



CITY OF HAYWARD

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

Agenda

South Hayward BART Access Authority

Friday, May 13, 2022

9:00 AM

Remote Participation

Please note that we are now using the Zoom Webinar platform to conduct meetings and receive live public comment.

How to submit written Public Comment:

Send an email to daniel.mao@hayward-ca.gov by 4:00 p.m. the day before the meeting. Written public comments will be read during the public comment section of the agenda.

How to provide live Public Comment during the meeting:

Please click the link below to join the webinar:

*<https://hayward.zoom.us/j/84176072857?pwd=LzlENFpIdFVhU2RuQ3owQWZ0SEtoQT09>
Passcode: 19.H8w3&*

Or

Dial: +1 669 900 6833

Webinar ID: 841 7607 2857

Passcode: 57886856

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS:

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

MINUTES

- 1 [MIN 22-063](#) Approve the June 29, 2021 South Hayward BART Access Authority Meeting Minutes

Attachments: [Attachment I Draft Minutes 06/29/2021](#)

WORK SESSION

- 2 [WS 22-015](#) Provide Feedback on Proposed Parking Management and Governance Recommendations for the South Hayward BART Station and the Future of the South Hayward Joint Powers Authority

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

BOARD MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT

NEXT MEETING – To be announced

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Manager at (510) 583-4300.



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File #: MIN 22-063

DATE: May 9, 2022

TO: South Hayward BART Access Authority Board

FROM: Assistant City Manager

SUBJECT

Approve the June 29, 2021 South Hayward BART Access Authority Meeting Minutes

RECOMMENDATION

That the JPA Board reviews and approves the June 29, 2021 meeting minutes.

ATTACHMENTS

Attachment I June 29, 2021 South Hayward BART Access Authority Meeting Minutes

SOUTH HAYWARD BART STATION ACCESS AUTHORITY

City of Hayward- City Hall
Remote Participation

June 29, 2021
9:00 AM
MINUTES

- I. Call to Order:** Meeting was called to order at 9:01 pm, by Director McPartland
- A. Roll Call:**
1. JPA Board Members Present: Councilmember Sara Lamnin, Councilmember, Zermeno, Director Liz Ames, Director McPartland
 2. JPA Board Members Absent:
 3. JPA Alternate/Substitute Board Members Present:
 4. JPA Alternate/Substitute Board Members Absent:
 5. City of Hayward Staff Present: Deputy City Manager Jennifer Ott, Management Analyst Laurel James, Administrative Secretary Kristoffer Bondoc
 6. BART Staff Present: Robert Franklin, Nicole Franklin, Danielle Dai, Ryan was with Robert Franklin
 7. JPA Legal Counsel Present: Heather Gould
- B. Pledge of Allegiance:** Pledge of Allegiance was led by Francisco Zermeno
- II. Public Comment:** No Public Comment
- III. Approve the February 26, 2020 and July 30, 2020 South Hayward BART Access Authority Meeting Minutes**
- A.** No objections
- B.** McPartland moved for approval – vote: yes
1. Director Ames – vote: yes
 2. Council Member Sara Lamnin – vote: yes
 3. Zermeno second yes
 4. Minute are approved
 - 5.
- IV. Two Agenda Items being presented together as budget is necessary for the adoption of the second: The item was introduced by Laurel James and presented by Ryan Greene-Roesel and Laurel James.**
- A. Adoption of proposed Fiscal year 2022 JPA budget; and**
1. Slide presentation –
 - a) Current situation with loss of ridership (see Pandemic Ridership Impacts) ridership is still low, and still recovering.
 - b) Addressed by – hiring freeze, early retirement incentives which lost 7% of staff, reduction of expenses by \$100M, reduced service hours and frequency,

to adjust for the pandemic – Still facing long road ahead. Of course, it affects the JPA finances.

c) Explained the South Hayward JPA Outlook, Revenue is just barely cover expenses in 2019, 2020, lower, and for the next 3 years, revenues will be far below expenses. When JPA was created, 2013 revenue forecast projected 1.2 million.

d) JPA – revenues against expenses – revenues far below expenses and even before pandemic was not performing as the original forecast of 2013.

2. Proposal – prorating any revenues taken in to the two agencies according to the parking spaces in the JPA 20:80 split. (See Adopted and Proposed Budget slide) Way to propose budget shortfall in FY22 is the same as last year, prorating revenues we take in to 2 agencies, 80/20 split. For FY22, same proration. Actual expenses by BART and City of Hayward are close to \$600k.

a) Zermeno had a question: Just curiosity, 100% ridership in February 2020, what are the actual numbers?

b) Ryan said daily ridership has just gone about 80,000, Pre-COVID was around 420,000. Lowest during the pandemic was around 20,000.

c) Ryan said because budget is connected to proposal, going through proposal.

