

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, June 14, 2022

7:00 PM

Council Chamber and Virtual Platform (Zoom)

City Council

SPECIAL CITY COUNCIL MEETING

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

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:

Participate in the Council Chambers or click link below to join the meeting:
<https://hayward.zoom.us/j/89558694671?pwd=OWx0dGxjeTNPeFJMVE5qampnWWZsdz09>

Meeting ID: 895 5869 4671

Password: CC6/14@7pm

or

Dial: +1 669 900 6833 or +1 346 248 7799 or 833 548 0282 (Toll Free)

Meeting ID: 895 5869 4671

Password: 6669493373

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

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Council Member Salinas

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

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

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 22-079](#) Approve the City Council Meeting Minutes of the Special City Council Meeting on May 24, 2022

 Attachments: [Attachment I Draft Minutes 5/24/2022](#)

2. [CONS 22-372](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Capitol Advocacy Partners for Federal Legislative Advocacy in an Amount Not-to-Exceed \$68,076

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

3. [CONS 22-374](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc. for State Legislative Advocacy in an Amount Not-to-Exceed \$60,000 Annually

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

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

4. [WS 22-020](#) 2023 Electrification Reach: Information and Discussion
(Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II EV Charging Glossary](#)
[Attachment III EV Charging Requirements](#)
5. [WS 22-021](#) California Air National Guard Site: Proposed Development of
the California Air National Guard Site at the Hayward Executive
Airport (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II CANG Site Location Map](#)
[Attachment III Conceptual Site Plan](#)
[Attachment IV Building Views](#)

LEGISLATIVE BUSINESS

6. [LB 22-013](#) Townsend Public Affairs: Presentation to the Hayward City Council by Legislative Advocacy Firm, Townsend Public Affairs, Inc., Providing an Update and Overview of the City's Legislative Advocacy Efforts and Upcoming Relevant Legislation and the Legislative Advocacy 2021-2022 Annual Report (Report from City Manager McAdoo)
- Attachments:** [Attachment I Staff Report](#)
[Attachment II 2021-2022 Townsend Annual Report](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

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

COUNCIL REFERRALS

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

7. [RPT 22-064](#) City Council Referral: Request for Consideration of Assembly Bill 256 (Racial Justice Act for All) and its Original Statute Assembly Bill 2542 (California Racial Justice Act) (Report from Council Members Andrews and Márquez)

Attachments: [Attachment I Council Referral Memo](#)

ADJOURNMENT

NEXT MEETING, June 21, 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 City website, Cable Channel 15 - KHRT, and YouTube. ****

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

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



CITY OF HAYWARD

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

File #: MIN 22-079

DATE: June 7, 2022

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Meeting Minutes of the Special City Council Meeting on May 24, 2022

RECOMMENDATION

That the Council approves the special City Council meeting minutes of May 24, 2022

SUMMARY

The City Council held a meeting on May 24, 2022.

ATTACHMENTS

Attachment I Draft Minutes of May 24, 2022



CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83390169641?pwd=WngzVGJNNDExWEIQTUVVCmN0blpDQT09>

Tuesday, May 24, 2022, 7:00 p.m.

The Geologic Hazard Abatement District (GHAD) Board and City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The City Council will hold a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council/GHAD Member Lamnin

ROLL CALL

Present:

Council Chamber: Council/GHAD Board Members Lamnin, Zermeño
Mayor/GHAD Chair Halliday

Virtual Platform (Zoom): Council/GHAD Board Members Andrews, Márquez, Salinas, Wahab

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on May 24, 2022, at 5:00 p.m., with all members present, regarding three items: 1) public employment pursuant to Government Code section 54957 concerning the City Manager's annual performance evaluation; 2) public employment pursuant to Government Code section 54957 regarding compensation for City Manager, City Attorney and City Clerk; and 3) conference with legal counsel pursuant to Government Code section 54956.9 regarding Stoddard-Nunez v. City of Hayward U.S. District Court, N.D. CA, No. 4:13-cv-04490 KAW. Mayor Halliday announced there was no reportable action related to Item 1 and Item 2. City Attorney Lawson noted that any action on the compensation related to Item 2 would be agendized at a future noticed meeting; and added there was no reportable action related to Item 3. It was noted the closed session adjourned at 5:55 p.m.

PRESENTATION

Mayor Halliday read a proclamation declaring the month of May 2022 as Asian American and Native Hawaiian/Pacific Islander (AANHPI) Heritage Month; and presented it to Ms. Deanie Wailiani Lum-Villalobos, President of the Kumu Hula Association of Northern California and Mr. Victor Fuji and Ms. Agnes Masuda, with Eden Township Japanese American Citizens League Chapter.

PUBLIC COMMENTS

Council Member Lamnin shared that, along with Council Member Zermeño, she attended Arbor Day at Cesar Chavez Middle School on May 18, 2022, where 30 new trees were planted; and acknowledged City staff for their support that day.

Ms. Irene Cruz, Hayward resident, stated the street tree ordinance needs to be reevaluated, requested that written warnings be issued to residents at first complaint and owners advised in advance of inspections and before escalating to fine individuals.

Ms. Frances Sagapolu, Hayward resident, shared she was one of the organizers of the May Day event, thanked the City for its support, and urged for more community events in downtown and explore the formation of a community events committee.

CITY MANAGER'S COMMENTS

City Manager McAdoo made the following comments: the City and Doll & Group Architecture Firm won the American Planning Association's Award of Excellence in the category of best practices for implementation of the SoHay Mixed Use Development Project; the City will launch a new water customer portal and new utility bills will be mailed to customers; the Hayward Library launched a 1000 Books Before Kindergarten program; and the City would be hosting two online community meetings (May 26th and June 6th) and one open house (June 11th) to provide information on equipment in the possession of the Hayward Police Department characterized as "military equipment" under AB 481.

CONSENT

1. Approve the City Council Minutes of the Special City Council Meeting on May 14, 2022
MIN 22-071

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special City Council meeting on May 14, 2022.

2. Adopt an Ordinance Adding Article 30 to Chapter 10 of the Hayward Municipal Code Regarding Traffic Impact Fees for Property Developers **CONS 22-319**

Staff report submitted by City Clerk Lens, dated May 24, 2022,
was filed.

It was moved by Council Member Márquez, 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, Zermeno MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ordinance 22-05, "An Ordinance of the City of Hayward Adding Article 30 to Chapter 10 of the Hayward Municipal Code Regarding Traffic Impact Fees for Property Developers."



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

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83390169641?pwd=WngzVGJNNDExWEIQTVVCsmN0blpDQT09>

Tuesday, May 24, 2022, 7:00 p.m.

-
3. 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 22-321**

Staff report submitted by City Manager McAdoo and City Clerk
Lens, dated May 24, 2022, was filed.

It was moved by Council Member Márquez, 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

Resolution 22-130, "Resolution Making the Required Findings
Pursuant to AB 361 to Continue to Hold Teleconferenced Public
Meetings During the COVID 19 State of Emergency"

4. Adopt a Resolution Authorizing the City Manager to Appropriate \$8,394.29 in Asset
Forfeiture Fund Balance and to Transfer the Appropriation from the Asset Forfeiture
Fund (265) to the General Fund (100) **CONS 22-296**

Staff report submitted by Chief of Police Chaplin, dated May 24,
2022, was filed.

It was moved by Council Member Márquez, 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

Resolution 22-131, "Adopt a Resolution Authorizing the City
Manager to Appropriate \$8,394.29 in Asset Forfeiture Fund
Balance and Transfer the Appropriation from the Asset
Forfeiture Fund (265) to the General Fund (100)"

5. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 8 to the Professional Services Agreement with CSG Consultants, Inc., for Private Development Review Services in the Amount of \$400,000 for a Total Not-To-Exceed Amount of \$2.1 Million and Extending the Date of the Agreement to June 30, 2023 **CONS 22-297**

Staff report submitted by Director of Public Works Ameri, dated May 24, 2022, was filed.

It was moved by Council Member Márquez, 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, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-132, “Resolution Authorizing the City Manager to Execute Amendment No. 8 to the Professional Services Agreement with CSG Consultants, Inc., for Private Development Review Services in the Amount of \$400,000 for a Not-to-Exceed Amount of \$2.1 Million and Extending the Date of the Agreement to June 30, 2023”

6. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with EKI Environment & Water for As-Needed Technical Support Related to Implementation of a Groundwater Management Plan Increasing the Contract Amount by \$35,000 for a Total Not-to-Exceed Amount of \$95,000 **CONS 22-313**

Staff report submitted by Director of Public Works Ameri, dated May 24, 2022, was filed.

It was moved by Council Member Márquez, 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, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None



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

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83390169641?pwd=WngzVGJNNDExWEIQTUVVCmN0blpDQT09>

Tuesday, May 24, 2022, 7:00 p.m.

Resolution 22-133, "Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with EKI Environment & Water for as needed Technical Support Related to Groundwater Management at a Cost of \$35,000 for a Total Not-to-Exceed Amount of \$95,000"

7. Adopt a Resolution Adopting the Traffic Impact Fee, Setting Initial Fee Rates for FY23, and Amending the FY23 Master Fee Schedule **CONS 22-335**

Staff report submitted by Director of Public Works Ameri, dated May 24, 2022, was filed.

It was moved by Council Member Márquez, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-134, "Resolution of the City Council of the City of Hayward Adopting the Traffic Impact Fee, Setting the Initial Fee Rates, and Amending the FY23 Master Fee Schedule"

WORK SESSION

8. Presentation Regarding 2021 Explosion at Russell City Energy Center and Follow Up Investigation and Actions **WS 22-019**

Staff report submitted by City Manager McAdoo and Fire Chief Contreras, dated May 24, 2022, was filed.

City Manager McAdoo and Fire Chief Contreras provided an overview of the May 27, 2021 Russell City Energy Center (RCEC) explosion and fire; and spoke about the collaboration with the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) as part of a Joint Agency Working Group and the Root Case Analysis (RCA) report commissioned by RCEC's owner, Calpine Corporation, and the secondary gap analysis and investigation.

City Manager McAdoo introduced Elizabeth Huber, Safety and Reliability Office Manager and Geoff Lesh, Engineering Office Manager with the Environmental Protection Division, California Energy Commission, who provided an overview of the Russell City Energy Center secondary gap analysis and investigation.

Mayor Halliday opened public comment at 8:41 p.m.

Ms. Suzanne Luther, Hayward resident, expressed the email notifications sent to residents close to the area was not effective because residents do not usually check email in the middle of the night; noted the plant should be monitored often; and suggested the RCEC contribution be used to repair the Navigation Center.

City Manager McAdoo noted the Navigation Center had been repaired already, staff plans to improve the notification procedures and protocol for the emergency alerting system and CPUC inspections will occur on a more regular basis.

TJ, Hayward Concerned Citizens' member, opposed connecting the power plant explosion to the compensation for Russell City descendant; and suggested using RCEC's contribution toward mental health programs such as HEART (Hayward Evaluation and Response Team) since this had an impact on mental health.

Mayor Halliday closed the public comment section at 8:48 p.m.

Members of the City Council thanked City staff and CEC members for their presentation and collaborating efforts regarding the RCEC incident.

Discussion ensued among members of the City Council, City staff, and CEC team regarding: email notifications to affected neighborhoods, the emergency alerting system and IPAWS (Integrated Public Alert and Warning System) which is planned to be released to cities enabling them to send IPAWS alerts and ping appropriate cell phone towers within the area; community conversations to get stakeholders involved regarding the forced relocation of Russell City residents from their homes; staff has not received any concerns or complaints from residents, Navigation Center residents/employees who may have been impacted by the incident and the City was available to offer support as needed; monetary contribution from Calpine toward a potential HazMat response vehicle and ongoing maintenance costs; notifications to the City regarding update to the power plant process or equipment and option to subscribe to RCEC listserv to be notified of any modifications; the reciprocal mutual aid agreement with the City of Fremont and no reimbursement required for the response to the incident; there were no reports of injuries or illnesses as result of the incident; there will be a report confirming that everything requested to be fixed has been addressed which will include the recommendations from the CEC and CPUC, prior to the RCEC resuming operations; and Calpine's root cause analysis and CEC gap analysis and positive changes within the CPUC to engage local governments and positive collaboration with CEC, CPUC and Calpine.

Council Member Salinas requested instant notification to affected neighborhoods and/or individuals travelling through the city in the event of another major incident and that the notification be provided in multiple languages.



CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83390169641?pwd=WngzVGJNNDExWEIQTUVVCsmN0blpDQT09>

Tuesday, May 24, 2022, 7:00 p.m.

Council Member Andrews stated that RCEC should be a part of community conversations related to Russell City; suggested the City provide notifications via mail or doorhangers in the aftermath of an emergency to keep the community informed.

Council Member Márquez requested that the information on the City website include the history of the Russell City power plant and information on the regulatory bodies that have oversight over the plant; and emphasized the importance of informing the public of safety protocols, ongoing monitoring, and ongoing communication to ensure such incidents do not happen again.

Council Member Zermeño recommended having a meeting with Chabot College, California Crosspoint Academy, Life Chiropractic College West, and the surrounding community to share information about the RCEC investigation and protocols in place to ensure another incident does not happen again.

Council Member Lamnin agreed that since the power plant was named after Russell City, that it made sense for some of the contribution to go toward community conversations about Russell City, and perhaps toward a People's Budget item that did not get funded, especially if the item would benefit the community surrounding the power plant.

