the same services. InfoSend can also provide pre-sorting, forwarding, address verification, and bill redesign services, which are not possible with the City's current bill production and distribution vendors. Lastly, partnering with this new vendor also provides the opportunity to redesign the Hayward water bill.

On November 8, 2021⁶, staff recommended to the CSC that the Hayward water bill be redesigned to improve the look, feel, and clarity of the information presented. This recommendation was made due to the fact that customers frequently request assistance from frontline customer service staff in identifying such basic information on their current Tyler Munis-generated bills as the amount owed and their account number. Updates to the billing template have not been possible in the past due to Tyler Munis inflexibility. However, partnering with InfoSend and redesigning the water bill will now provide an opportunity to draw more direct and clear attention to these basic components of the bill, while also providing an opportunity to draw special attention to the new payment options that will soon be made available with the launch of the water customer portal and its Invoice Cloud payment features. For these reasons, the CSC concurred with staff's recommendation.

Attachment II of this informational report features the latest mockup of the new water bill, which includes the redesign elements recommended to and selected by the CSC. Notably, the new design features space for custom image-based promotional materials, QR codes for improved ease of bill payment, reduced volume of information on the bill back to avoid overwhelming customers, and an emphasis on encouraging online, paperless, and automatic payments. For reference, a current Hayward water bill has also been included as Attachment III.

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149124&GUID=EFDEBD1F-1340-4DA0-BB07-405A14419566&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149124&GUID=EFDEBD1F-1340-4DA0-BB07-405A14419566&Options=&Search=>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5207542&GUID=9BF16A08-C025-4B11-916A-66AB230A90DF&Options=&Search=>

ECONOMIC IMPACT

The customer portal, once fully implemented, will provide customers greater control over their water consumption, as they will have on-demand access to their water use metrics, their estimated water spending at any point in a billing period, and prompt leak notification and reduced water loss. The Portal will also likely aid the community in achieving greater water conservation over time.

FISCAL IMPACT

Partnering with InfoSend is anticipated to cost approximately \$137,000 annually, or \$411,000 over three years, which is \$25,000 less per year than the City currently pays for equivalent services. There are sufficient funds in Water Operating Fund 605 to support partnering with this vendor.

STRATEGIC ROADMAP

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

Project 13, Part 13.a: Develop and launch Advanced Metering Infrastructure (AMI) customer portal.

SUSTAINABILITY FEATURES

The AMI Customer Portal and larger AMI Project promote efficient water use and water conservation. The water consumption data provided by AMI technology will aid in the City's efforts to measure the overall effectiveness of targeted conservation initiatives, and will also be used to inform customers about potential leaks or overly high consumption. Additionally, improving paperless billing enrollment with the launch of Invoice Cloud and InfoSend will have paper-saving and many other indirect environmental benefits by eliminating six bill production, mailing, and transportation/delivery service requirements per enrollment per year.

PUBLIC CONTACT

During Spring 2020, staff sought approximately 100 customer volunteers to participate in a Water Customer Portal Pilot Program. Staff also regularly engaged with the Pilot Customers for the duration of the four-month Pilot from October 2020 to February 2021. When the WaterSmart Customer Portal, Invoice Cloud, and InfoSend integration is complete, additional outreach will take place leading up to and following the Portal launch to maximize Portal signups, enrollment in paperless billing, and utilization of all the various electronic payment options that will become available to them.

NEXT STEPS

Staff is currently working with InfoSend to finalize and implement the bill redesign described in this informational report, with plans to launch the new bill to customers in the first quarter of 2022.

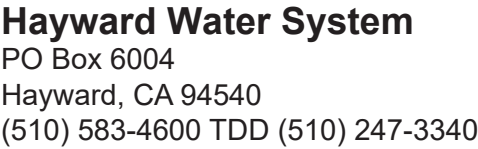
Prepared by: Kait Byrne, Acting Senior Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is positioned above a horizontal line.

Kelly McAdoo, City Manager



Customer:
Service Address:
Account #:
Customer #:
Bill Date:
Bill #:

Previous Balance:	Payment(s) Made:	Unpaid Balance:	Current Charges:	Amount Due:	Due Date:
\$586.99	\$0.00	\$586.99	\$72.18	\$659.17	09/23/2021

***\$5 late fee applies to late bills**

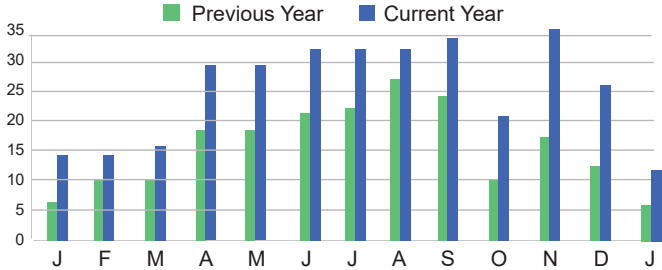
SPACE FOR PROMOTIONAL MATERIAL

Summary of Current Charges

Water	\$49.40
Sewer	\$16.78
Excise Tax	\$6.00
Total:	\$72.18

Water (1 Unit = 748 Gallons)