B. Adoption of Resolution Authorizing the Co-Executive Directors to Negotiate and Execute a Contract with Fehr & Peers for Consulting Services - Approval of Contract for Consulting services, better financial footing and sustainable for BART JPA. Both agencies trimmed budget, another part of motivation is finding a more efficient way of having a partnership with meetings. Any changes to on street designations (especially along Mission St.) will need to go JPA, BART Board and City of Hayward. Address all issues at the same time since it will take considerable effort.

1. (SEE Proposed Scope for Consulting Services slide) Start with Existing Conditions Review – Look at parking demand, and how do we balance that (BART ridership vs. residential parking demands). Then step back and look at the purpose of the JPA and looking forward.

a) Original 2013 JPA revenue forecast of \$1.2 million per year: Further TOD; Maximize BART ridership and access; Protect city neighborhoods from overflow parking; Revenue for station area improvements. However, just even just before pandemic in 2019, revenue was at \$600,000 with expenses just below that. Since 2020 revenues have plummeted while expenses have been increasing even with the cuts to staff. Not performing to the original expectations and expecting more difficulties ahead.

b) Proposal for addressing shortfall is the same for last year: Prorating any revenues taking into the two agencies according to share of the parking space in original JPA 80:20 split.

c) Change elements – change in parking designation & government governance. Look at scenarios that deal with both. Outreach to stakeholders, community meeting that would be associated with JPA meeting. Input from community members and develop a recommendation/implementation plan. Final recommendation and take to 3 boards for approval. Timeframe Fall 2021 – Spring 2022. Selected Fehr & Peers to lead this study.

- Director McPartland question: Pronunciation of Fehr. Ryan clarified.

- Zermeno comment: idea of community meeting is a good one. Let's make sure that we do that at least once or twice, and the survey is good too.
- Ames: Hopeful to see the grants that were related to support TOD \$350k TOD grant to look at jobs potential, Fruitvale- Warm Springs BART, could tie to Fehr & Peers. Clarify F&P expertise and how to tie into the TOD vision for this station.
 - (a) Ryan can answer part of it. Fehr is known as traffic transportation firm, but they have expertise in a lot, but they can also bring in sub-consultants who specialize more in parking management (doing work right now around El Cerrito/Ashby/No. Berkeley). Opportunity to identify a template to see how BART does stuff with other cities. More sustainable and replicable in other contexts. They (F&P) have significant expertise that can help BART.
- Ames clarified; how can we tie the grant we receive to TOD.
 - (a) Nicole Franklin responded that the BART Development group, looking at sites to do TOD, South Hayward BART 2025-2030 time frame. Study uses land use studies for SH Hayward. Open to commercial housing or something. Consultants take a look at options and access to the station. Part of grant analysis is connected to the land uses. Would be coordinated with grant efforts, park and access. Ames said she appreciates it and find out the TOD opportunities are. Safe Routes to BART Grant Program in Cycle 2, Fremont got more than \$1 mil. In Cycle 1. Need for parking increase. \$77 million was in this Program.
- Lamnin question: Followup on comments, points Ames raised regarding coordination is really excited about it. Leveraging opportunities. More overlap than parking at BART as JPA is focused. As consultant working with us, IALC, that encompasses both BART stations and uncovering more opportunities. Looking at bus service, of course, but also development opportunities and other issues of mutual concern (e.g. homelessness, policing), which aren't things we look at in the IALC, but are common areas of interest at BART. Joint meeting with AC Transit, e.g. what does the BART/Bus bridge situation look like. Also grant opportunities (e.g. Safe Routes for Schools and Seniors). Comments and complaints that both agencies are receiving and work together to address.
- Zermeno question: just at an Association of Bay Area Government (ABAG) meeting and does grant some funds to BART, wondering if some of these grants can be used to balance JPA budget
- Bob Franklin: we can investigate that, to see where these funds are allocated, but we can find out.
- Jen Ott: What we could do is that find ways we can explore joint grant opportunities, ways to fund projects. And if not through JPA, maybe through joint grant opportunities. Ways to leverage partnership to access more funds.