Council Member Wahab emphasized the need for investing in newer and more efficient infrastructure, perhaps alternative efforts; and noted the City was willing to be a partner in providing safety and security for the community.

Mayor Halliday commented that City staff and State regulatory partners learned from the incident and their working relationship has improved, and the cooperation between the Fire Department and Calpine has also greatly improved.

9. Climate Action Plan and Environmental Justice: Considerations for New General Plan Policies and Programs **WS 22-018**

Staff report submitted by Director of Public Works Ameri, dated May 24, 2022, was filed.

Public Works Director Ameri and Environmental Services Manager Pearson announced the report and introduced Sustainability Specialist Grucky and Climate Corps Fellow Weisman who provided a synopsis of the staff report which covered the Climate Action Plan and Environmental Justice Element updates.

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

Discussion ensued among members of the City Council and City staff regarding: public outreach for the Climate Action Plan and Environmental Justice Element; it was noted that as efficiency improves and electrical vehicles on the road increase, emissions will be reduced; the Hayward Youth Commission was a part of the public outreach; there is a safety component in the CAP in the event of a natural disaster on the hillside or related to sea level rising; and the Hayward Area Shoreline Planning Agency and the East Bay Community Energy will be engaged in the work the City has been doing on the Climate Action Plan and Environmental Justice.

Members of the City Council thanked City staff for their efforts with the Climate Action Plan and Environmental Justice Element.

Council Member Andrews asked that the Climate Action Plan be presented to the Keep Hayward Clean and Green Task Force; suggested staff coordinate with the Economic Development division to address the limited stores with affordable healthy food options and bring fast casual dining options.

Council Member Salinas suggested that staff identify religious centers in the community that have active congregations for further outreach opportunities and to also reach Spanish speaking communities; consider partnering with HUSD, CSUEB and Chabot College teachers to build the Climate Action Plan into the curriculum early on in the education process as this will help embed the plan into the everyday life of neighborhoods to cover issues such as food desserts and the need to plant more trees; and ensure the information collected is disseminated in multiple languages.

Council Member Zermeno cautioned staff on compensating community members for their time and participation in focused groups and shared those funds could be used for green initiatives; recommended approaching Hayward middle, high schools, and colleges to start green clubs and join community school/church meetings on regarding green initiatives.

Council Member Lamnin suggested that Earth Day poster and essay contests participants may be another group of individuals interested in the topic; stated that there may be value in talking about career pathways and creating awareness among future generations and engaging science teachers who have national recognition; noted there are programs for low-cost car repair and clean vehicles; asked to consider exploring corporate accountability for high greenhouse gas contributors and whether taxes and additional fees should be considered; urged to explore increasing access to healthy economical quick access food; and noted that Cesar Chavez Middle School and Moreau Catholic High School have environmental justice teams and may be good resources.

Council Member Márquez encouraged staff to increase the number of The Leaflet subscribers, adding that perhaps this could be accomplished through The Stack newsletter which had a higher volume of subscribers; stressed the importance of including green infrastructure and encouraged the City to partner with the Save the Bay organization.



CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83390169641?pwd=WngzVGJNNDExWEIQTUVVCmN0blpDQT09>

Tuesday, May 24, 2022, 7:00 p.m.

Mayor Halliday stated that businesses will come to Hayward if residents patronize them; noted previous outreach efforts at street fairs had an educational component; noted a personal carbon footprint calculator would be a great tool to share; asked to consider holding an annual earth day event in the fall; noted there are public transit options but not enough riders using them; noted that multifamily housing units could benefit by having a few shared electric vehicles for residents; and encourage staff to continue to look for ways to reduce carbon footprint.

Council Member Wahab suggested that projects being considered be mindful of the environmental impact, suggested that Council staff reports include in depth environmental analysis; and underscored the importance of holding large carbon emitters accountable.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Zermeño shared that a delegation of Hayward's sister city in Arandas, Jalisco, Mexico would be visiting the city from June 5 through June 9, 2022, to tour the Davis Street Resource Recovery facility, Tri-CED Community Recycling and Ruby's Place to learn recycling and green initiatives and how to operate a women's shelter.

Council Member Salinas congratulated Hayward students who are among the graduating class of 2022.

Council Member Lamnin shared the Hayward Rotary Club was celebrating its 100th Anniversary at Hayward City Hall Rotunda on June 17, 2022, and invited all to participate.

Council Member Andrews announced the Juneteenth event will be held on June 18, 2022, at the Heritage Plaza and invited all to participate.

Mayor Halliday mentioned that Hayward Neighborhood Alert was holding a meeting on May 25, 2022; shared that Council Member Salinas, City Manager McAdoo and herself were participating in a Hayward Promise Neighborhood team and stated the second grant would come to an end and the organization was looking for ways to continue its program.

Council Member Márquez shared that the Hayward Public Library has a Tech Lending Library available to all age groups; and announced, on behalf of Library Chair Patterson, the City's Hayward Russell City Art Committee was accepting proposals for the installation of permanent artwork honoring the descendants of Russell City.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:43 p.m., in honor of Edward E. Phillips, former Public Works Director.

Mayor Halliday highlighted that Edward E. Phillips started his career in Hayward as a civil engineer and later promoted to Public Works Director where he served until his retirement after 38 years. His accomplishments included the construction of the trans-bay connection from Hayward to San Mateo; negotiated Hayward's early access to the Hetch Hetchy water supply; was instrumental in the project supplying water to San Francisco and East Bay Area and establishing EBMUD and completing the expansion of the wastewater treatment plant; and was a longtime member of the Hayward Rotary Club. Mayor Halliday requested that staff work with the Phillips family to plant a tree in his memory.

Mayor Halliday also expressed sympathy and thoughts for the loved ones of the people who died in a shooting at Robb Elementary School in Uvalde, Texas.

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 22-372

DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Capitol Advocacy Partners for Federal Legislative Advocacy in an Amount Not-to-Exceed \$68,076

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a professional services agreement with Capitol Advocacy Partners (CAP) for a period of one year, renewable for up to a three-year period, in an amount not-to-exceed \$68,076 per year.

SUMMARY

Since 2014, Capitol Advocacy Partners (CAP), has acted as the City's primary federal legislative advocate. CAP's work for the City includes legislative advocacy, seeking funding through grants and budget earmarks, and relationship-building with Federal legislators and agencies. In fiscal year 2022, CAP's efforts on behalf of the City included securing, among other funding, \$1.5 million in congressional earmarks for the Stack Center project. The expected base fee for Capitol Advocacy Partners' services in fiscal year 2023 is \$68,076, shared between the General Fund, the Route 238 Improvement Fund, and the City's Enterprise Funds.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a One-Year Professional Services Agreement with Capitol Advocacy Partners for Federal Legislative Advocacy in an Amount Not-to-Exceed \$68,076

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a professional services agreement with Capitol Advocacy Partners (CAP) for a period of one year, renewable for up to a three-year period, in an amount not-to-exceed \$68,076 per year.

SUMMARY

Since 2014, Capitol Advocacy Partners (CAP), has acted as the City's primary federal legislative advocate. CAP's work for the City includes legislative advocacy, seeking funding through grants and budget earmarks, and relationship-building with Federal legislators and agencies. In fiscal year 2022, CAP's efforts on behalf of the City included securing, among other funding, \$1.5 million in congressional earmarks for the Stack Center project. The expected base fee for Capitol Advocacy Partners' services in fiscal year 2023 is \$68,076, shared between the General Fund, the Route 238 Improvement Fund, and the City's Enterprise Funds.

BACKGROUND

Beginning in 2009, Dana DeBeaumont, founding partner of CAP, has been the City of Hayward's primary federal legislative advocate, assisting the City with advocating for policy priorities and securing federal funding for priorities ranging from transportation infrastructure improvements to affordable housing. Ms. DeBeaumont's relationship with the City began in her capacity as Director of Federal Affairs for Townsend Public Affairs, Inc. In 2013, Ms. DeBeaumont left Townsend to form Capitol Advocacy Partners.

In the fall of 2014, staff completed a Request for Proposals (RFP) process to identify and evaluate potential federal legislative advocacy service providers. Four firms responded to the RFP, including both CAP and Townsend, with the evaluation panel unanimously selecting CAP to provide federal legislative advocacy services. CAP was selected based Ms. DeBeaumont's prior successful federal lobbying efforts on behalf of the City.

As the City's primary legislative advocate in Washington, D.C., CAP has been instrumental in securing federal grant and earmark funding. Most recently, CAP assisted with securing \$1.5 million in funding for the Stack Center Community project as part of the fiscal year 2022 Omnibus spending bill, as well as a \$400,000 Behavioral Health Justice Intervention Services Grant awarded in April 2022. CAP has also worked with the offices of Senator Feinstein and Senator Padilla to include both \$892,437 for the Hayward Library's Mobile TECH project and \$793,413 for the Hayward Evaluation and Response Teams (HEART) program in the proposed fiscal year 2023 Omnibus spending bill.

DISCUSSION

Staff is recommending that the Council adopt the attached resolution (Attachment II) to authorize the City Manager to execute the FY 2023 contract with CAP to continue its advocacy on behalf of the City. The contract is not-to-exceed \$68,076 annually.

CAP's scope of work for the City has historically included:

- Obtaining funding for City Projects via analysis of grant opportunities; development and submission of Community Projects for the annual federal appropriations process; identification of federal programs aligned with the Legislative Program; creation of advocacy materials and documents; and engagement with Congressional and Agency stakeholders.
- Legislative bill tracking and advocacy, including identification and support of policies aligned with the City's Legislative Program; development of strategies for engaging Congressional stakeholders in support of the City's priorities; pursuit of stand-alone legislation when appropriate; engage with elected officials, legislative staff, and agency officials on the City's behalf; and provide the City with information regarding current legislation, including updates and answers to Council questions.
- Advocacy support activities, including document creation and record-keeping; as well as coordination of in-person and remote federal advocacy meetings between Council or City leadership and federal stakeholders.

Based on its record of success in securing state grants and budget earmarks, staff recommends the City continue its relationship with CAP for federal legislative advocacy services.

FISCAL IMPACT

CAP's base fee is \$5,673 per month, for a total of \$68,076 per year. The attached resolution grants the City Manager the authority to renew this contract annually for up to three years. The impact of this contract has been included in the annual operating budget since CAP's contract was last negotiated in 2014 and was adopted as part of the fiscal year 2023 budget on June 7, 2022. The City intends to utilize services through fiscal year 2024. No additional appropriations are required.

Funding for CAP's services is shared by the General Fund, the Route 238 Corridor Improvement Fund, and the Water, Recycling, and Wastewater Funds as outlined in Table 1, below:

Table 1: Funding Schedule

Fund	Annual Federal Legislative Advocacy Funding
General Fund	\$ 31,786
Route 238 Improvement Fund	14,440
Water Fund	10,925
Measure D Recycling Fund	10,925
TOTAL	\$ 68,076

STRATEGIC ROADMAP

The Legislative Program and CAP's advocacy efforts are intended to reflect and support all six Strategic Priorities as outlined in the current Strategic Roadmap: 1) Enhance Community Safety and Quality of Life; 2) Preserve, Protect and Produce Housing for All; 3) Confront Climate Crisis and Champion Environmental Justice; 4) Invest in Infrastructure; 5) Grow the Economy; and 6) Strengthen Organizational Health.

PUBLIC CONTACT

The agenda for this item was posted in compliance with the California Brown Act.

NEXT STEPS

Upon approval by Council, staff will finalize and execute the agreement with Capitol Advocacy Partners to continue its advocacy services.

Prepared by: Rick Rivera, Management Analyst

Recommended by: Dustin Claussen, Director of Finance

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 NEGOTIATE AND EXECUTE A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH CAPITOL ADVOCACY PARTNERS FOR FEDERAL LEGISLATIVE ADVOCACY IN AN AMOUNT NOT-TO-EXCEED \$68,076

WHEREAS, since 2009, Dana DeBeaumont, founding partner of Capital Advocacy Partners (CAP) has been the City of Hayward's primary federal legislative advocate; and

WHEREAS, in the fall of 2014, staff completed a Request for Proposals (RFP) process to identify and evaluate potential federal legislative advocacy service providers. Four firms responded and the evaluation panel unanimously selected CAP to provide federal legislative advocacy services, based Ms. DeBeaumont's prior successful federal lobbying efforts on behalf of the City; and

WHEREAS, since 2014, Capitol Advocacy Partners (CAP), has successfully acted as the City's primary federal legislative advocate; and

WHEREAS, CAP's work for the City includes legislative advocacy, seeking funding through grants and budget earmarks, and relationship-building with state legislators and agencies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a one-year professional services agreement with Capitol Advocacy Partners to assist in securing federal funding for the priorities outlined in the City's Legislative Program, including 1) Public Safety, 2) Transportation and Infrastructure, 3) Environmental Sustainability, 4) Finance and Human Resources, 5) Community and Economic Development, 6) Educational, Neighborhood, and Social Services, 7) Immigration, and 8) Voting Rights in an amount not-to-exceed \$68,076 annually, which is the total amount of contract funds from the City, renewable at the City Manager's discretion annually for a period not-to-exceed three (3) years, in a form to be 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 22-374

DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc. for State Legislative Advocacy in an Amount Not-to-Exceed \$60,000 Annually

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a professional services agreement with Townsend Public Affairs for state legislative advocacy, for a period of one year, renewable for up to an additional three years, in an amount not-to-exceed \$60,000 annually.

