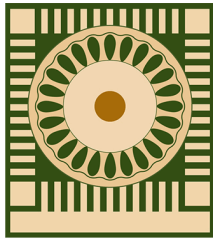


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, May 16, 2023

7:00 PM

Council Chamber and Virtual Platform (Zoom)

City Council

CITY COUNCIL MEETING

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

PUBLIC PARTICIPATION

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/89325796361?pwd=UmxZcWVLS09KV3NqNElBmlscGxwUT09>

Meeting ID: 893 2579 6361

Password: CC5/16@7pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 893 2579 6361

Password: 2067335359

CALL TO ORDER: Mayor Salinas**Pledge of Allegiance: Council Member Zermeño****AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION****ROLL CALL**

CLOSED SESSION ANNOUNCEMENT

April 24, 2023

May 2, 2023

May 16, 2023

PRESENTATIONS

National Police Week/Peace Officers' Memorial Day

Affordable Housing Month Proclamation

First African American Teacher in Hayward - Meedie Monegan

PUBLIC COMMENTS

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

CITY MANAGER'S COMMENTS

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

ACTION ITEMS

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

CONSENT

1. [MIN 23-061](#) Approve the City Council Minutes of the City Council Meeting on April 18, 2023

Attachments: [Attachment I Draft Minutes of 4/18/2023](#)

2. [MIN 23-062](#) Approve the City Council Minutes of the City Council Meeting on April 25, 2023

Attachments: [Attachment I Draft Minutes of 4/25/2023](#)

3. [CONS 23-214](#) Adopt a Resolution Approving an Amended Agreement between the City of Hayward and the Hayward Fire Chiefs' Association ("HFCA") and Authorizing Staff to Execute the Side Letter of Agreement to Revise Vacation Leave Payout Contributions Upon Service or Disability Retirement from the City to the Voluntary Employee Beneficiary Association (VEBA) Plan

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

4. [CONS 23-251](#) Adopt a Resolution Approving Policies and Procedures for Granting Priority Water and Sewer Service to Housing Development Projects that Include Units Affordable to Lower-Income Households

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

5. [CONS 23-252](#) Adopt a Resolution Approving the Project List for FY2024 Road Repair and Accountability Act (RRAA) Funding for the FY2024 Pavement Improvement Project

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

6. [CONS 23-254](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Dudek in an Amount Not-to-Exceed \$94,022 for the Tree Preservation Ordinance Update and Hayward Executive Airport Landscape Guidelines for the City of Hayward

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Scope of Service and Budget](#)

7. [CONS 23-257](#) Adopt a Resolution Authorizing the City Manager to Execute the Downtown Hayward Promise Neighborhood (DHPN) Five (5) Year Contract, and Accept and Appropriate Up to \$1,698,782 in Funding from Downtown Hayward Promise Neighborhood (DHP) Over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028)

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

8. [CONS 23-259](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Contract with 3Di Systems to Extend the Contract for Wildfire Vegetation Management Inspection Software Through April 30, 2024

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

9. [CONS 23-261](#) Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY23 Sidewalk Rehabilitation and Wheelchair Ramp Project, Project No. 05303

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III District 6 & 9 Location Map](#)
[Attachment IV Wheelchair Location Map](#)
[Attachment V Map of Districts](#)

10. [CONS 23-263](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing the Contract Amount for Project Design and Engineering Services for the Sewer and Water Line Improvements Projects by \$99,083 for a Total Not-to-Exceed Contract Amount of \$1,741,948

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

11. [CONS 23-267](#) Adopt a Resolution Authorizing the City Manager to (1) Extend and Amend the Agreement with Advocates for Human Potential, Inc. for the California Department of Healthcare Services, Behavioral Health Justice Intervention Services Project; and (2) Accept and Appropriate Additional Funding in the Amount of \$130,000

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

12. [CONS 23-268](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Motorola for the Purchase of 105 Portable Radios in an Amount Not-to-Exceed \$1,160,917

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

13. [CONS 23-269](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with First Responder Wellness for the Provision of the First Responder Wellness Mental Health Program for the Hayward Fire Department in an Amount Not-to-Exceed \$89,407