- Zermeno said very good report by BART folks.
- d) Ryan went to Next Steps Slide. (listen to recording) She asked for any additional questions.
- CM Lamnin question: colleague support for community meeting. Looking at survey data is good and checking in with folks is a good idea.
 - Ames: these are good, CM Lamnin comments, agreed. Also include coordination with these grant programs to support these stations more. Thanked BART maintenance staff for improving lighting in parking lot and station and clean up and repairs of dumpster areas
- e) Zermeno maybe some funds for grants, muralize (sic) underpass by that corner that would make it really inviting.
- McPartland mural amendment? Would this be a modification on the motion for the mural?
 - Zermeno clarified yes would like to look for funds for mural on underpass.
 - Jennifer said they are fine with the amendment.
- f) Zermeno motions for both items
- Cm Lamnin seconded and asked mural pending approval or new money that we need?
 - Zermeno, mural and a few drafts of it.
 - McPartland, is it funded?
 - Jen Ott, I think there were some legal issues maybe. Maybe we can wrap this with Fehr & Peers as they study the budget. Does that sound okay?
 - Bob Franklin, we may potentially add \$15k to the study to incorporate study for the mural
 - Jen Ott: more of a staff analysis but incorporate into the consultant study. Wouldn't be something consultant would do, more staff analysis that would be integrated into consultant work.
 - McPartland said he's okay.
 - Ryan said they can do their best, it's been a while since they looked. There were some legal and administrative barriers to her recollection.
 - Jennifer looked to help clarify CM Zermeno's request as to looking at what the next steps are, process issue vs. to have implemented.
 - Zermeno: absolutely, sooner we can get something out there the better. Something that can improve the Tennyson corridor, JPA is trying to improve South Hayward, and this is one way we can do it.
 - Ames: great idea not to lose sight of the mural, let's see if we can coordinate and do that.
 - McPartland: mural issue can end up being imbedded in the second bullet point on resolution voting.
 - Jennifer said yes,
 - Mcpartland we can bundle them in a single vote?
 - Yes
- g) Motion for approval Zermeno

- Seconded by sara lamnin
- Partland aye
- Ames aye
- Lamnin aye
- Zermeno aye

h) Motion as amended: **The motion as amended passed 4:0:0 (Ayes:)**

V. **Future Agenda Topics:**

- A. Update on Mural project
- B. Update on the Properties
- C. Temporary use of properties (see VI B below)

VI. **Staff and Board Member Announcements/Comments:**

A. Zermeno: 2 things, happy to be here, hope next one is in person. Union City is constructing housing projects, etc. Whereas Hayward with 2 bart stations with kilos of possibilities. Just to see if we can entice/convince anything to have BART consider both Hayward BART station some kind of a housing project. If we can do it in Union City, I think that Hayward offers 2 grand possibilities to do this. Any thoughts?

1. Director McPartland can talk with Bob Franklin and staff behind the scenes. TOD and housing is a critical issue in every conversation e have and a great deal of momentum and with affordable housing. We'll be in touch.

2. Nicole Franklin said let's set up a meeting with Sean Brooks and Abby Bromimand(sp?) with McPartland. Working very closely with Hayward staff about the two sites and it's all based on market readiness, BART resources and other criteria. Will send 10-year work plan.

3. Jennifer: happy to email that, echo Nicole. Wanted to thank them for their partnership.

B. Sara: 2 future agenda items update on the mural project, update on the properties. Wanted to bring up temporary use for some of these properties, as well. Not long-term solution, but if property sits fallow, may be something to look at for temporary solution.

1. Nicole for the downtown hayward site next to City Hall, using site for laydown for infrastructure projects to upgrade the system. Licenses for cable replacement projects as well as interlocking replacement. Five to six year license for that and future parking.

C. Ames: comment on Cm Zermeno's comments about Union City which is where I live. BART board approved access to east side in 2019, for pedestrian access direct to station over railroad tracks. Development is 1000 units on corner of Decoto in Union City, issue there is that people will prob take their cars. That TOD grant to provide jobs is really critical for live/work/shop at the BART stations. So it's a balance, we really need a town center vision. Maybe we can have a center in hayward in 10 years, thank you for your comments.

D. Last closing comment McPartland: after reading CV for the consultant, happy we got these guys, since they have a lot of breadth and depth. Very pleased with consultants we have on board.

VII. **Adjournment:**

The meeting was adjourned at 9:46am

Next Meeting – TBA, community meeting in conjunction with consulting work. Meeting after will be consultant recommendation.