SUMMARY

Since 2009, Townsend Public Affairs, Inc., has acted as the City's primary state legislative advocate. Townsend's work for the City includes legislative advocacy, seeking funding through grants and budget earmarks, and relationship-building with state legislators and agencies. In fiscal year 2022, Townsend's efforts on behalf of the City resulted in \$1.66 million in budget earmarks for City projects. The expected base fee for Townsend's services in fiscal year 2023 is \$60,000, shared between the General Fund, the Route 238 Improvement Fund, and the City's Enterprise Funds.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc. for State Legislative Advocacy in an Amount Not-to-Exceed \$60,000 Annually

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a professional services agreement with Townsend Public Affairs for state legislative advocacy, for a period of one year, renewable for up to an additional three years, in an amount not-to-exceed \$60,000 annually.

SUMMARY

Since 2009, Townsend Public Affairs, Inc., has acted as the City's primary state legislative advocate. Townsend's work for the City includes legislative advocacy, seeking funding through grants and budget earmarks, and relationship-building with state legislators and agencies. In fiscal year 2022, Townsend's efforts on behalf of the City resulted in \$1.66 million in budget earmarks for City projects. The expected base fee for Townsend's services in fiscal year 2023 is \$60,000, shared between the General Fund, the Route 238 Improvement Fund, and the City's Enterprise Funds.

BACKGROUND

Beginning in 2009, Townsend Public Affairs, Inc. (Townsend) has assisted Hayward in advocating for its policy priorities and securing funding for programs ranging from transportation infrastructure improvements to affordable housing. Townsend's work with the City initially included both state and federal advocacy efforts.

In the fall of 2014, staff completed a Request for Proposals (RFP) process to identify and evaluate potential state legislative advocacy service providers. Four firms responded to the RFP, with the evaluation panel unanimously selecting Townsend to continue to provide state-level services.

As the City's primary legislative advocate in Sacramento, Townsend has assisted the City with securing State grants and earmarks. Most recently, Townsend secured \$1.66 million in budget earmarks for fiscal year 2022, comprised of \$1.0 million for the Stack Center project and \$662,000 in funding for the Hayward Navigation Center. An overview of Townsend's accomplishments on behalf of the City is included with the State Legislative Update work session agenda item.

DISCUSSION

Staff is recommending that the Council adopts the attached resolution (Attachment III) to authorize the City Manager to execute the FY 2023 contract with Townsend to continue its advocacy on behalf of the City. The contract is not-to-exceed \$60,000 annually.

Townsend's scope of work for the City has historically included:

- Legislative advocacy, including platform and strategy development; analysis and tracking of legislation; communication and lobbying efforts; and drafting of legislation.
- Grant application assistance, including funding strategy development; grant application management; monitoring of funding opportunities; and communication with grantor agencies.
- General advocacy, including relationship building with State legislative and administrative officials; coordination of in-person advocacy for the Council and City staff; and providing Council with periodic updates regarding efforts on the City's behalf.

Based on its record of success in securing state grants and budget earmarks, staff recommends the City continue its relationship with Townsend for state-level legislative advocacy services.

FISCAL IMPACT

Townsend Public Affairs, Inc.'s base fee is \$5,000 per month, for a total of \$60,000 per year. The attached resolution grants the City Manager the authority to renew this contract annually for up to three years. The impact of this contract has been included in the annual operating budget since Townsend's contract was last negotiated in 2014 and was adopted as part of the fiscal year 2023 budget on June 7, 2022. The City intends to utilize services through fiscal year 2024. No additional appropriations are required.

Funding for Townsend's services is shared by the General Fund, the Route 238 Corridor Improvement Fund, and the Water, Recycling, and Wastewater Funds as outlined in Table 1, below:

Table 1: Funding Schedule

Fund	Annual State Legislative Advocacy Funding
General Fund	\$ 28,000
Route 238 Improvement Fund	13,000
Water Fund	9,500
Measure D Recycling Fund	5,700
Wastewater Fund	3,800
TOTAL	\$ 60,000

STRATEGIC ROADMAP

The Legislative Program and Townsend's advocacy efforts are intended to reflect and support all six Strategic Priorities as outlined in the current Strategic Roadmap: 1) Enhance Community Safety and Quality of Life; 2) Preserve, Protect and Produce Housing for All; 3) Confront Climate Crisis and Champion Environmental Justice; 4) Invest in Infrastructure; 5) Grow the Economy; and 6) Strengthen Organizational Health.

PUBLIC CONTACT

The agenda for this item was posted in compliance with the California Brown Act.

NEXT STEPS

Upon approval by Council, staff will finalize and execute the agreement with Townsend Public Affairs, Inc., to continue its advocacy services.

Prepared by: Rick Rivera, Management Analyst

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC. FOR STATE LEGISLATIVE ADVOCACY IN AN AMOUNT NOT-TO-EXCEED \$60,000 ANNUALLY

WHEREAS, since 2009, Townsend Public Affairs, Inc., has acted as the City of Hayward's primary state legislative advocate; and

WHEREAS, in the fall of 2014, staff completed a Request for Proposal (RFP) process to identify and evaluate potential state legislative advocacy service providers. Four firms responded to the RFP, with the evaluation panel unanimously selecting Townsend to continue to provide state-level services; and

WHEREAS, the work for the City provided by Townsend Public Affairs Inc. includes legislative advocacy, seeking funding through grants and budget earmarks, and relationship-building with state legislators and agencies,

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a professional services agreement with Townsend Public Affairs, Inc., to assist in securing state funding for the priorities outlined in the City's Legislative Program, including 1) Public Safety, 2) Transportation and Infrastructure, 3) Environmental Sustainability, 4) Finance and Human Resources, 5) Community and Economic Development, 6) Educational, Neighborhood, and Social Services, 7) Immigration, and 8) Voting Rights in an amount not to exceed \$60,000 annually, which is the total amount of contract funds from the City, renewable at the City Manager's discretion annually for a period not-to-exceed three (3) years, in a form to be 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 #: WS 22-020

DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Public Works
Director of Development Services

SUBJECT

2023 Electrification Reach Code: Information and Discussion

RECOMMENDATION

That the Council reviews and comments on this report and provides direction to staff.

SUMMARY

Hayward's current Reach Code, a local amendment to the State Building Code, will expire on December 31, 2022. To continue the current requirements that prohibit or limit the use of natural gas in new buildings and to continue to require increased electric vehicle charging infrastructure, a new ordinance must be adopted. This report presents a framework and considerations for a new Reach Code that may be adopted this year. Staff is requesting Council feedback on the proposed Reach Code updates to help inform preparation of a draft ordinance.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	EV Charging Requirements
Attachment III	EV Charging Glossary



DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Public Works
Director of Development Services

SUBJECT 2023 Electrification Reach Code – Information and Discussion

RECOMMENDATION

That the Council reviews and comments on this report and provides direction to staff.

SUMMARY

Hayward's current Reach Code, a local amendment to the State Building Code, will expire on December 31, 2022. To continue the current requirements that prohibit or limit the use of natural gas in new buildings and to continue to require increased electric vehicle charging infrastructure, a new ordinance must be adopted. This report presents a framework and considerations for a new Reach Code that may be adopted this year. Staff is requesting Council feedback on the proposed Reach Code updates to help inform preparation of a draft ordinance.

BACKGROUND

Building and vehicle electrification are both key strategies of Hayward's Climate Action Plan. East Bay Community Energy is providing 100% renewable electricity to most Hayward customers and utilizing electric appliances in place of gas-fired appliances can greatly reduce greenhouse gas emissions in the building sector. In addition, the installation of Electric Vehicle (EV) charging infrastructure at the time of new construction is the most cost-effective approach to prepare for the increase in EV ownership that is coming.

On March 3, 2020¹, Council adopted a local amendment to the 2019 California Building Code known as a Reach Code. The Reach Code ordinance as well as checklists for builders and developers are available on the City's website². The Code requires all new single-family homes and new low-rise multi-family buildings (up to 3 stories) to be all-electric. Non-residential and high-rise residential buildings can be either all-electric or mixed fuel (both electric and natural gas equipment. The Code also includes requirements for EV charging

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4345454&GUID=25134FC7-B7A3-4060-955A-F7A30A27567A&Options=&Search=>

² <https://www.hayward-ca.gov/reach-code>

infrastructure. When Hayward's Reach Code was adopted in March 2020, there were twenty-eight (28) such codes adopted by local jurisdictions throughout California. On May 27, 2022, the City of Los Angeles became the 55th local jurisdiction to adopt an electrification reach code.

The California Building Code is updated every three years. The 2019 California Building Code and Hayward's Reach Code will both expire on December 31, 2022. The 2022 CalGreen Code will take effect on January 1, 2023. In order to continue Hayward's current Reach Code requirements, a new Reach Code must be adopted this year to be effective along with the 2022 California Building Code in January 2023.

Staff is working closely with a Bay Area working group³ led by East Bay Community Energy (EBCE), Peninsula Clean Energy (PCE), Silicon Valley Clean Energy (SVCE), and their consultants to prepare Hayward's new Reach Code. The working group is developing model codes for local jurisdictions to consider. The draft model codes were used to develop preliminary considerations for Hayward's new Reach Code, which were presented to the Council Sustainability Committee (CSC) on March 14, 2022⁴. Following is a summary of the comments made by the CSC:

1. New Low Rise Residential Buildings – The CSC supported continuing the existing all-electric requirement for new Low Rise Residential Buildings.
2. New Accessory Dwelling (ADU) Units – The CSC supported ending the current exemption for ADUs smaller than 400 square feet but asked about how it may impact the cost of building an ADU (A cost-effectiveness study including an analysis for an all-electric ADU should be available soon).
3. New Non-residential & High-Rise Residential Buildings - The CSC supported staff's recommendation to remove the existing mixed-fuel pathway so that all new buildings would have to be all-electric. For new non-residential buildings, the Committee expressed support for flexibility – especially for industrial uses.
4. Existing Buildings – The CSC supported prohibiting gas extensions in older homes; however, doing so may make it difficult to build smaller attached ADUs. Regarding extensions of gas lines in older existing industrial buildings, the CSC asked staff to consult with the business community.
5. End of Flow – The CSC supported the concept of ending the flow of gas by 2045 but asked about the difficulty of enforcing such a policy and questioned community acceptance.
6. Existing Residential – The CSC agreed Hayward should wait for the California Air Resources Board (CARB) or the Bay Area Air Quality Management District (BAAQMD) to enact a ban on the sale of gas appliances. The BAAQMD has drafted

³ <https://bayareareachcodes.org/>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5523060&GUID=4A5988AD-D820-4426-9F53-9CC938F9C94F&Options=&Search=>

new rules for gas-fired furnaces and water heaters⁵ and on May 19, 2022, the District released a Notice of Preparation of an Environmental Impact Report for the proposed rules. If adopted as currently drafted, the rules would ban the sale of residential and commercial gas-fired space heaters and water heaters effective in 2027 through 2031 depending on equipment type and size. Such rules would limit the need for local jurisdictions to address existing buildings in reach codes.

7. EV Charging Requirements – The CSC would like to see robust requirements but asked for more information about the costs of developing charging infrastructure.

On May 9, 2022⁶, the CSC considered a report with additional information regarding options for new non-residential buildings as well as alternatives and costs associated with EV charging requirements. Staff recommended that items 4, 5 and 6 in the list above be deferred to the next code cycle as more research is needed to evaluate costs and equity implications. Committee members provided the following comments:

- The Code should include limited exceptions that would allow gas for restaurants and life science-related industrial uses.
- EV charging is going to be in high demand in the future and the Code should require higher levels of charging capacity at multi-family properties.

On May 26, 2022, the Planning Commission considered a report⁷ about the Reach Code update and had the following comments:

- A community member in attendance asked for clarification regarding the EV charging requirement for single family homes. The speaker noted that families can program their cars to charge at certain times and that only one charger is needed for two EVs.
 - Compliance with the requirement for two Level 2 EV Ready spaces can be achieved with one circuit that provides sufficient amperage. The two spaces could be served by one receptacle. Although the Code would not require installation of a charger, the homeowner could install one charger that can charge two vehicles simultaneously. Some chargers have integrated automatic load management so that when only one car is charging, it will receive more amps.
- Cooking - One Commissioner noted that single family residents can use an outdoor barbeque to cook outdoors when the grid is out and asked about a solution for people living in a high-rise apartment building.
 - Gas stoves should not be lit manually and should never be used when there's no electricity to provide for mechanical ventilation. The 2022 Energy Code requires some solar photovoltaic (PV) panels and battery storage for high-rise apartments, which should ameliorate power outages.