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

14. [CONS 23-271](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$20,000 in Funding from First 5 of Alameda County to Support Library Services and Programs for Fiscal Year 2023, and Annually for the Next Three Fiscal Years (FY 2024 - FY 2026)

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

15. [CONS 23-272](#) Adopt a Resolution Appointing Council Member Syrop to the Alameda County Mosquito Abatement District Board of Trustees to Fill the Remainder Term Left by Former Council Member Márquez Which Would End December 31, 2024

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

16. [CONS 23-299](#) Adopt a Resolution Authorizing the City Manager to Execute an Amended Coordination, Resiliency, and Action Agreement with Russell City Energy Company, LLC and Accepting and Appropriating a Contribution of \$1,250,000 in Funds to Support Clean Energy Efficiency Projects in the City Following the Explosion that Occurred at the Russell City Energy Center on May 27, 2021

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Redline Amended Cooperation Agreement](#)

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.

17. [WS 23-022](#) FY 2024 City Budget: Proposed Fiscal Year 2024 Operating Budget Work Session #2 (Report from Finance Director Gonzales)

Attachments: [Attachment I Staff Report](#)

18. [WS 23-017](#) Capital Improvement Program Work Session: Review of Recommended Capital Improvement Program for FY 2024 - FY 2033 (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)

19. [WS 23-018](#) Climate Action Plan: Considerations for New General Plan Policies and Programs Related to the City's Climate Action Plan (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff 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 REFERRAL

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

ADJOURNMENT**NEXT MEETING, May 23, 2023, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit their address 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.

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
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File #: MIN 23-061

DATE: May 16, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on April 18, 2023

RECOMMENDATION

That the Council approves the City Council meeting minutes of April 18, 2023.

SUMMARY

The City Council held a meeting on April 18, 2023.

ATTACHMENTS

Attachment I Draft Minutes of April 18, 2023



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85270817384?pwd=RIQ3UHNFMmRHZ01zb09hRklDTCszZz09>

Tuesday, April 18, 2023, 7:00 p.m.

The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a hybrid meeting in the Council Chambers and virtually via the Zoom platform.

Pledge of Allegiance: Council Member Andrews

Present: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño

MAYOR Salinas

Absent: COUNCIL MEMBER None

OATH OF AFFIRMATION

City Clerk Lens administered the Oath of Affirmation to Council Member Ray Bonilla Jr., who was sworn into office to fill the seat left by former Council Member Márquez who had been appointed to the Alameda County Board of Supervisor for District 2.

Mayor Salinas congratulated Council Member Bonilla Jr. and welcomed him to join the Council at the dais. Council Member Bonilla Jr. stated he had been serving the community for twenty years and was excited to serve as a member of the City Council, thanked everyone who helped him through the process, and stated it was an honor and privilege to serve the City of Hayward.

The City Council took a three-minute recess at 7:06 p.m. and Mayor Salinas reconvened the meeting at 7:09 p.m.

PRESENTATION

Mayor Salinas announced the presentation of the 40th Annual Earth Day Poster and Writing Contest; welcomed award recipients and thanked teachers for their support of the contest; noted that Earth Day would be celebrated on April 22, 2023, during the annual Citywide Clean-up Day at Weekes Park; stated that 616 entries had been received from 30 different Hayward schools; thanked staff from Environmental Services and the judges from the Hayward Arts Council who evaluated and selected the winners. Council Member Andrews, also a member of the City Council Sustainability Committee, announced the winners of the Earth Day Poster and Writing Contest for grades kindergarten through high school. Second place winners received a \$150 gift card, and first place winners received a \$200 gift card. Council Member Andrews gave recognition to teachers of essay and poster winners. Each teacher with a first-place poster or writing winner received a \$100 gift card and for second place a \$75 gift card. Mayor Salinas invited Fire Chief Contreras to draw names for two bonus prizes of \$200 each. All students, families and teachers were congratulated for their participation. Mayor Salinas invited all participants to the City Hall Rotunda for refreshments.