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File #: WS 22-015

DATE: May 13, 2022

TO: South Hayward BART Access Authority

FROM: Co-Executive Directors

SUBJECT

Provide Feedback on Proposed Parking Management and Governance Recommendations for the South Hayward BART Station and the Future of the South Hayward Joint Powers Authority

RECOMMENDATION

That the Board reviews and provides feedback on staff's proposed parking management and governance recommendations (Attachment II) for the South Hayward BART Station and the future of the South Hayward Joint Powers Authority (JPA).

SUMMARY

Due to ongoing fiscal and administrative challenges exacerbated by the COVID-19 pandemic, on June 29, 2021, the South Hayward BART Station Access Authority Board (Board) adopted a resolution authorizing the Co-Executive Directors to negotiate and execute a contract with Fehr & Peers to conduct an analysis and prepare findings on future parking needs and options for parking management and governance. Attachment II provides additional information on the background of the JPA, a summary of Fehr & Peers' findings, and staff's recommendations. Staff is seeking feedback from the Board on the proposed recommendations.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Proposed Recommendations



DATE: May 13, 2022

TO: South Hayward BART Station Access Authority Board

FROM: Co-Executive Directors

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BACKGROUND AND DISCUSSION

BART ridership has been greatly impacted by the COVID-19 pandemic. The decline in ridership has affected BART parking utilization systemwide. This parking study has found that South Hayward BART Station parking utilization is at 17% and 27% as of January and March of 2022, respectively. Additionally, the current structure of the JPA is administratively burdensome for both organizations. Due to these ongoing fiscal and administrative challenges that were exacerbated as a result of the COVID-19 pandemic, on June 29, 2021, the Board adopted a resolution authorizing the Co-Executive Directors to negotiate and execute a contract with Fehr & Peers for consulting services to conduct an analysis and prepare findings on future parking needs and options for parking management and governance related to the South Hayward BART Station and the future of the JPA.

The proposed findings and recommendations are intended to address the change in parking needs caused by the pandemic and reduce the administrative burden associated with the JPA structure, while still achieving the shared goals of the JPA related to managing parking for BART riders and residents in a collaborative and effective manner.

Staff recommends the following:

1. Governance: Replace JPA with an Intergovernmental Agreement
2. Near term: Open City curb spaces for BART riders and residents
3. Long term: Return to BART pricing & management of spaces in coordination with city
4. Fund balance: Distribute according to governing documents

Additional background and rationale for the proposals are included in Attachment II.

NEXT STEPS

The Co-Executive Directors will work with Fehr & Peers and staff to refine the proposals based on feedback provided by the Board and prepare them for adoption at the next Board meeting.

Prepared by: Daniel Mao, Management Analyst, City of Hayward
Danielle Dai, Senior Financial Analyst, BART

Recommended by: Jennifer Ott, Assistant City Manager, City of Hayward

Approved by:



Kelly McAdoo, City Manager



South Hayward JPA

Board Meeting

May 13, 2022





Agenda

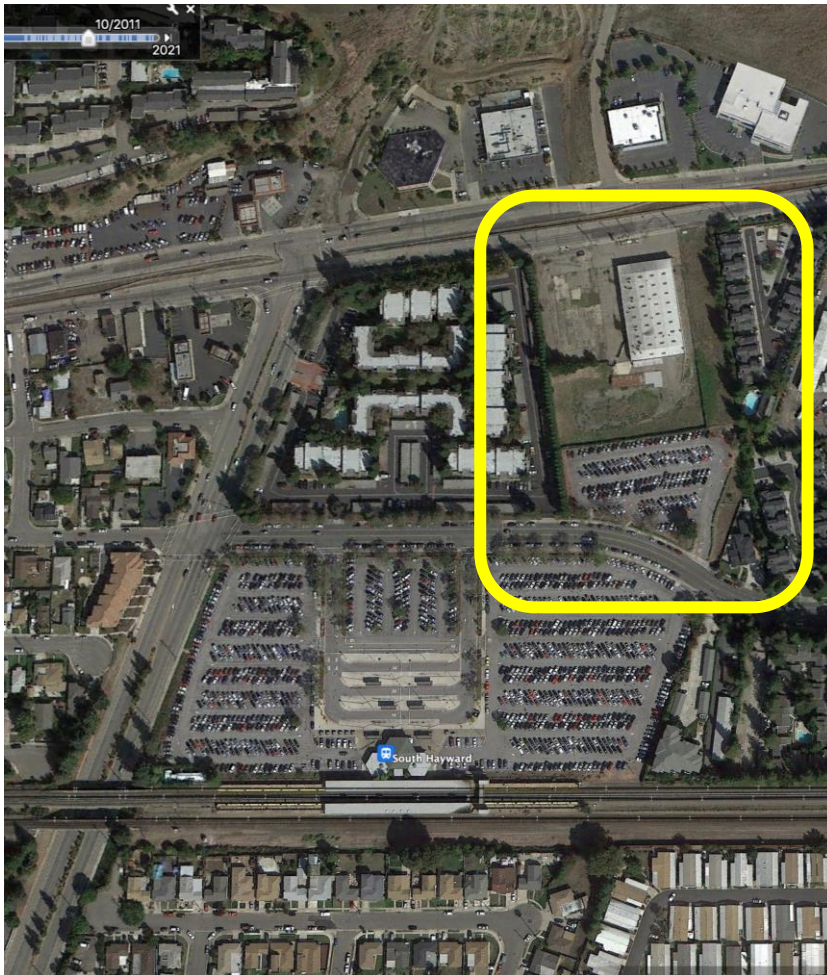
- Background
- South Hayward JPA Parking Study update
- Future direction of JPA
- Next Steps