⁵ <https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5644449&GUID=373D251F-6874-4DC3-AF7B-299444A3DA9A&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5658536&GUID=EF329D60-09D7-4B60-B855-E277BB29823F&Options=&Search=>

- Can renewable natural gas be used for certain industrial uses?
 - Renewable natural gas (RNG) is typically captured methane from farms, landfills, or wastewater treatment plants. The estimated RNG production potential in the United States is a small fraction of the current natural gas used by industry. Use of RNG should be prioritized for power generation at the site of the gas generators, as the distribution system to get renewable gas to buildings is extremely expensive.
- The EV charging requirements can add a significant electrical load to a building. When considering the necessary capacity of the electrical panel, does the Electrical Code consider the presence of an automatic load management system (ALMS)?
 - Yes, accounting for ALMS is a best electrical engineering practice, and is assumed in cost models.
- Regulations can be very complex. Reach Code should be simple.
- Are different chargers needed for low versus high power Level 2 charging? What is the cost of each type of charger?
 - The cost of a low power (20-amp) Level 2 charger with one plug is approximately \$500.
 - The cost of a high power (40-amp) Level 2 charger with one plug is approximately \$700
 - The cost of a high power (40-amp) Level 2 charger with two plugs is approximately \$1,600
- During a power outage, many people try to cook with gas indoors or in other poorly ventilated areas, which is very dangerous and can be deadly. Training should be provided so that people know what to do and not do during an outage.
- Perhaps the cost savings associated with not installing gas in a new building can offset the cost of the EV charging required.
- More charging should be required for new commercial buildings.
- Some housing developments have EV Ready infrastructure and years after the people move in, there are still no chargers. Perhaps there should be a condition of approval to require installation of chargers.

DISCUSSION

Staff is seeking Council direction regarding the development of the new Reach Code. The ordinance is part of the City's overall strategy to address the climate crisis and will likely be included as one of many programs in the updated Climate Action Plan. Staff recommends a new Reach Code that will address the following:

- New Low Rise Residential Buildings
- New Accessory Dwelling Units (ADU)

- New Non-residential & High-Rise Residential Buildings
- EV Charging Requirements for New Construction

Existing and recommended Reach Code requirements are summarized in the table below.

	Current Reach Code (2020 – 2022)	2022 State Code (Effective Jan. 2023)	Recommended Reach Code (Effective Jan. 2023)
Low Rise Residential (three stories and less)	All-electric	Allows gas, but electric heat pumps are baseline for space/water heating. Requires electric readiness.	All-electric
Accessory Dwelling Units (ADUs)	All-electric Exempt if detached and less than 400 square feet.	Allows gas, but electric heat pumps are baseline for space/water heating. Requires electric readiness.	All-electric Detached ADUs <400sf TBD
High Rise Residential (more than three stories)	Electric Preferred	Allows gas, but electric heat pumps are baseline for space/water heating. Requires electric readiness.	All-electric
Mixed Use (Typically ground floor commercial with residential above)	Not addressed	Allows gas, but electric heat pumps are baseline for space/water heating in residential portion.	All-electric
Non-Residential	Electric Preferred	Allows gas	Allows gas. Requires electric readiness (pre-wiring, etc. to convert to all-electric)

New Low Rise Residential Buildings – Staff recommends maintaining the current requirements so that all new single-family homes and all new low-rise multi-family buildings (up to three stories) must be designed and constructed as all-electric. This portion of the current reach code has been very successful in that new all-electric residential buildings are cheaper to construct and operate compared to those with gas.

New Accessory Dwelling Units – The current reach code exempts ADUs less than 400 square feet, which means they can include natural gas appliances for water heating, space heating, etc. Smaller units were exempt primarily due to the extra space required for an electric heat pump water heater tank compared to gas-fired tankless water heater. While most cities' reach codes do not exempt any detached ADUs and the model reach code does not

exempt small ADUs, staff is still researching this issue and will review the soon-to-be-released cost-effectiveness study for all-electric ADUs.

New Non-Residential and High-Rise Residential Buildings – The current Reach Code allows non-residential and high-rise residential buildings (four stories and taller) to be either all-electric or mixed-fuel. At the March 14 CSC meeting, staff recommended eliminating the mixed-fuel option. Staff recommends the new Reach Code require all buildings that include a residential use, including mixed use buildings, must be all-electric.

For new non-residential buildings, the CSC requested limited exceptions where gas may be used. Hayward's Economic Development staff has also expressed support for the Reach Code and is interested in having exceptions – particularly for restaurants and life science-related industries. In response to this feedback, staff continued to research different approaches to incorporate flexibility and allow exceptions – potentially for certain industrial uses and restaurants.

Exceptions are also being explored in light of the California Environmental Quality Act (CEQA) and the goal to be carbon neutral by 2045. On April 20, 2022, the BAAQMD Board of Directors adopted new thresholds of significance for use in environmental analyses prepared pursuant to CEQA. The thresholds are used to determine when an environmental impact is considered “significant”. If an impact is considered significant and cannot be mitigated, the project is required to have an Environmental Impact Report prepared. While the previous thresholds were quantitative, such as a certain number of metric tons of carbon dioxide equivalent per year, the new thresholds are qualitative due to the state's carbon neutrality goal. The new thresholds state that any new building must either:

1. Not include natural gas; or
2. Be consistent with a local Climate Action Plan (CAP).

The Reach Code can include exceptions for uses such as restaurants and certain industrial operations; however, in order for a project to avoid having a significant impact, Hayward's CAP would need to identify a means for offsetting the greenhouse gas (GHG) emissions from the gas use by 2045. Staff is currently working with a consultant team on an update of the CAP and plans to find a way to allow some gas use while still maintaining a path toward carbon neutrality by 2045.

The CSC requested limited exceptions that would allow gas for restaurants and life science-related industrial uses, however crafting and implementing a code that exempts certain uses is complicated and implementing the code could put a strain on already-limited staff resources. After several internal discussions and meetings with consultants, staff is recommending a simpler approach for new non-residential buildings.

For this code cycle (2023 – 2025), staff recommends that the new Reach Code require any new non-residential building, to be “all-electric ready” so that the building can either:

- operate as all-electric initially; or

- convert to all-electric in the future.

The recommended approach would allow natural gas in new non-residential buildings, but those that do include gas would be pre-wired for easier conversion to all-electric in the future, which would help Hayward meet its goal of carbon neutrality by 2045. Following are staff's reasons for the recommended code requirements.

- Beginning in 2023, the California Energy Code will encourage electric space heating and electric water heating, so staff expects most new buildings will not include gas for space and water heating for small commercial buildings.
- Staff considered a potential Code requirement that would require all new buildings to have electric space heating and electric water heating. While the working group consultants have pointed out that all electric heating, ventilation, and air conditioning (HVAC) is possible and many large owners/operators of laboratory space have committed to all-electric, some developers of laboratory space have argued that gas is still required for cost-effective operation of HVAC, which requires large volumes of air changes. Given that Hayward seeks to attract new life science and biotechnology companies, staff feels that it is best to allow for flexibility.
- Exceptions that apply in limited cases would be difficult to articulate in an ordinance and would be time-consuming for Building Division staff to administer. The extra work would include questions prior to submitting an application, staff review of exception requests, and potential appeals.
- Most new industrial buildings are speculative and are built as "shell" buildings where and tenants are not known in advance. Maintaining flexibility in the Code allows for a wider variety of tenants.
- For new buildings that do include gas, the code can require "electric-readiness". This means that wiring, panel capacity, electrical receptacles and physical space are provided for future electric equipment. While the updated Climate Action Plan is still underway, requiring electric readiness would likely help Hayward create a plan that demonstrates a realistic pathway toward carbon neutrality by 2045.
- The Code adopted this year will be in place through the end of 2025. In 2025, the Reach Code can be re-evaluated and could modify the requirements that will take effect in January 2026.

EV Charging – Attachment II is a glossary of terms related to EV charging. On March 14, 2022, the CSC requested more information about the costs to install EV charging infrastructure. Attachment III includes potential requirements as well as cost estimates. While the new CalGreen code will require 40% of spaces to have Level 2 readiness, the new regional model code would require the remaining 60% of spaces to be Level 1 EV Ready. Staff is not recommending Level 1 chargers as an overnight charge providing 30 miles of range is not sufficient for many people. New EVs have large batteries that may make Level 1 charging obsolete in the next few years. Staff is recommending some combination of Level 2 charging readiness and Level 2 chargers.

Following are staff's recommendations for EV infrastructure to be required at the time of new construction:

Single-Family Residential

- Two Level 2 EV Ready spaces

Multi-Family Residential (market rate and affordable):

- 20% of units with parking spaces, High Power Level 2 EVSE;
- 80% of units with parking spaces, Low Power Level 2 EV Ready.

Non-Residential Office

- 20% of parking spaces, Level 2 EVSE
- 30% of parking spaces, Level 2 EV Capable

Non-Residential, Non-Office

- 10% of parking spaces, Level 2 EV EVSE
- 10% of parking spaces, Level 2 EV Capable

Attachment III includes two options (A and B) for EV charging requirements for multi-family properties. The recommended charging listed above is Option B while Option A would require more high-power Level 2 charging readiness. Both options were presented to the CSC on May 9, 2022 and to the Planning Commission on May 26, 2022. The CSC was mixed on their support for the two options and the Planning Commission indicated more support for Option B.

The EV charging requirements in the current Reach Code have been especially difficult for developers of affordable housing. Some recently approved affordable housing projects in Hayward have been completely exempted from the charging requirements due to concessions granted under the state's Density Bonus law.

Some have argued that there should be a lower requirement for affordable housing due to the constraints associated with developing and financing affordable projects. However, some have argued that that to ensure equity, people living in affordable housing should have access to the same level of EV charging as those who live in market rate housing. Option B is more similar to the model code recommended for affordable housing. If Option B is applied to both market rate and affordable, it would be a more equitable approach and it is a less expensive requirement for the developer. Option B is also a less expensive requirement compared to Hayward's current Reach Code.

As noted previously, some affordable housing developers have sought exemptions from the Reach Code requirements for EV charging. Beginning in January 2023, a project that is exempt from the Reach Code will need to comply with the updated state code, which will require:

- 10% of parking spaces must be Level 2 EV Capable,
- 25% of parking spaces must be Low Power Level 2 EV Ready, and
- 5% of parking spaces must be Level 2 EV Charging Stations

FISCAL IMPACT

Development of this year's Reach Code will not impact the City's General Fund. Time spent on research and writing of the Code will be completed by existing, budgeted staff.

Enforcement of Hayward's current Reach Code has resulted in some impacts to staff as developers often have questions about compliance. Staff's recommendations for the new Reach Code, including the elimination of the mixed-fuel pathway with additional solar and energy efficiency requirements, are expected to result in a Code that is simpler and easier to enforce.

ECONOMIC IMPACT

Local amendments to the California Energy Code require documentation to ensure the proposed requirements are cost-effective. This year's Reach Code could be adopted as a stand-alone ordinance and not as an amendment to the Energy Code if it does not address energy efficiency. This approach would not require a cost-effectiveness study; however, the Statewide Codes & Standards Reach Codes team is preparing studies that may be used by local jurisdictions. Generally, the studies completed to date show that all-electric buildings are less costly to construct due to the avoided cost of installing gas infrastructure, but operational costs are higher compared to mixed-fuel buildings. However, if additional solar photovoltaic (PV) panels and/or energy efficiency measures are included, then an all-electric building is typically cost-effective over a 30-year period.

The requirements for EV charging infrastructure will increase the cost of construction; however, future residents or employees can benefit from the cost savings of operating an EV compared to a gasoline vehicle. In addition, significant savings can be realized when installing EV Capable and EV Ready circuits at the time of new construction as compared with the retrofit of an existing building or existing parking lot.

As shown in Attachment III, the estimated cost to install charging required by the 2022 CalGreen Code will cost approximately \$146,000 for a 100-unit multi-family project. It also shows that compliance with the recommended requirements, Option B, would cost approximately \$273,000 for a 100-unit building, or approximately 0.6% of the total construction cost. Option A would cost approximately \$398,000, or 0.8% of the total construction cost of the project. The key to keeping costs low is the installation of Automatic Load Management Systems (ALMS), which manage electrical loads across one or more electric vehicle chargers, circuits, or panels, and share electrical capacity and/or automatically manage power at each connection point. This allows several cars to remain plugged in overnight, but not all cars would be charged at the same time.

It is important to note that the costs noted above are just for panels, conduit, wiring and chargers and do not include costs for transformers or service upgrades as the need for such improvements will vary from site to site. Option A has the largest power requirements and the greatest likelihood of additional cost for transformers and service upgrades.

Additional cost estimates from a 2019 study⁸ prepared for Peninsula Clean Energy (PCE) and Silicon Valley Clean Energy (SVCE) are included in Attachment III. The study analyzed the costs for a 60-unit multi-family project; a 150-unit multi-family project; and an office building with 60 parking spaces. The study considered the cost of electrical service upgrades, electrical panels and transformers and includes the following key findings:

- Costs [for EV charging] for new construction were significantly lower, at almost four times as much per spot compared to the retrofit scenario. This indicates that increasing Code requirements for charging infrastructure could potentially save significant amounts of money to building owners in the new construction context rather than waiting for tenants to become interested in electric vehicles, at which point significant costs related to invasive demolition and electrical infrastructure replacement would be necessary.
- Transformer capacity limitations are not expected to occur very frequently and that even in the retrofit context most buildings should be able to meet the added load. For those that do not have significant capacity, utilizing lower power “Level 1” ports or load management may be promising options. However, transformer upgrades are more likely with the increased EV infrastructure requirements such as those for Level 2 charging.
- For larger new buildings in need of a second transformer and associated electrical infrastructure, the owner/developer would need to bear those costs estimated to be approximately \$50,000 (or significantly more in a retrofit context).
- Installing an EV Capable parking space means that wiring, etc., would need to be installed at later date. Installing an EV Ready space at the outset (installing a complete electrical circuit with wiring and circuit breakers) will achieve better economies of scale and avoid the overhead and time needed to hire an electrician. This includes the need for tenants to get approvals from building owners for an electrical wiring retrofit (as in the case of a condominium with a homeowner’s association). Similarly, installing charging equipment during new construction can be completed at a much lower cost than retrofitting later.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to *Confront Climate Crisis & Champion Environmental Justice* as included in the Strategic Roadmap adopted May 3, 2022. Specifically, this item is related to implementation of the following projects:

- | | |
|-------------|--|
| Project C1 | Ban natural gas in new residential buildings (Completed with the March 2020 adoption of the Reach Code.) |
| Project C2 | Require EV charging infrastructure in new construction (Completed with the March 2020 adoption of the Reach Code.) |
| Project C10 | Explore feasibility of banning natural gas in non-residential (commercial) buildings. |

⁸ https://bayareareachcodes.org/wp-content/uploads/2020/03/PCE_SVCE-EV-Infrastructure-Report-2019.11.05.pdf

SUSTAINABILITY FEATURES

The use of electric appliances in homes and businesses avoids indoor air pollution associated with the burning of natural gas. Ending the use of natural gas and providing the infrastructure needed for a transition to electric vehicles are both necessary to meet the City's long term GHG reduction goals, which include:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045.