PUBLIC COMMENTS

Ms. Diann Castleberry announced that AC Transit was gathering data and community input to plan a new bus service network, urged residents to take the online survey (www.actransit.org/realign), and noted the results would help identify priority destinations and connections, and inform the development of the new service plan.

Ms. TJ, Hayward Concerned Citizens member, congratulated winners of the Earth Day Poster and Essay Contest, acknowledged residents who keep their neighborhoods clean, recognized Council Member Zermeño for inspiring residents to keep their streets clean, acknowledged individuals who participate in the Adopt-a-Block program and praised Council Member Andrews and the Keep Hayward Clean and Green Task Force for their cleanup events.

Mr. Mahdi Funfest, District Representative with the Office of Senator Wahab, congratulated Council Member Bonilla Jr. on his appointment to the City Council and presented him with a letter of support and recognition on behalf of Senator Wahab.

CITY MANAGER’S COMMENTS

City Manager McAdoo acknowledged it was Volunteer Recognition Month and announced three events: 1) the Hearts of Hayward Volunteer Awards and Recognition Event on April 20th at City Hall, 2) the Citywide Cleanup and Earth Day Fair on April 22nd at Weekes Park, and 3) the second annual LitHop on April 22nd at the Heritage Plaza followed by Earth Day themed poetry by Hayward’s Poet Laureate Bruce Roberts and Youth Poet Laureate Germani Latchinson and culminating with an afterparty celebration at the Sun Gallery.

CONSENT

- 1. Adopt an Ordinance Amending the Stormwater Management and Urban Runoff Control Ordinance (Chapter 11, Article 5 of the Hayward Municipal Code) in Response to the Municipal Regional Permit (MRP 3.0) **CONS 23-208**

Staff report submitted by City Clerk Lens, dated April 18, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85270817384?pwd=RIQ3UHNFMmRHZ01zb09hRklDTCszZz09>

Tuesday, April 18, 2023, 7:00 p.m.

Ordinance 23-05, "An Ordinance Amending the Stormwater Management and Urban Runoff Control Ordinance (Chapter 11, Article 5 of the Hayward Municipal Code) in Response to the Municipal Regional Permit (MRP 3.0)"

2. Adopt a Resolution Authorizing the City Manager to Amend the Landscape Maintenance Contract with Los Loza Landscaping to Increase the FY 2023 Contingency Budget by \$7,200, Include Maintenance of Linear Park in an Annual Amount of \$175,200 and an Annual Contingency of \$17,520, for a Total Contract Not-to-Exceed Amount of \$2,071,860 and Appropriate \$36,500 from the General Fund **CONS 23-170**

Staff report submitted by Maintenance Services Director Rullman, dated April 18, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-087, "Resolution Authorizing the City Manager to Amend the Landscape Maintenance Contract with Los Loza Landscaping to Increase the FY 2023 Contingency Budget by \$7,200, Include Maintenance of Linear Park in an Annual Amount of \$175,200 and an annual Contingency of \$17,520, for a Total Contract Not-to-exceed Amount of \$2,071,860, and Appropriating \$36,500 from the General Fund"

3. Adopt a Resolution Authorizing the City Manager to Extend the Abandoned Vehicle Abatement Program with Alameda County Until May 31, 2033 **CONS 23-190**

Staff report submitted by Acting Chief of Police Matthews, dated April 18, 2023, was filed.

Council Member Andrews was pleased that the Abandoned Vehicle Abatement program was extended, noting that Council receives concerns related to abandoned vehicles occurring throughout the city.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-088, "Resolution Authorizing the City Manager to Extend the Abandoned Vehicle Abatement Program with Alameda County Until May 31, 2033"

4. Adopt a Resolution Authorizing the Procurement of a Skid-Steer from Peterson Caterpillar in an Amount Not-to-Exceed \$130,000 **CONS 23-196**

Staff report submitted by Maintenance Services Director Rullman and Landscape Manager Nield, dated April 18, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-089, "Resolution Authorizing the City Manager to Execute the Procurement of a Skid-Steer from Peterson Caterpillar in an Amount Not-to-Exceed \$130,000"

WORK SESSION

5. Utility Rate Adjustments: Review Recommended FY 2024 and FY 2025 Water, Sewer, and Recycled Water Rates and Connection Fees (Report from Director of Public Works Ameri) **WS 23-013**

Staff report submitted by Public Works Director Ameri, dated April 18, 2023, was filed.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85270817384?pwd=RIQ3UHNFMmRHZ01zb09hRklDTCszZz09>

Tuesday, April 18, 2023, 7:00 p.m.