Meter #:	Period:	Days:	Read Type:	Start Read:	End Read:	Usage:
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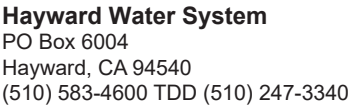


Tier 1 (First 1-8 Units)	3 Units	@ \$5.80	\$17.40
Tier 2 (Next 9-25 Units)	0 Units	@ \$7.14	\$0.00
Tier 3 (All Additional Units)	0 Units	@ \$8.41	\$0.00
Service Charge			\$32.00
Total			

	Units	Gallons (Units x 748)	Read Days	Avg. Gal. Per Day
Current Year				
Previous Year				

Sewer

Lifeline Rate	\$16.78
Total:	\$16.78



Please return this portion with your payment if sending a payment through mail.
Do not send cash. Make checks payable to: Hayward Water System.

Account #: **Customer #:**

Total Amount Due:	Due Date:	Amount Enclosed:
\$659.17	09/23/2021	



Scan to pay or visit
HaywardCA.WaterSmart.com

REMIT PAYMENT TO:

JANE SAMPLE
12345 SAMPLE AVE.
HAYWARD, CA 94540

HAYWARD WATER SYSTEM
PO BOX 6004
HAYWARD, CA 94540

0000000000 0000000000 0

**Pay your bill online or by phone fee-free!**Online @ HaywardCA.WaterSmart.com | By phone @ (XXX) XXX-XXX**Pay with cash at participating Walmart and other retail locations.**
More info @ Hayward-CA.gov/XXXXXXX**Other Payment Methods****In Person**Payments are accepted at Hayward City Hall,
located at 777 B Street:

- Fee-free Self-Service Kiosk
- Night Drop next to outdoor Kiosk
- Revenue Division Cashier window

MailPayments may be mailed to Hayward Water
System, PO Box 6004, Hayward, CA 94540. To
avoid late fees, allow for sufficient time for your
payment to reach the City and be processed
before your due date. Postmarks are not
accepted.**Tips for Understanding your Bill**Scan or visit Hayward-CA.gov/XXXXXXX**Other Questions?**

Call (510) 583-4600

Other Helpful Contacts**Hayward Utility Billing Services**

Revenue Division - (510) 583-4600

Hayward Utility System Services

Report Water Leaks - (510) 881-7933

Report Sewer Issues - (510) 881-7902

Report After-Hours Utility Emergencies - (510) 293-7000

Public Works & Utilities Dept. - (510) 583-4700

Hayward Solid Waste & Recycling Services

Waste Management - (510) 537-5500

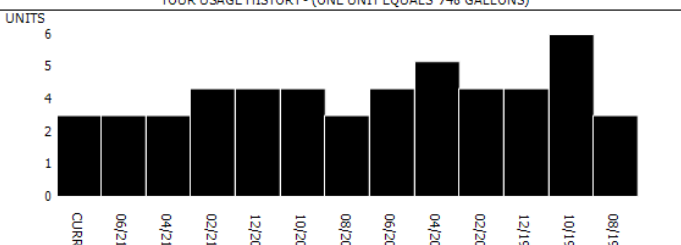
Bulky Pick Up - (510) 537-5500

OtherIssues may also be reported at
Hayward-CA.gov/AccessHayward**WATERSMART PORTAL/ SIGN UP FOR AUTOPAY/
GO PAPERLESS MESSAGE ☐**

PAY BILL ONLINE AT: <http://www.hayward-ca.gov/hss>

Customer Name				Service Address						
Jane Sample				12345 Sample Ave.						
Bill Number	Bill Date	Account Number - Customr Number							Delinquent Date	
2212002	09/06/2021	0001112131 - 0005678910							09/23/2021	
Charge Description	Meter	Previous Read Date	Current Read Date	Read Days	Previous Meter Reading	Current Meter Reading	Read Code	Units (100 cu. ft.)	Charge	
WATER USAGE	7077	06/28/21	08/30/21	63	115	118	A			
TIER 1: 1-8 @ 5.80/UNIT								3	17.40	
METER SERVICE									32.00	
SEWER									16.78	
EXCISE TAX									6.00	

YOUR USAGE HISTORY - (ONE UNIT EQUALS 748 GALLONS)



Current Usage			
Units	Gallons (Units X 748)	Read Days	Avg. Gal. Per Day
3	2244	63	36
Prior Year Usage			
Units	Gallons (Units X 748)	Read Days	Avg. Gal. Per Day
3	2244	62	36

READ CODE:	Total Current Billing	
A = Actual	Previous Balance	72.18
E = Estimate	Adjustments	586.99
F = Final	Deposit Applied	.00
M = Manual	Less Payments Received	.00
	Total Amount Due	\$659.17

NEW FEE-FREE PAYMENT KIOSKS AT CITY HALL! PAY YOUR BILL 24/7 WITH CASH, CHECK, OR CARD FOR FREE AT OUR OUTDOOR PAYMENT KIOSK. LOCATED ON THE WATKINS SIDE OF CITY HALL AT 777 B ST. IN DOWNTOWN HAYWARD. ADDITIONAL KIOSK LOCATED INSIDE. CALL 510-583-4600 WITH QUESTIONS.