ENVIRONMENTAL REVIEW

Staff anticipates the Reach Code, once finalized, will be found not to be a project under the requirements of the CEQA, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. The Ordinance may also be exempt from environmental review under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment.

PUBLIC CONTACT

The Bay Area working group hosted two workshops for building industry stakeholders and community members on February 15 and 16, 2022. Staff sent an email to 658 builders and developers to let them know about these workshops and the March 14 CSC meeting. At the February workshops, attendees were generally supportive of reach codes. Specific comments included:

- Automatic Load Management (for EV charging) is critical and still new, and more education is needed.
- Multi-family property owners said they do not want to be in the EV charging business. They requested that EV charging be required such that it is on the utility's side of the electric meter.

In addition, in early 2022, staff reached out to six representatives of affordable housing developers and had phone conversations with three to review existing and potential EV charging requirements. Staff has conducted limited outreach for this first discussion on the 2023 Reach Code. Upon direction from the CSC, staff will continue to seek input from development and business stakeholders. Specifically, staff intends to engage with the Chamber of Commerce and industrial property developers before returning to the CSC with more refined recommendations.

On May 6, 2022, staff presented to the Hayward Chamber of Commerce's Government Relations Committee. The Chamber members' comments included:

- Questions about the capacity of the electrical grid and its ability to accommodate the increased load that will result from electrification.

- People still love to cook with gas.
- More direct outreach is needed to get the word out to business owners and multi-family property owners.

Finally, staff recently had conversations with four large commercial/industrial developers who indicated that most new buildings are developed on speculation and that they prefer to maximize flexibility to help with marketing the buildings to potential tenants.

NEXT STEPS

Upon Council direction, staff will continue to work with the Bay Area working group and stakeholders to prepare a draft reach code ordinance for Council's consideration. Following is a tentative timeline:

July 11, 2022	Present draft Reach Code Ordinance to CSC
October 2022	Council to consider adoption
January 2023	Reach Code takes effect along with the 2022 CA Building Code

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works
Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:

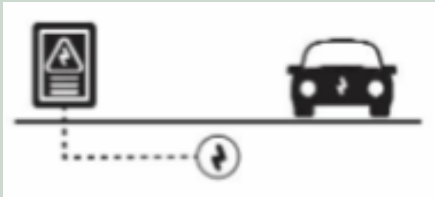
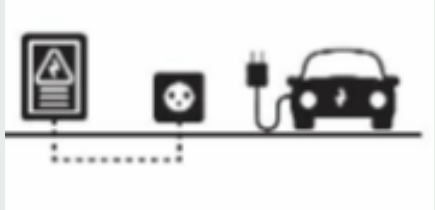



Kelly McAdoo, City Manager

Electric Vehicle Charger Types

Level 1		15-20 Amp, 120 Volt (standard household outlet) Driving Distance provided: 3-4 miles/hour
Low Power Level 2		20 Amp, 208/240 Volt Driving Distance provided: 10-15 miles/hour
High Power Level 2		40+ Amp, 208/240 Volt Driving Distance provided: 25-30 miles/hour
DC Fast Charge		80-400 Amp, 200-600 Volt DC (direct current) Driving Distance provided: 125-1000 miles/hour

EV Charging Infrastructure

EV Capable		Raceway (conduit), electrical capacity (breaker space)
EV Ready		EV Capable + overcurrent protection devices, wiring and outlet (i.e. full circuit)
EVCI (electric vehicle charger installed) Also known as EVSE (electric vehicle supply equipment)		All equipment to deliver electricity to EV

EV Charging – Requirements & Estimated Costs for New Multi-Family Development

		Hayward’s Current Reach Code (% of dwelling units)	2022 CalGreen (% of parking spaces)	2022 Model Reach Code	2022 Model Reach Code Affordable Housing	Option A	Option B (Recommended by Staff)
Multi-Family		25% Level 2 EV Capable 75% Level 2 EV Ready	10% Level 2 EV Capable 25% <u>low power</u> Level 2 EV Ready 5% <u>high power</u> Level 2 EVSE	60% Level 1 EV Ready 40% <u>high power</u> Level 2 EVSE	60% Level 1 EV Ready 25% <u>low power</u> Level 2 EV Ready 15% <u>high power</u> Level 2 EVSE	60% <u>high power</u> Level 2 EV Ready 40% <u>high power</u> Level 2 EVSE	80% <u>low power</u> Level 2 EV Ready 20% <u>high power</u> Level 2 EVSE
Costs for a 100-unit Multi-Family Project*	L1 Ready			60	60		
	L2 Capable	25	15				
	L2 Low Power Ready		38		25		80
	L2 High Power Ready	75				60	
	L2 High Power EVSE		8	40	15	40	20
	Total Ports	100	61	100	100	100	100
	Total Cost		\$146,421	\$194,185	\$175,635	\$397,801	\$273,079
	Cost/Port		\$2,400	\$1,942	\$1,756	\$3,978	\$2,731
	% of dwellings w/access	100%	40-60%	100%	100%	100%	100%
	% of total const. cost**		0.3%	0.4%	0.4%	0.8%	0.6%

* Costs are estimated for 2022 and do not include the cost of transformers or increase panel capacity. Assuming 1.5 parking spaces per dwelling unit.

** The “% of total construction cost” may be as high as double as what is when accounting for transformers, etc. This is especially true of ‘Option A’ which includes the highest power requirements.

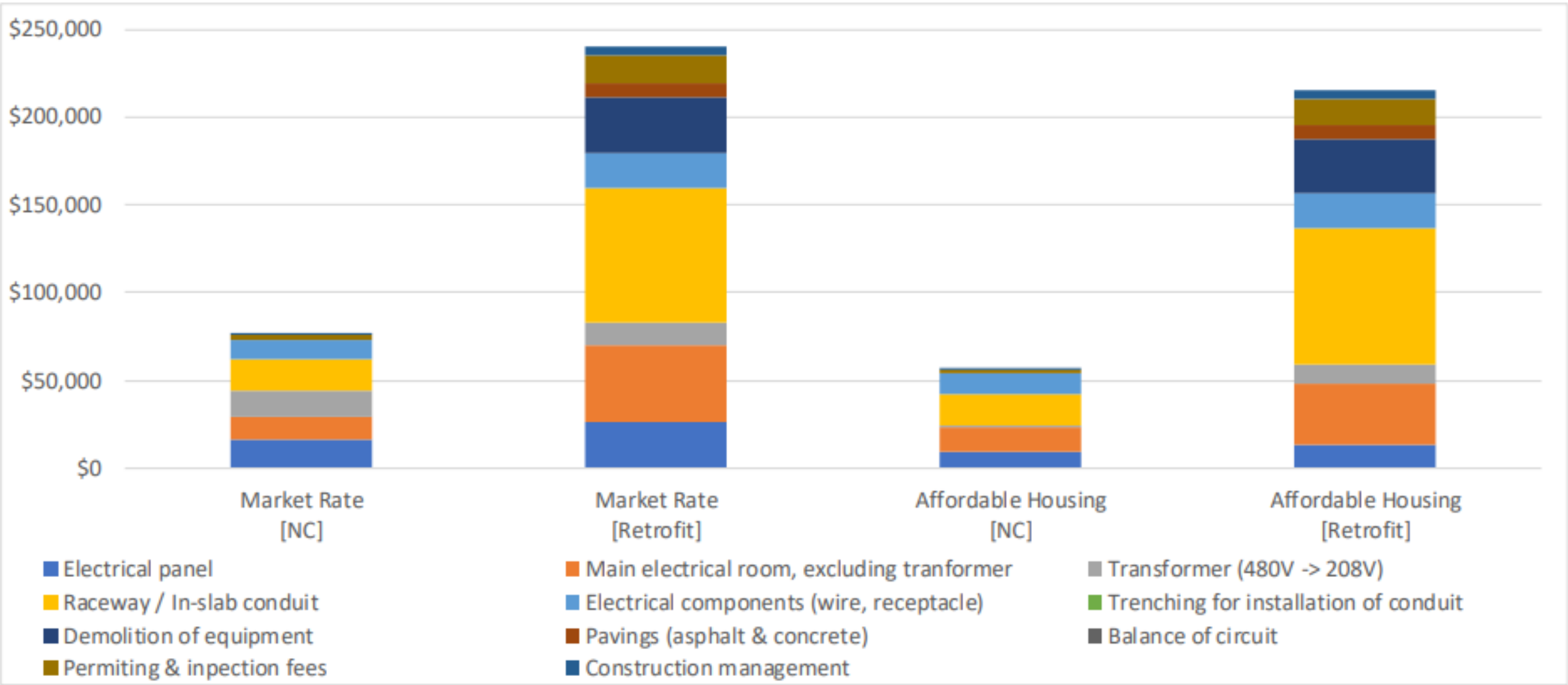
EV Charging – Requirements for Other Land Use Types

	2019 CalGreen	Hayward’s Current Reach Code	2022 CalGreen	Model Reach Code (potential requirements)	Recommended
Single Family & Townhome	One Level 2 EV Capable for one parking space per dwelling unit	Two Level 2 EV Ready spaces per dwelling unit	No changes from 2019 CalGreen	One Level 2 EV Ready space One Level 1 EV Ready space	Two Level 2 EV Ready spaces per dwelling unit No change from current Reach Code.
Non-Res Office	6% Level 2 EV Capable	20% Level 2 EVSE; 30% Level 2 EV Capable	5% Level 2 EVCS; 10% Level 2 EV Capable	20% Level 2 EVSE; 30% Level 2 EV Capable	20% Level 2 EVSE; 30% Level 2 EV Capable No change from current Reach Code.
Non-Res Non-Office		15% Level 2 EVSE		10% Level 2 EVSE; 10% Level 2 EV Capable	10% Level 2 EVSE; 10% Level 2 EV Capable
Hotel/ Motel	NA	NA	NA	5% Level 2 EVSE; 25% <u>low power</u> Level 2 EV Ready	5% Level 2 EVSE; 25% <u>low power</u> Level 2 EV Ready

EV Charging Cost Estimates

The following cost estimates are from a 2019 study¹ prepared for Peninsula Clean Energy (PCE) and Silicon Valley Clean Energy (SVCE) analyzing the costs for: 1) a 60-unit multi-family project; 2) a 150-unit multi-family project; and 3) an office building with 60 parking spaces. The costs below are for EV Ready and do include costs for transformers. This study does not include costs for EVSE, and does not include and has a overall 20% contingency to account for ADA compliance. ADA can be a significant source of cost and in this study is only intended to capture a limited scope of ADA compliance.