Public Works Director Ameri announced the item. Senior Management Analyst Lo provided a synopsis of the staff report on FY 2024 and FY 2025 water, sewer, and recycled water rates, and Consultant Phan with Raftelis Financial Consultants, Inc., provided a synopsis of the report on facilities and connection fees.

There being no public comment, Mayor Salinas opened and closed the public comment period at 8:08 p.m.

Discussion ensued among members of the City Council and City staff regarding: the City is maintaining the low-income by-monthly service fee reduction for water and sewer service; approximately 60,000 notices of proposed water and sewer rate changes will be mailed to residents encouraging them to provide comment; the Recycled Water Project is going to be expanded into Phase 2 to meet demand; the rate increase notification was in accordance with Proposition 218 and the City was also sending the notice to tenants; the City's methodology for determining rate increases was done in compliance with the law; the city, as a wholesale customer, does not have the option to negotiate with San Francisco on water rate increases; calculated and staff recommended rate increases were explained; rate differentiation between public (local hospital) and commercial (Pepsi) benefit would not be in compliance with the law; there are incentives for industries to use recycled water; the increase for a single-family residential customer would be \$5.60 per month for water cost in the first year and \$6.20 in the second year, and \$2.70 per month for sewer cost in the first year and \$2.90 in the second year, which would strike a balance for the City to cover its costs and maintain a healthy reserve for capital projects that need a vibrant and robust water and sewer system; water rate increase would be approximately \$5 and \$2-\$3 for sewer rate increase for the first year; fixed meter charges would see a 10% increase across all customer class types, and the commodity fee for water usage would see a 10% increase regardless of tier; business users were the top users of recycled water; the higher cost of water for businesses and residents when compared to rates in neighboring jurisdictions is justified by the quality of water; 2/3 of the water revenue will be to purchase water and 1/3 was for operations and maintenance including replacing the aging system; information about the City's Water Conservation Program is available on the City website and through water bill inserts; phase-in increases of 10% for water and 25% for sewer fees would occur over a two-year period at which time staff would return to Council for reassessment of fees; the legacy of former Public Works Director Philips was the City's contract he negotiated with Hetch Hetchy in the 1960s; the Proposition 218 notice has information that could be made available on the City's website and distributed via social media to make residents aware of proposed changes; and residents could be directed to the City's Capital Improvement Program to see a number of infrastructure projects that were made possible with past rate increases.

Members of the City Council were in broad support of the staff's recommendation and offered recommendations.

Council Member Zermeño recommended including information on water costs for everyday activities in mailers sent to residents to help explain rate increases.

Council Member Andrews recommended incorporating lessons learned from prior projects in the community outreach related to rate increases; and asked staff to encourage the public to view the tour by the San Francisco Public Utilities Commission (SFPUC) to learn more about the water's infrastructure and the work involved bringing water service into homes.

Council Member Syrop expressed he was interested in a plan that has three or four tiers of pricing for commercial/industrial users given they are the largest consumers of water; and was interested in learning more, perhaps as part of the Recycled Water Master Plan, about how the city is marketing recycled water services to new customers as this was valuable enterprise product and wondered if this could be a source of revenue generation once the infrastructure has been built out; requested data on the largest water users in the City by segment, the percentage of water being used, and the percentage of water revenue coming from these segments.

Council Member Roche asked staff to consider passing SFPUC increase rates onto users and adjusting them as needed but not stalling them as done in prior years.

Council Member Bonilla Jr. expressed he was interested in understanding the average impact of water/sewer increase on apartment dwellers and the average impact on a monthly basis for small businesses compared to large businesses; and wanted to ensure the City was in a place to support its capital upgrades with the revenue generated.