Background

2012



Current





Background

Total Spaces: 1,314

Lot: 1,082

Curb: 232

- **Dixon St (68):** M-F 4am-3pm
- **Tennyson Rd (127):** All Hours
- **Mission Blvd (37):** M-F 9am-3pm

Daily Fee Rate: \$2/day

Single/Multi-Day Reserved: \$5/day

Monthly Reserved: \$84/month





South Hayward Study

6/29/21: Board directed staff to hire a consultant and study the future of the JPA

Study questions:

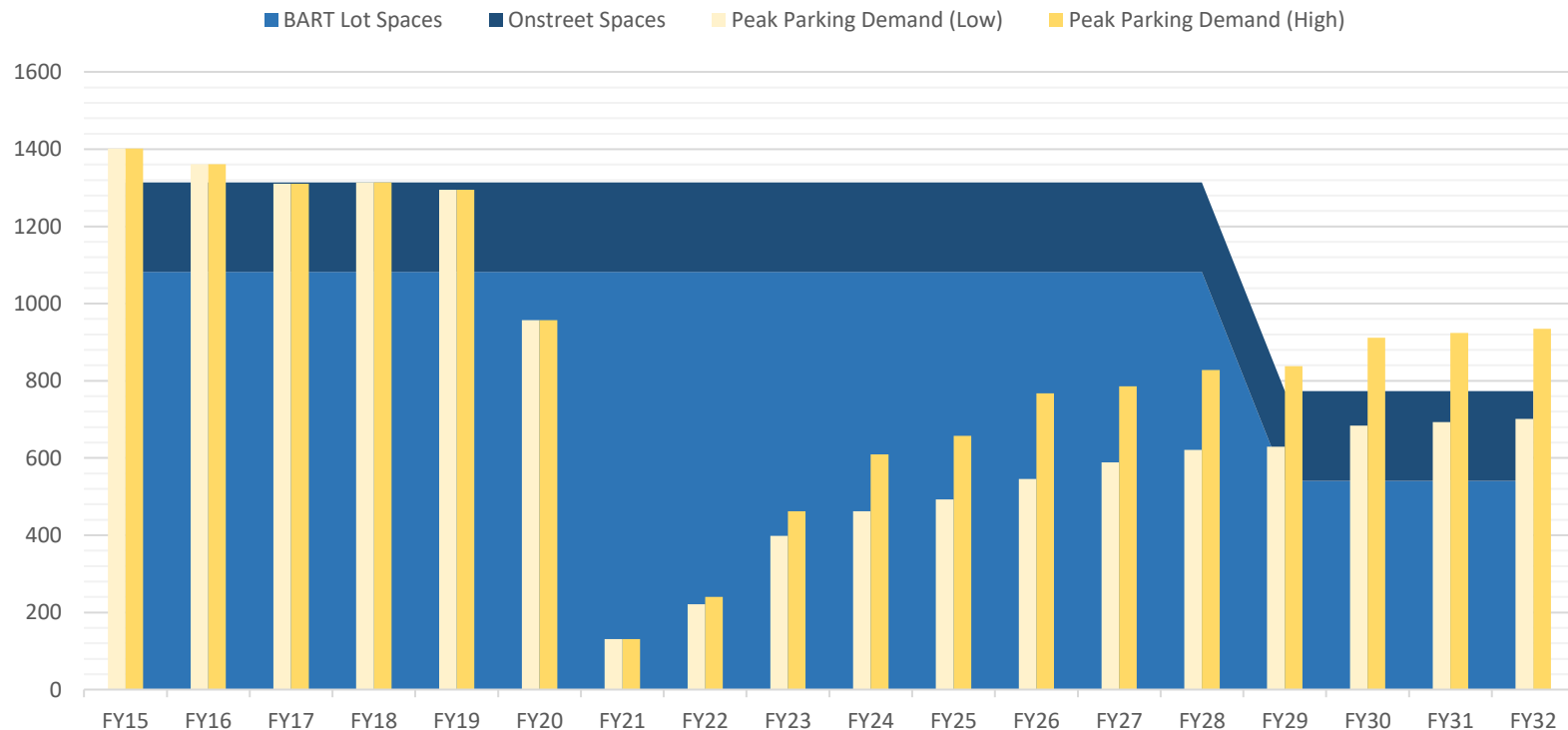
- How best to balance resident and BART rider parking needs and ensure financial stability?
- What is the appropriate governance structure to support this?