Figure1. Cost Break-down for 60-unit Multi-family Residential Project



¹ https://bayareareachcodes.org/wp-content/uploads/2020/03/PCE_SVCE-EV-Infrastructure-Report-2019.11.05.pdf

Table 1. Estimated Incremental Cost of installing EV Infrastructure: 60-unit Multi-family Residential Project

Retrofit	60-Unit MUD			
	Market Rate [NC]	Market Rate [Retrofit]	Affordable Housing [NC]	Affordable Housing [Retrofit]
Level 2 Ports Added	9	9	0	0
Level 1 Ports Added	45	45	54	54
Electrical panel	\$15,960	\$26,008	\$9,289	\$13,004
Main electrical room, excluding transformer	\$13,609	\$43,911	\$14,055	\$35,193
Transformer (480V -> 208V)	\$14,164	\$12,743	\$1,081	\$10,897
Raceway / In-slab conduit	\$18,059	\$77,247	\$18,059	\$77,247
Electrical components (wire, receptacle)	\$11,366	\$20,131	\$11,307	\$20,049
Trenching for installation of conduit	\$0	\$0	\$0	\$0
Demolition of equipment	\$0	\$31,940	\$0	\$30,918
Pavings (asphalt & concrete)	\$0	\$7,889	\$0	\$7,889
Permitting & inspection fees	\$2,435	\$15,592	\$2,435	\$15,592
Construction management	\$549	\$4,449	\$403	\$4,264
TOTAL	\$76,142	\$239,909	\$56,629	\$215,051
TOTAL (Price per Port)	\$1,410	\$4,443	\$1,049	\$3,982

NC = New Construction

Figure2. Cost Break-down for 150-unit Multi-family Residential Project

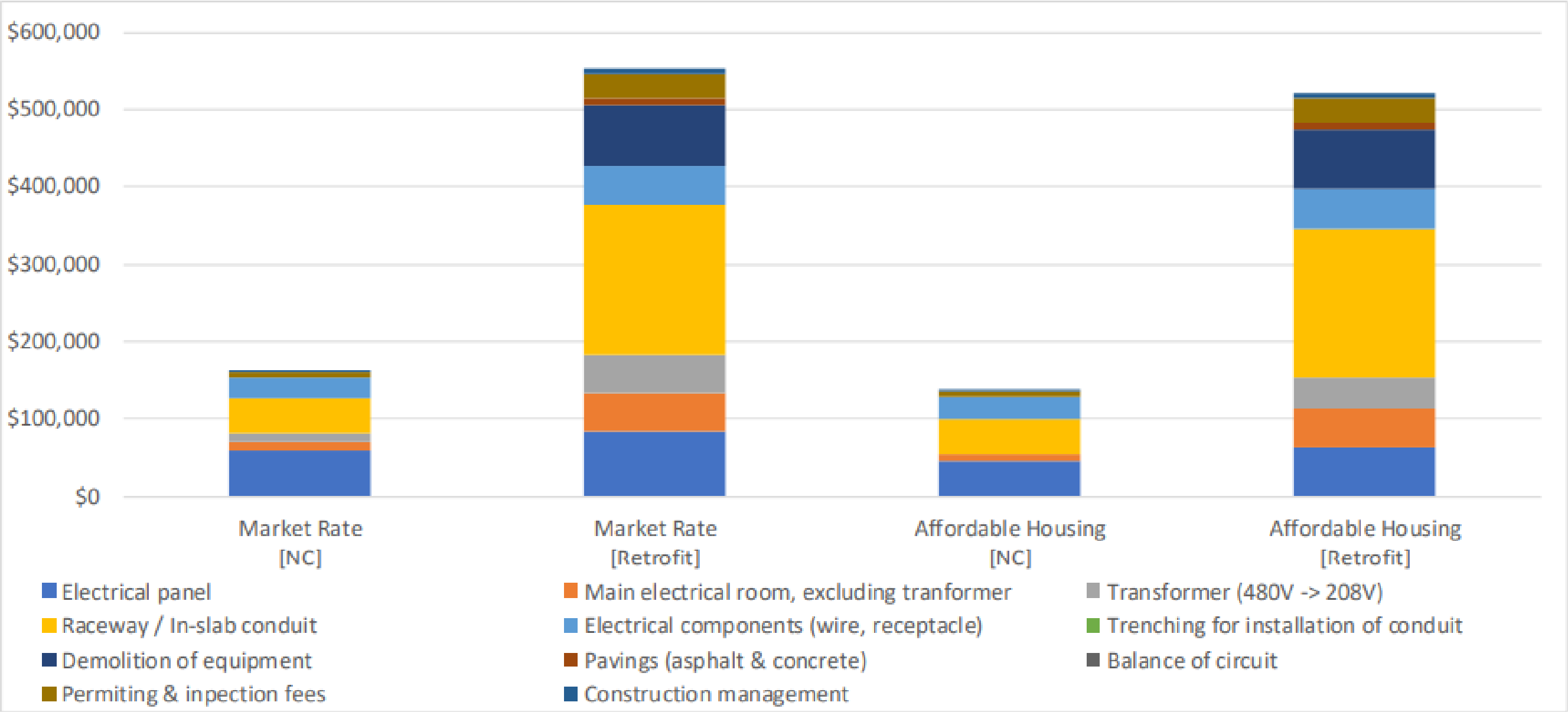


Table 2. Estimated Incremental Cost of installing EV Infrastructure: 150-unit Multi-family Residential Project

Retrofit	150-Unit MUD			
	Market Rate [NC]	Market Rate [Retrofit]	Affordable Housing [NC]	Affordable Housing [Retrofit]
Level 2 Ports Added	23	23	0	0
Level 1 Ports Added	112	112	135	135
Electrical panel	\$59,785	\$83,699	\$44,926	\$62,896
Main electrical room, excluding transformer	\$10,059	\$49,276	\$10,059	\$49,276
Transformer (480V -> 208V)	\$11,539	\$49,742	\$0	\$40,621
Raceway / In-slab conduit	\$45,147	\$193,116	\$45,147	\$193,116
Electrical components (wire, receptacle)	\$28,062	\$49,833	\$28,407	\$50,317
Trenching for installation of conduit	\$0	\$0	\$0	\$0
Demolition of equipment	\$0	\$79,850	\$0	\$77,294
Pavings (asphalt & concrete)	\$0	\$8,442	\$0	\$8,442
Permitting & inspection fees	\$5,798	\$33,069	\$5,798	\$33,069
Construction management	\$1,159	\$6,655	\$964	\$5,196
TOTAL	\$161,550	\$553,682	\$135,301	\$520,227
TOTAL (Price per Port)	\$1,197	\$4,101	\$1,002	\$3,854

NC = New Construction

Figure 3. Cost Break-down for Office Building with 60 Parking Spaces

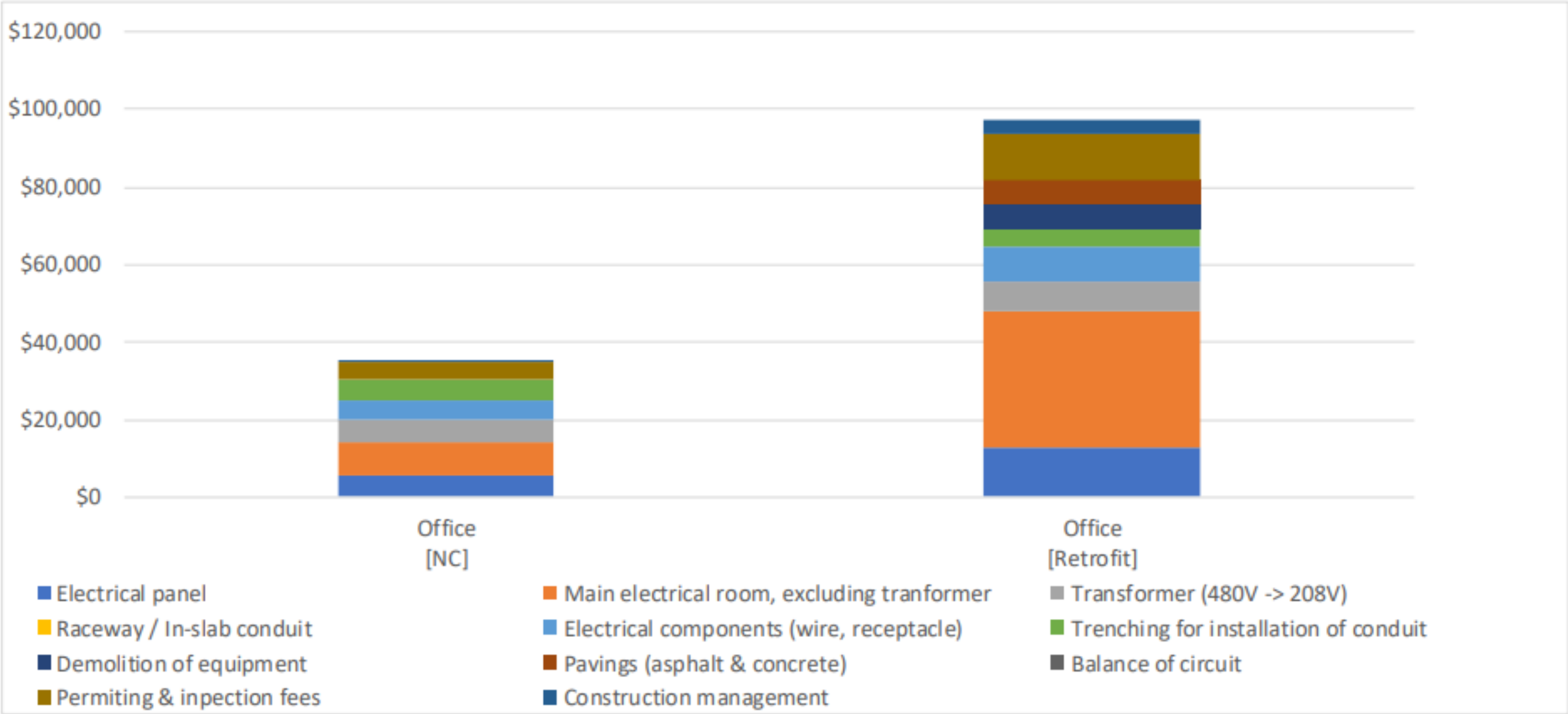


Table 3. Estimated Incremental Cost of installing EV Infrastructure: Office Building with 60 Parking Spaces

Retrofit	60-Space Office	
	Office [NC]	Office [Retrofit]
Level 2 Ports Added	2	2
Level 1 Ports Added	24	24
Electrical panel	\$5,571	\$13,004
Main electrical room, excluding transformer	\$8,558	\$35,005
Transformer (480V -> 208V)	\$5,748	\$7,786
Raceway / In-slab conduit	\$0	\$0
Electrical components (wire, receptacle)	\$5,285	\$9,031
Trenching for installation of conduit	\$5,133	\$4,562
Demolition of equipment	\$0	\$6,211
Pavings (asphalt & concrete)	\$0	\$6,305
Permitting & inspection fees	\$4,448	\$11,652
Construction management	\$227	\$3,414
TOTAL	\$34,971	\$96,970
TOTAL (Price per Port)	\$1,166	\$3,232

NC = New Construction



CITY OF HAYWARD

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

File #: WS 22-021

DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

California Air National Guard Site: Proposed Development of the California Air National Guard Site at the Hayward Executive Airport (Report from Public Works Director Ameri)

RECOMMENDATION

That the Council reviews and provides feedback on the proposed development of the California Air National Guard (CANG) site.

SUMMARY

The CANG site at the Hayward Executive Airport (Airport) has been vacant since 1980, and was officially returned to the City by the United States Government in 2012. For over ten years, staff has marketed the parcel for aeronautical use, but interest has not met expectations due to market conditions that continue to favor non-aeronautical uses.

Staff received several inquiries about non-aeronautical use, including a proposal by Montecito Development Company (Developer) in 2018. The developer expressed interest in a “flex” type of development, which included retail, office, and warehouse space, as well as space for a museum honoring the Tuskegee Airmen. This proposal was not supported however, and the Developer’s plan evolved from warehouse space to buildings intended for life science and advanced manufacturing, with the museum for the Tuskegee Airmen and the space for a community center retained in the new plan. The financial impact of this revised proposal is significant, with potential annual revenues to the Airport approaching \$1 million. The City may also benefit from quality job creation, the generation of additional sales tax, and increased economic impact.

Before development can proceed, the CANG parcel must be released for non-aeronautical use by the Federal Aviation Administration (FAA). Staff must submit a written request, which will require a minimum of nine months for review and approval. In addition, the property will require a rezoning from Air Terminal-Airport Commercial (AT-AC) to Air Terminal-Commercial (AT-C). Other steps include negotiating a lease agreement with the prospective developer and pursuing land use approvals, which will require a rezoning and General Plan Amendment, and assessing any potential environmental

File #: WS 22-021

impacts, consistent with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements.

Council Airport Committee Review

This item was presented to the Council Airport Committee (CAC) on April 28, 2022. The CAC unanimously stated their approval and recommended it to the City Council for further consideration.

ATTACHMENTS

Attachment I Staff Report
Attachment II CANG Site Location Map
Attachment III Conceptual Site Plan
Attachment IV Building Views



DATE: June 14, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: California Air National Guard Site: Proposed Development of the California Air National Guard Site at the Hayward Executive Airport (Report from Public Works Director Ameri)

RECOMMENDATION

That the Council reviews and provides feedback on the proposed development of the California Air National Guard (CANG) site.

SUMMARY

The CANG site at the Hayward Executive Airport (Airport) has been vacant since 1980, and was officially returned to the City by the United States Government in 2012. For over ten years, staff has marketed the parcel for aeronautical use, but interest has not met expectations due to market conditions that continue to favor non-aeronautical uses.

Staff received several inquiries about non-aeronautical use, including a proposal by Montecito Development Company (Developer) in 2018. The developer expressed interest in a “flex” type of development, which included retail, office, and warehouse space, as well as space for a museum honoring the Tuskegee Airmen. This proposal was not supported however, and the Developer’s plan evolved from warehouse space to buildings intended for life science and advanced manufacturing, with the museum for the Tuskegee Airmen and the space for a community center retained in the new plan. The financial impact of this revised proposal is significant, with potential annual revenues to the Airport approaching \$1 million. The City may also benefit from quality job creation, the generation of additional sales tax, and increased economic impact.

Before development can proceed, the CANG parcel must be released for non-aeronautical use by the Federal Aviation Administration (FAA). Staff must submit a written request, which will require a minimum of nine months for review and approval. In addition, the property will require a rezoning from Air Terminal-Airport Commercial (AT-AC) to Air Terminal-Commercial (AT-C). Other steps include negotiating a lease agreement with the prospective developer and pursuing land use approvals, which will require a rezoning and General Plan Amendment, and assessing any potential environmental impacts, consistent with California

Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements.

Council Airport Committee Review

This item was presented to the Council Airport Committee (CAC) on April 28, 2022¹. The CAC unanimously stated their approval and recommended it to the City Council for further consideration.