Council Member Andrews asked what additional approach can the City take to outreach to businesses such as beverage companies to promote water conservation such as through the manufacturing process or materials used; added that since she serves on the Bay Area Water Supply and Conservation Agency, it was pointed out that Hayward was the lowest user of water, and requested that staff share information materials with new members of the Council .

Mayor Salinas shared the legacy of former Public Works Director Philips was the City's contract with Hetch Hetchy which he had negotiated in the 1960s and is a part of.

6. Residential Design Study Work Session: Options and Recommendations Report for the Hayward Residential Design Study (Report from Acting Director of Development Services Buizer) **WS 23-012**

Staff report submitted by Acting Development Services Director Buizer, dated April 18, 2023, was filed.

Senior Planner Blanton and Associate Planner Richard provided a synopsis of the staff report and introduced Consultant Poonam Narkar with WRT Design.

Mayor Salinas opened the public comment period at 8:53 p.m.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85270817384?pwd=RIQ3UHNFMmRHZ01zb09hRklDTCszZz09>

Tuesday, April 18, 2023, 7:00 p.m.

Mr. Carl Gorringer, Library Commissioner, stated he would like to see more bike routes away from roads and integrated into neighborhoods, and noted the City of Davis features effective use of this design with bike routes behind homes, through parks, and integrated altogether.

Mayor Salinas closed the public comment period at 8:54 p.m.

Discussion ensued among members of the City Council, City staff and Consultant Narkar regarding development standards; noted that standards should address good design principles without being too prescriptive about architectural styles; standards for Medium Density Residential (RM) and High Density Residential (RH) zoning districts for multifamily development; regarding setbacks, an approach could be to reduce the setback for the primary building and require that the garages be recessed from the primary building allowing for a minimum driveway length that can be established to ensure that an entire length of a vehicle fits within the driveway and does not hang onto the sidewalk; and suggested that if the front setback was reduced, it can be required to have landscape treatment to create a transition between the building, the sidewalk and the street to allow for privacy; design standards for underground parking in multifamily developments;

Members of the City Council offered the following recommendations for the Hayward Residential Design Study.

Council Member Andrews offered the following: condominiums would benefit by having bicycle facilities to free up storage space in their garages; consider increasing bicycle safety at intersections known to have collisions until bike lanes are installed; consider approaches for mail theft prevention; have more pet relief areas if full dog parks are not feasible; have spaces for programming and meeting where residents could gather; consider a community asset such as a security guard to protect vehicles in communities experiencing criminal activity; connect with Reserve and Eden Shores residents who have been experiencing issues; ensure new homes and single-family additions have consistency and a building step-back approach; add community gathering areas such as meeting and rooftop spaces; have a menu of options such as approved park or open space with a point system for amenities; and designate coworking space if the development cannot add retail.

Council Member Goldstein offered the following: consider color variation as a design standard; consider the overall shape and size of the building; increase lighting to make spaces more walkable and safe while at the same time be mindful of the potential of light pollution; consider installing sturdy mailboxes to prevent vandalism; evaluate use of high resolution cameras at ingress and egress entry points into neighborhoods to serve as a deterrent for criminal behavior; consider having bicycle secure storage and preferably bike design to remain on the street and be wide enough to accommodate safe bike lanes; and include consideration for more dog parks.

Council Member Zermeño supported adding language in the design standards about color and texture variation; suggested requiring new developments to have mail slots near the door to avoid issues with mailbox theft; supported having diverse projects that included varied architecture, massing, and height; suggested having rooftop gardening and solar paneling; requested that projects include abundance of trees, agreed with his colleagues about bicycle lanes and community meeting rooms.

Council Member Andrews indicated the City needs to advocate to the United States Postal Service regarding requirements for mail and engage them regarding mailbox designs and the issues being experienced.

Council Member Syrop expressed support for pedestrian and bike safety and pedestrian accessibility; supported the idea that developments include a community room; favored a point system model to flexibly manage design standards on a regular basis and modified based on community needs; advocated for special amenities in a development site such as a daycare, office supply store, small grocer, and businesses that may reduce small road trips; preferred specific mailbox standards to build security from the start; favored construction of higher buildings; noted sustainability requirements were missing in the report such as electrification; suggested bike facilities be included as a menu option but discouraged against making it a hard requirement depending on the housing audience; supported brutalist style projects as they were sustainable and energy efficient.