South Hayward Study

BART Peak Parking Demand & Supply FY 2015 – 2032

Total Spaces: 1,314 (Lot: 1,082 | Curb: 232)



* Parking replacement unknown and can vary.



Community Engagement

- Stakeholder outreach – February & April 2022
 - Cadence Properties
 - Alta Mira TOD
 - Hayward Chamber of Commerce
- Virtual public meeting – March 2022
- Survey - March 2022
 - 56 English
 - 1 Spanish



Key Themes

- Generally pleased with current parking availability from the pandemic
- Residents want to park in BART spaces due to limited parking availability at home
- Strong concerns on safety and theft



Governance Options

Governance or Agreement type	<u>Considerations</u>			
	Policymaker oversight?	Cost effective?	Public engagement?	Administrative burden?
Joint Powers Authority (Current)	⊕	⊖	☑	⊖
Intergovernmental Agreement	☑	☑	☑	☑
Memorandum of Understanding	⊖	☑	☑	☑

[1] <https://www.bbklaw.com/news-events/insights/2016/authored-articles/01/the-ins-and-outs-of-joint-powers-authorities-in-ca>

[2] <https://nationalcenterformobilitymanagement.org/wp-content/uploads/2014/05/Guidance-on-Preparing-MOUs-and-IGAs.doc>

[3] <https://nationalcenterformobilitymanagement.org/wp-content/uploads/2014/05/Guidance-on-Preparing-MOUs-and-IGAs.doc>



Proposal – Future Direction of JPA

1. **Governance:** Replace JPA with Intergovernmental Agreement
2. **Near term:** Open curb spaces for BART riders and residents
3. **Long term:** Return to BART pricing & management of spaces coordinated with city
4. **Fund balance:** Distribute according to governing documents





1. Governance Proposal

Proposal: Negotiate Intergovernmental Agreement (IGA)

- Curb space free and open to residents and riders in short term
- Upon TOD or excess demand, BART can resume control of curb and reinstitute fees in coordination with the city
- Electeds retain ability to call meetings as needed

Rationale: Simplified structure and contract offers an easier way to meet resident and BART riders' needs, while still being legally enforceable



2. Short Term Proposal

Proposal: Open spaces for BART riders & residents

- Free on street parking
- Enact 24-hour time limitation
- No residential permit parking or curb color restrictions

Rationale: Meets current demands for parking

- Supports resident desire for spaces
- BART demand not expected to return for multiple years, and not necessary to exclusively preserve spaces
- Time limit encourages residential parking turnover, and allows BART riders to park all day



3. Long Term Proposal

Proposal: BART can reinstitute pricing & management of curb upon TOD milestone or excess demand in coordination with the city

Rationale:

- Meets long-term demand for BART parking and allows for flexibility in uncertain times
- BART and City of Hayward have shared interest in TOD and balancing needs of riders and residents
- When curb management is needed, BART is well-equipped to manage



4. Fund Balance Proposal

Proposal: Fund balance remaining after closing expenses will be distributed according to the governing documents

Rationale: Aligns with current agreement:

Section 7.3 - “upon termination of this Agreement, any surplus funds on hand shall be paid out to BART and the City in proportion to the contributions made by such parties”



Proposal – Future Direction of JPA

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Next Steps

- **May 13th** - Board provides feedback on staff proposal
- **August 2022** – JPA Board Meeting (Action item – authorize next steps)
- **Fall 2022** – Additional community engagement
- **TBD 2022** – BART Board Meeting & City of Hayward Council Meeting