BACKGROUND

The Airport and all its facilities were originally transferred from the United States Government to the City in 1947 in the form of a quitclaim deed. The City entered into an agreement with the U.S. Government in 1949 for continued use of Airport land by the U.S. Air Force and the CANG. The CANG site was used by various military units until 1980 when the land was vacated and eventually returned to the City in September 2012. A significant portion of the vacated land (16 acres) is the subject of this development, while three additional acres continued to be leased by the CANG. Additional acreage was also returned to the City and will be available for future aeronautical development, such as hangars.

The FAA prefers that owners of public-use airports use airport property for aeronautical purposes, and, as a result, staff has actively searched for aeronautical tenants for the CANG site. The City released a Request for Proposals (RFP) in 2001 and 2007, and several responses were received, including one for development of corporate aircraft hangars that was determined to have merit. However, negotiations were unsuccessful.

The City released another RFP in 2016, but the respondents did not meet minimum specified qualifications. Later, staff contacted commercial real estate agents for assistance in identifying prospective tenants, and staff fielded several inquiries. Despite this effort, the CANG parcel could not be leased in whole or in part for aeronautical purposes.

Feedback received from potential aeronautical tenants indicated the condition of the CANG site was a factor in their decision to forego the opportunity. The buildings do not meet modern code requirements. Potential aeronautical tenants found the estimated cost of demolition to be cost prohibitive. As a result, efforts are now focused on non-aeronautical uses and development.

In 2018, staff held preliminary discussions with the Developer for creation of the Hayward Airport Commerce Center. However, that proposal did not meet a primary goal to generate a significant number of jobs. In response, the Developer later modified their proposal to focus on life sciences and advanced manufacturing development.

The Developer's experience includes capital projects in Richmond, Buchannan Field in Concord, and the Livermore Municipal Airport. The Developer recently completed eleven advanced manufacturing projects in the life sciences field and plans six additional projects for

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5567168&GUID=D2ECBE6C-4308-4EDD-BF13-41F2C0079FDF&Options=&Search=>

advanced manufacturing with companies such as ThermoFisher and Tenaya. Additionally, the Developer has completed 11 projects in the electronic products field, including a 248,000-square-foot facility for Siemens and a 440,000-square-foot facility for Tesla.

DISCUSSION

Project Overview. The Developer is proposing an advanced manufacturing development project at the CANG site. Advanced manufacturing includes the use of innovative technologies to improve products or processes, including life sciences (i.e., drugs and therapeutics), or electronic products (i.e., robotics and energy). Advanced manufacturing is a burgeoning industry, with over 100,000 Science, Technology, Engineering, and Math and 7,000 bio manufacturing jobs within the San Francisco Bay Area.

Conceptual Site Plan. A preliminary site plan submitted by the Developer for the CANG site depicts three buildings that total approximately 332,000 square feet (Attachment III). The architectural design of the buildings will be high end and include flexible spaces that can be adapted for multiple users (Attachment IV). Another key component of the proposed development is a building totaling 4,000 square feet to house a museum honoring the Tuskegee Airmen, and for use by community service organizations, including the Civil Air Patrol, Young Marines, and the U.S. Coast Guard Cadets.

Federal Aviation Administration. Prior to developing the parcel for non-aeronautical use, FAA regulations require the release of the CANG site for this purpose. The release requires a detailed explanation to justify FAA approval, and it also requires review and approval from other FAA lines of business, including their headquarters in Washington, D.C. The process takes a minimum of nine months. Staff will initiate the written request to the FAA.

Of key interest for the FAA is if a sufficient amount of land will remain for future aeronautical development if the CANG site is committed for nonaeronautical use. This issue has been evaluated and the release request will indicate that sufficient land is available.

Another item to consider is the applicability of the Surplus Lands Act (the Act) on this project. In brief, the Act, which was codified into State law last year, promotes affordable housing development on unused or underutilized public land throughout the state to respond to the existing affordable housing crisis. Contained within the Act are certain caveats that allow a local agency to exempt certain lands from this requirement. One of these exemptions occurs under Section 103(3)(G) of the Act, which states “Surplus land that is subject to valid legal restrictions not imposed by the local agency such as covenants, or other restrictions that are and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site.” The CANG site is located on Airport property and residential housing is considered an incompatible use by the FAA.

According to the City Attorney, under the California Government Code and provisions of the City Charter, the City has the option to either entertain new business proposals from individuals or companies that may be received from time to time or solicit public interest for development opportunities through a RFP. Also, the FAA permits airport sponsors to enter

long-term leases by negotiation or solicitation. The City has taken both approaches in the past. For example, Ascend Development contacted the City in 2000 and their proposal for development of aircraft hangars was subsequently approved by Council, and the City also participated in lease negotiations for development of a FBO after being contacted by Meridian. In other instances, the City has issued a RFP, including the lease of an existing commercial hangar.

General Plan Amendment and Airport Land Use Compatibility Plan. Impacts to both the General Plan and the Airport Land Use Compatibility Plan will be assessed as the project undergoes the rezoning and application review process.

Zoning. The project site is currently zoned Air Terminal-Airport Commercial (AT-AC). However, this project will require a rezoning to Air Terminal-Commercial (AT-C).

Environmental Review. Once the project application has been filed, the applicant will work with the Planning Division to assess what level of environmental reviews and clearances are necessary, consistent with CEQA and NEPA requirements.

ECONOMIC IMPACT

The proposed development would add much needed square footage to Hayward's industrial real estate inventory. Currently, the industrial vacancy rate citywide is under 4 percent. Most of this vacant space is older stock and not conducive to attracting life science or advanced manufacturing users. This development would also generate employment opportunities for skilled and unskilled tradespeople during the construction phase, and advanced manufacturing jobs after the project is fully built. Furthermore, the City's General Fund would benefit from additional business license fees and sales tax. Lastly, the addition of a daytime population of workers associated with this development will also support businesses on the Hesperian Corridor, which includes retailers and restaurants in Winton Plaza and Southland Mall. Over the life of the project, the proposed development is also estimated to generate \$1 million in sales tax, \$94 million in wages, and \$177 million in direct economic impact.

FISCAL IMPACT

The Airport is operated as a financially independent Enterprise Fund. It receives no financial support from the City's General Fund and must solely rely on the revenue it generates to fund its annual operating and capital improvement budgets. FAA regulations require the Airport to be as financially self-sustaining as possible, which is also a directive of Council.

Commensurate with the ground lease for Meridian Hayward and other significant capital projects at the Airport, staff anticipates a lease term of 50 years and estimated rental revenue to the Airport of approximately \$1 million annually. The annual rental revenue will assist in enabling the Airport to continue to be financially self-sustaining in compliance with Council directives and FAA policy guidance, and it will be dedicated to Airport capital projects (including currently unfunded projects), equipment needs, and staffing requirements. The existing abandoned buildings on the site will be removed by the Developer.

STRATEGIC ROADMAP

This agenda item pertains to Section 2b of Council's Strategic Roadmap under Grow the Economy: Engage owners and encourage activation of vacant sites.

SUSTAINABILITY FEATURES

The Airport is strongly committed to developing projects that are environmentally responsible. Therefore, staff will ensure that all plans proposed by the Developer incorporate features that are in line with the City's sustainability guidelines.

PUBLIC CONTACT

The agenda and staff report for this item have been posted on the City's website and distributed to interested parties. In addition, this item was presented to the CAC at their April 28, 2022 meeting.

NEXT STEPS

Non-aeronautical development on the CANG site requires approval by the FAA. In addition, the zoning must be changed from AT-AC to AT-C to accommodate non-aeronautical commercial development. Staff will submit the rezoning request to the City for consideration in approximately one year, and will concurrently facilitate development of the site, including negotiating a lease agreement with the prospective developer and working with the developer in pursuing land use entitlements and environmental clearance, subject to plan review and approval by the City.

Prepared by: Doug McNeeley, Airport Manager

Recommended by: Alex Ameri, Director of Public Works

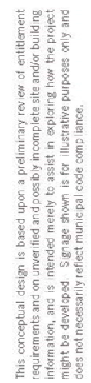
Approved by:



Kelly McAdoo, City Manager

Site Map – California Air National Guard (CANG)







This conceptual design is based upon a preliminary review of entitlement requirements and is intended to assist in developing a preliminary building footprint, and is intended to assist in developing a preliminary building footprint, and is intended to assist in developing a preliminary building footprint. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance.

MUSEUM PERSPECTIVE
HAYWARD AIRPORT TECHNOLOGY CENTER
HAYWARD, CA - SNR18-0026-00



This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance.

WEST PERSPECTIVE VIEW BLDG 04
HAYWARD AIRPORT TECHNOLOGY CENTER
HAYWARD, CA - SNR18-0026-00





CITY OF HAYWARD

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

File #: LB 22-013

DATE: June 14, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Presentation to the Hayward City Council by Legislative Advocacy Firm, Townsend Public Affairs, Inc., Providing an Update and Overview of the City's Legislative Advocacy Efforts and Upcoming Relevant Legislation and the Legislative Advocacy 2021-2022 Annual Report

RECOMMENDATION

That the Council receives and provides feedback on 1) the presentation from Townsend Public Affairs, Inc. regarding the City's efforts to advance its Legislative Program at the State Level and upcoming relevant legislation; and 2) the included 2021-2022 Annual Report prepared by Townsend Public Affairs summarizing recent accomplishments and upcoming legislation that aligns with the goals of the City's Legislative Program (Attachment II).

SUMMARY

Townsend Public Affairs, Inc. (Townsend) has served as the City's primary legislative advocate in Sacramento since 2009, and since 2017, its efforts on behalf of the City have been guided by the adopted Legislative Program. In that time, Townsend has secured \$49.1 million in state funding and an additional \$4.3 million in federal funding. In fiscal year 2022, Townsend has continued to assist the City in expressing its position on legislation, submitting grant applications, and securing state budget earmarks. Eric Thronson, Deputy Director at Townsend, will present Council with an update on the Legislative program for fiscal year 2022.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	2021 - 2022 Townsend Annual Report



DATE: June 14, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Presentation to the Hayward City Council by Legislative Advocacy Firm, Townsend Public Affairs, Inc., Providing an Update and Overview of the City's Legislative Advocacy Efforts and Upcoming Relevant Legislation and the Legislative Advocacy 2021-2022 Annual Report

RECOMMENDATION

That the Council receives and provides feedback on 1) the presentation from Townsend Public Affairs, Inc. regarding the City's efforts to advance its Legislative Program at the State Level and upcoming relevant legislation; and 2) the included 2021-2022 Annual Report prepared by Townsend Public Affairs summarizing recent accomplishments and upcoming legislation that aligns with the goals of the City's Legislative Program (Attachment II).

SUMMARY

Townsend Public Affairs, Inc. (Townsend) has served as the City's primary legislative advocate in Sacramento since 2009, and since 2017, its efforts on behalf of the City have been guided by the adopted Legislative Program. In that time, Townsend has secured \$49.1 million in state funding and an additional \$4.3 million in federal funding. In fiscal year 2022, Townsend has continued to assist the City in expressing its position on legislation, submitting grant applications, and securing state budget earmarks. Eric Thronson, Deputy Director at Townsend, will present Council with an update on the Legislative program for fiscal year 2022.

BACKGROUND AND DISCUSSION

In July 2017, the Hayward City Council adopted the City's first formal Legislative Program, designed to provide direction to staff and the City's legislative advocates and serve as a foundation for any actions taken by the City regarding legislation, regulations, referenda, and ballot measures. The Legislative Program emphasized the principles of enhancing revenue sources and maintaining home rule authority. This original Program identified six areas in which the City would take a position on public policy: 1) Public Safety; 2) Transportation and Infrastructure; 3) Environmental Sustainability; 4) Finance and Human Resources; 5)

Community and Economic Development; and 6) Education, Neighborhood, and Social Services. In December 2021, the Program was updated to incorporate two new policy areas: Immigration and Voting Rights. The revised program also reflects the prioritization of COVID-19 recovery and racial equity in the City's work.

Under the guidance of the Legislative Program and in cooperation with City staff, Townsend Public Affairs, Inc. (Townsend) has assisted Hayward in advocating for its policy priorities at the state level and securing funding for programs ranging from transportation infrastructure improvements to affordable housing.

Townsend has been the City's primary legislative advocate in Sacramento since 2009. Over that period, Townsend has secured \$49.1 million in state and grants and budget earmarks, as summarized in Table 1, below. In addition, during that time, Townsend assisted the City in receiving an additional \$4.3 million in federal public safety grant funding, as shown in the TPA Funding Success Schedule in Attachment II.

Table 1. Summary of State Grants and Budget Earmarks

Project Description	Year	Amount
Hayward Navigation Center	2021	\$ 662,000
South Hayward Youth and Family Center Project	2021	1,000,000
Building Equity and Growth in Neighborhoods Program Grant	2016	460,000
Caltrans Transportation Planning Grant	2014	132,795
Caltrans Highway Safety Improvement Grant	2013	396,000
Statewide or Urban Transit Planning Studies Grant	2013	177,060
Proposition 1C: Infill Infrastructure Grant	2009	30,000,000
Proposition 1C: Transit-Oriented Development	2009	17,000,000
Total State Grants and Earmarks		\$49,827,855

In calendar year 2022, Townsend has continued to work with Staff to advance the City's interests. Recent highlights of these efforts include:

- Expressing the City's position on policy and legislation, including mitigating the impacts of the Tuolumne River Plan; support of the inclusion of \$750 million in the FY 2023 budget for statewide library infrastructure grants; and support for legislation in the areas of traffic safety, housing, public health, and government transparency;
- Assistance with grants, including submission of the City's \$6.9 million Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant application in support of Mission Blvd corridor improvement projects; and coordinating with the City and regional partners to appeal the California Department of Housing and Community Development decision on the use of Homekey funds for scattered-site permanent housing development; and

- Assistance with budget earmarks, most notably working with Assemblymember Quirk to include a \$5.5 million earmark supporting the City's scattered-site housing efforts in the State's FY 2023 proposed budget.