✂ Detach and return the portion below with your payment ✂

Service Address	Bill Number	Account # - Customer #	Delinquent Date	Amount Due
12345 SAMPLE AVE	2212002	001112131 - 0005678910	09/23/2021	\$659.17

JANE SAMPLE
12345 SAMPLE AVE.
HAYWARD, CA 94541-2927

00006042022202212002600000659177

Understanding Your Bill

Description of Charges:

1. Water Usage Charges – based upon the amount of water used during the billing cycle and the property's location inside or outside of incorporated Hayward. (1 Unit = 100 Cubic Feet = 748 Gallons). Your charges are also based on a tier structure with units costing more as you use more water.

2. Meter Service Charge – this assists in recovering the costs of system maintenance, reading meters, and servicing and billing customer accounts. The charge is a flat-rate based on the size of the meter.

3. Sewer Charge – reflects the costs of sewer system maintenance and waste treatment. Sewer rates for residential customers are a Standard bi-monthly rate that is discounted when water usage is between 0-4 units (Lifetime Rate) and 5-8 units (Economy Rate).

4. Other Charges – charges that could appear on your bill include, but are not limited to: service initiation, deposit, service restoration, and collection notification.

5. Emergency Services Facilities Tax – this excise tax is a general tax levied on all residences in the City of Hayward. For residences receiving individual service through the Hayward Water System, the tax rate is \$36 per year, billed \$6 bi-monthly on your utility bill. For information or questions, email ESFT@hayward-ca.gov or visit www.hayward-ca.gov/esft.

6. Returned Check Fee – A minimum fee of \$25 is charged if a check is returned from the bank for any reason. Additional collection charges may also apply.

Low Income Discount:
A low income discount is available if total gross family income falls below the maximum allowable income limit. For an application and to see income limits, please call (510) 583-4600, or visit: www.hayward-ca.gov/lowincomeapplication.

Elderly or Disabled Customers:
If you desire third party notification for all account notices, please submit a letter from the third party accepting responsibility. Verification of your disability or age is necessary. Please call (510) 583-4600 for more information.

Charges Are Due Upon Bill Receipt:
Charges on your bill are due and payable now. The charges will be delinquent if not paid by the delinquent date printed on the reverse side of this bill, and at that time a \$5 late fee will be assessed. Delinquent accounts may result in the discontinuance of service and incur reconnection fees. Also, in compliance with HMC §11-3, delinquent charges may be added as an assessment to the property owner's Alameda County property tax bill, at which time additional fees and interest may be assessed. If you have any questions about this bill, please contact the Revenue Department at (510) 583-4600 for an explanation.

Stopping Service / Person Responsible for Payment:
The party that initially signed up for service is responsible for the payment of charges until we are contacted to discontinue service or a new party requests to establish a new account. We are unable to backdate account closure dates, and per Hayward Municipal Code, it is the sole responsibility of the account holder to cancel service and close the account. Contact our office at least 48 hours prior to the date you wish to stop service at (510) 583-4600, or email your name, account number, forwarding address, phone number, and the requested service stop date to HSS@hayward-ca.gov. Note – we do not complete account shut-offs on Fridays, weekends, or holidays. Also, you will receive a final bill.

Payment Methods

Automatic Payment – sign up for **FEE-FREE** automatic payments from your checking account! Visit www.hayward-ca.gov/EFTform or fill out the form down below and submit along with your check. Please allow one billing period for automatic payments to take effect.

Credit Card / Debit Card – pay with your credit or debit card online at www.hayward-ca.gov/HSS, or over the phone by calling 1-855-385-9416. A convenience fee will apply.

Bank Account - PAY FOR FREE directly from your bank account via **Paystand** by visiting www.hayward-ca.gov/HSS for more information.

In Person – visit the Cashier in the Revenue Division, Hayward City Hall during the office hours listed above to pay your bill in person.

By Mail – to: Hayward Water System
P.O. Box 6004
Hayward, CA 94540

If mailing your payment, to avoid the imposition of late fees and interest, allow for sufficient time for your payment to reach the City and be processed before your Delinquent Date. Postmarks are not accepted.

Night Drop – A drop box is located on the east side of the City Hall building facing Watkins Street. Check or money order only.

AUTOMATIC PAYMENTS AUTHORIZATION FORM

Get your bill by email! Email HSS@hayward-ca.gov or enter your email address here:

Bank Name:

Routing Number (9 digits only):

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Account Number:

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Signature:

Date:

1. Complete this form with your Financial Institution information and signature. Your signature confirms that you have read and understood the terms & conditions stated at www.hayward-ca.gov/EFTform.

2. For security purposes, please ensure that the name on the check matches the account holder's name. Submitted check must contain the same information as given below.

3. Mail this completed form in with your CHECK payment or bring it into the office at the address listed above or drop it off in our Night Drop Box. Please allow one billing period for automatic payments to take effect. Your bill will be noted, "EFT is set-up. Payments are deducted the Friday prior to the Delinquent Date." If this is not on your bill, EFT has not been set up. Continue to make payments as normal until you see this notice.