Additional details regarding past and current efforts on the City's behalf, as well as highlights of upcoming legislation aligned with the City's Legislative Program, are included in the 2021-2022 Annual Report (Attachment II) and the presentation provided by Eric Thronson, Deputy Director at Townsend.

FISCAL IMPACT

This is a work session item and does not have an immediate fiscal impact. Townsend provides state legislative advocacy services to the City through a contract totaling \$60,000 per year. The General Fund share of the contract totals \$28,000, with the remainder allocated to Special Revenue and Enterprise Funds. Townsend's efforts have historically resulted in an increase to the City's intergovernmental revenue in the form of grants and budget earmarks, but these revenues vary from year to year.

STRATEGIC ROADMAP

The Legislative Program and Townsend's advocacy efforts are intended to reflect and support all six Strategic Priorities as outlined in the current Strategic Roadmap: 1) Enhance Community Safety and Quality of Life; 2) Preserve, Protect and Produce Housing for All; 3) Confront Climate Crisis and Champion Environmental Justice; 4) Invest in Infrastructure; 5) Grow the Economy; and 6) Strengthen Organizational Health.

PUBLIC CONTACT

The agenda for this item was posted in compliance with the California Brown Act.

NEXT STEPS

Staff will continue to work with Townsend to advance the City's interests based on Council guidance and the most recent Legislative Program update.

Prepared by: Rick Rivera, Management Analyst

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAadoo, City Manager



MEMORANDUM

To: **City of Hayward**
Mayor Halliday and Council Members
Kelly McAdoo, City Manager

From: **Townsend Public Affairs**
Christopher Townsend, President
Eric Thronson, Deputy Director

Date: June 3, 2022

Subject: 2021-22 Annual Report

Townsend Public Affairs, Inc. (TPA) has had a long and successful tenure serving the City of Hayward, securing over \$54 million in state and federal funding for the City and notching numerous legislative wins in Sacramento. We look forward to continuing to serve the City of Hayward and pursue solutions that help the City achieve its goals and vision.

Following recent meetings in May with City leadership, TPA staff has prepared this report for the City as a summary of the 2021-22 Legislative year and a look ahead to 2022-23.

The State Legislature is currently in transition, with policy bills being sent to their second house and leadership negotiating budget details with the Governor ahead of the June 15th budget deadline. TPA continues to engage in policy conversations with the City's Legislative Liaisons and Representatives to pursue the City's legislative and funding priorities moving forward.

Over the past year, TPA staff have worked diligently to assist the City with issues in Sacramento, as well as tracked funding opportunities and submitted grant proposals on the City's behalf. Specifically, TPA has engaged in:

- Staying on top of the state budget process, specifically urging our Legislators to secure critical funding requests, including Assembly Member Quirk's advocacy to fund the City's scattered site affordable housing project;
- Advocating with state departments on issues and programs directly impacting the City's efforts to address homelessness;
- Assisting in the development of legislation and advocating on behalf of the City on legislative issues of critical importance to the City such as enforcing loud vehicle noise ordinances;
- Writing and submitting proposals for both state and federal grant programs; and

- Keeping City staff up to date on critical information coming from the state administration and Legislature, such as COVID relief, homelessness programs, and open meeting requirements amidst the recent state of emergency.

STATE LEGISLATIVE ADVOCACY

As part of its 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.

With support from TPA staff, the City developed and approved its 2021-22 Legislative Program Policy Priorities which include the following General Legislative Principles:

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.

During the 2021-22 legislative session, the City of Hayward has taken positions and TPA has advocated on its behalf on a number of measures, including:

- **AB 71 (Rivas, Luz)** – Included a taxpayer's global intangible low-taxed income in their gross income for tax purposes and then dedicated the new revenues to addressing homelessness. **This measure did not pass out of the Assembly.**

- **AB 550 (Chiu)** – Authorized the Cities of Los Angeles, Oakland, San Jose, one city in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for speed limit enforcement in certain areas, if the system meets specified requirements. **This measure was held in Assembly Appropriations.**
- **AB 1944 (Lee)** – Authorizes a member of a local governing body to be exempt from identifying the address of the member's teleconference location in the notice and agenda or having the location be accessible to the public, if the member elects to teleconference from a location that is not a public place, as long as at least a quorum of members of the legislative body participates from a single physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency has jurisdiction. **This measure is currently in the Senate awaiting committee assignment.**
- **AB 2336 (Friedman)** – Authorized, until January 1, 2028, the Cities of Los Angeles, Oakland, San Jose, Glendale, and Palm Springs, and the City and County of San Francisco, to establish a Speed Safety System Pilot Program if the system meets specified requirements. **This measure was held in Assembly Appropriations.**
- **AB 2496 (Petrie-Norris)** – Requires a court to notify the Department of Motor Vehicles (DMV) to place a registration hold on a vehicle found to have a noncompliant modified muffler of muffler installed with a whistle tip until the court has been presented with a certificate of compliance from a referee authorized to test the decibel levels of a vehicle. **This measure is currently in the Senate awaiting committee assignment.**
- **SB 323 (Caballero)** – Requires a water or sewer agency mailing a written notice to the record owner of a parcel affected by a proposed fee or charge to include a statement that there is a 120-day statute of limitations for challenging any new, increased, or extended fee or charge. **This measure was signed into law.**
- **SB 612 (Portantino)** – Required electric investor-owned utilities (IOUs) to offer an allocation of certain electrical resources to other load-serving entities, specifically, community choice aggregators and electric service providers, that serve departing load customers who bear cost responsibility for those resources. **This measure did not pass out of the Senate.**
- **SB 1079 (Portantino)** – Authorizes pilot programs in six cities to evaluate the use of sound-activated devices to enforce vehicle noise limit laws. **This measure is currently in the Assembly awaiting committee assignment.**

In addition to the legislation upon which the City has taken positions, TPA follows hundreds of bills with potential impacts to the City and provides regular updates to City staff.

STATE ADMINISTRATIVE ADVOCACY

TPA not only advocates on behalf of the City with the state Legislature. TPA is constantly poised to provide support to City staff on all things pertaining to priority legislative issues. Through our expansive network within the state administration, TPA is able to provide support for and answers to a variety of issues when they arise for the City. In 2022, TPA has worked alongside City staff

to resolve concerns within the California Department of Housing and Community Development (HCD) related to requirements within the Surplus Lands Act and its interrelation with a Local Alternative Transportation Improvement Plan (LATIP) in the State Route 238 corridor. Without arriving at a solution with HCD, the City could have ended up out of compliance with state law, risking significant affordable housing development, and owing the state significant sums in penalties.

In addition, TPA has been engaged with HCD on behalf of the City in advocating for more lenience within the Project Homekey program to allow the City's innovative "scattered sites" proposal to compete for funding despite certain administrative requirements that didn't envision the dynamic model using single-family homes as affordable housing for unhoused neighbors. TPA staff continues to pursue this effort along with the City and its partners and strongly believes that a solution is imminent.

STATE FUNDING ADVOCACY

Since being selected to represent Hayward in 2009, TPA has delivered to the City more than **\$54 million** in state and federal funding. See the attached chart for more information.

Most recently, TPA has helped the City secure significant funding through the recent surplus revenue in the state budget. Last year, working closely with Assembly Member Quirk, TPA was able to secure funding for both of the City's requests in the budget bill, including:

- **\$1 million** for The Stack Center
- **\$662,000** for the Hayward Navigation Center

This year, Assembly Member Quirk has submitted to the budget committee the City's request for **\$5.4 million** to fund its scattered site affordable housing project. At the time of this report, the state budget was not finalized and therefore it is not yet known if Assembly Member Quirk will be able to secure this funding for the City. TPA is always looking out for more funding opportunities to assist the City in its efforts.

GRANT FUNDING EFFORTS

In 2021, on behalf of the City, TPA submitted to the US Department of Transportation (USDOT) a grant application for the highly competitive federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. A RAISE grant application takes a significant amount of time and effort, with TPA undergoing the following tasks necessary for the submittal:

- Drafting the 50-page narrative as well as creating the necessary graphics and visuals,
- Compiling the required analyses and supporting documentation,
- Securing letters of support for the proposed project, and
- Registering with the federal grants website and completing all the steps necessary to submit the application for review.

The application sought \$6.9 million to complete the Mission Blvd Phase 3 project. USDOT received more than 750 applications from across the country and ultimately chose 90 for funding. Unfortunately, the City's application was not one of the three applications funded in California.

However, in 2022, TPA once again drafted the narrative, compiled the necessary documentation, and submitted a RAISE application to USDOT for the City's Mission Blvd Phase 3 project. The awards will be announced later this summer, and with the increased funding from the federal Infrastructure bill we are hopeful that the City's application can this time be successful.

LOOKING AHEAD

First up, TPA will stay on top of the budget negotiations in June 2022, keep City staff abreast on all the developments, and work doggedly to ensure Assembly Member Quirk's budget request is included so the City can secure the appropriation for the scattered sites housing project.

Moving from Summer 2022 and into 2023, TPA will continue to advocate with the Legislature on behalf of the City until the end of Session on August 31st to ensure the measures we support are successful and we avoid to the extent possible any negative legislative outcomes.

As always, TPA staff will provide weekly updates on Sacramento news and detailed monthly reports of state information and potential funding opportunities. TPA will also be engaged with City staff to explore and potentially draft and submit applications for grant opportunities that may serve the City's needs in the coming year. We never stop working for you.

Attachment

TPA FUNDING SUCCESS SCHEDULE

Project Description	Amount	Year	Level	Source
State Budget Earmark: Hayward Navigation Center	\$662,000	2021	State	Department of Finance
State Budget Earmark: South Hayward Youth Family Center Project	\$1,000,000	2021	State	Department of Finance
City of Hayward: Building Equity and Growth in Neighborhoods Program Grant	\$460,000	2016	State	Department of Housing & Community Development
City of Hayward: Caltrans Highway Safety Improvement Grant	\$396,000	2013	State	Department of Transportation
City of Hayward: Statewide or Urban Transit Planning Studies Grant	\$177,060	2013	State	Department of Transportation
City of Hayward: Caltrans Transportation Planning Grant	\$132,795	2014	State	Department of Transportation
City of Hayward: Assistance to Firefighters Grant	\$417,660	2011	Federal	Federal Emergency Management Agency
City of Hayward: Community Oriented Policing Services Grant	\$3,602,644	2012	Federal	Department of Justice
City of Hayward: Community Oriented Policing Services Grant	\$250,000	2013	Federal	Department of Justice
City of Hayward: Proposition 1C: Infill Infrastructure Grant	\$30,000,000	2009	State	Department of Housing & Community Development
City of Hayward: Proposition 1C: Transit-Oriented Development	\$17,000,000	2009	State	Department of Housing & Community Development
State Funding Total	\$49,827,855			
Federal Funding Total	\$ 4,270,304			
GRAND TOTAL	\$54,098,159			



CITY OF HAYWARD

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

File #: RPT 22-064

DATE: June 14, 2022

TO: Mayor and City Council

FROM: Council Members Andrews and Márquez

SUBJECT

City Council Referral: Request for Consideration of Assembly Bill 256 (Racial Justice Act for All) and its Original Statute Assembly Bill 2542 (California Racial Justice Act)

RECOMMENDATION

That Council reviews the Council referral memo and provides direction to staff.

SUMMARY

A formal Council referral was received from Council Members Andrews and Márquez. The referral requests that the Council direct staff to evaluate AB 256 and its original statute AB 2542, and return with an analysis and resolution of support.

ATTACHMENTS

Attachment I Council Referral Memo



COUNCIL REFERRAL MEMORANDUM

To: Hayward Mayor and City Council
From: Council Members Angela Andrews and Elisa Márquez
Subject: Council Consideration (AB256 - Racial Justice Act for All)
Date: 5/23/22

Background:

Council Members Andrews and Márquez request approval of the full Council for this referral to be assigned to staff to promptly evaluate AB 256 and its original statute, AB 2542, and return with an analysis and resolution.

The Council has received requests from community members Collin Thormoto, Diana Thormoto, and Jeffra Bussmann (below) in support of a resolution in support of AB 256, the 'Racial Justice Act for All.' As explained in those messages, AB 256 would extend AB 2542, which was enacted two years ago, and provide protections against all racial bias in courts to everyone, regardless of when they were charged or convicted.

Council Member Andrews and I believe adoption of the requested resolution is the right thing to do at the right time in our community. Adoption of a resolution tells the community we are listening to them.

The 'Racial Justice Act for All' applies to the state's criminal justice system, so we do not anticipate a fiscal impact on City operations.

Timeline: 1st Quarter of FY23

Angela Andrews
Hayward City Council Member

Elisa Márquez
Hayward City Council Member

References:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB256
<https://aclucalaction.org/bill/ab-256/>
<https://openstates.org/ca/bills/20212022/AB256/>