Council Member Roche stated she would favor higher density around transit areas while preserving the character of homes and maintain a corridor to preserve its history; favored proportional density as lots could be split with requiring setbacks; was concerned about setbacks that reduce the ability to park cars in driveways; was worried about the longevity of brutalist design and wondered how the design would age the city; expressed concern about multicolored housing; liked the use of true setbacks for higher floors; would like to see the City exhaust options for easements and pathways to existing trails; suggested increasing common outdoor space depending on the number of units in the development; and emphasized adding public art in the design standards.

Council Member Bonilla Jr., understood the need to reach maximum density but emphasized the need to be thoughtful in this process; did not favor reducing too much front setbacks in RH zoning districts in an effort to include more units; highlighted the importance of designing to a higher design standard; noted setbacks and open space were both desirable and did not want to compromise one over the other, and added it was important to strike the right balance to meet the needs of the community; supported having landscape treatment for front setbacks; supported increasing building height if there was architectural variation between the buildings, roof lines and lighting within the same neighborhood; supported having open space and greenery between buildings as a method to achieve reducing setbacks but also masking the buildings from the streets to avoid looking too bulky; wanted to include objective standards to avoid a bait and switch strategy with some developments when Council thinks it is approving one version of a development of a project when something else is constructed; wanted to preserve the buildings looking attractive from the street view; indicated standards would be needed for the entrances, lighting and seating; was receptive to a variety of options



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/85270817384?pwd=RIQ3UHNFMmRHZ01zb09hRklDTCszZz09>

Tuesday, April 18, 2023, 7:00 p.m.

to ensure there is well-designed public and private open space; supported having at least fifty feet of open space for dwellings; supported increased building heights for roof gardens and open space designs; felt that adequate lighting and landscaping gives a sense of pride and provides safety; supporting landscaping and planting on front setbacks; agreed with including a variety of colors and textures without being overly prescriptive; and underscored the importance of having standards for trees and public art.

Council Member Goldstein expressed concern that smaller developers may be discouraged with design standards and the potential for having developers with a greater profit margin due to having met many requirements; and urged consideration given to how to achieve the standards and make the process accessible, e.g., perhaps incentivize the first few developers and make their files available for free to level off the playing field.

Mayor Salinas agreed with the comments about mailbox thefts; shared that previously approved projects did not resemble the proposal upon being built; supported architectural design that was beautiful, having a themed and harmonious variety; noted it was stifled with what local governments can do with designs due to new housing policies established by the State; advocated for having high quality architectural design without being too prescriptive, deterring good developers, and aimed for a vision for a project that mirrors the values of the City; agreed he did not want to compromise the high quality and architectural design; and supported having a new dog park in the Cannery area as this would create additional opportunities for neighborhoods with pets.

Council Member Syrop requested that design standard fonts be changed from Helvetica font.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Zermeño announced that there will be Lit Hop event on April 22, 2023, with a Spanish component held at the Dirty Bird Lounge; shared there is a Hayward Sister City section in the Downtown Library; and the Cesar Chavez bust donated by La Alianza de Hayward was on display at the Downtown Library.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the meeting at 10:03 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: MIN 23-062

DATE: May 16, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on April 25, 2023

RECOMMENDATION

That the Council approves the City Council meeting minutes of April 25, 2023.

SUMMARY

The City Council held a meeting on April 25, 2023.

ATTACHMENTS

Attachment I Draft Minutes of April 25, 2023



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/81668094657?pwd=NHFPemJaWlloNUdWMmUyM1UrWW40UT09>

Tuesday, April 25, 2023, 7:00 p.m.

The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

Pledge of Allegiance: Council Member Roche

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:00 p.m., with all members present and no public comment, regarding two items: 1) conference with legal counsel pursuant to Government Code section 54956.9 (a), (c), (d) (4), and (e)(2) regarding one anticipated litigation; and 2) annual performance evaluation of the City Attorney pursuant to Government Code section 54957. City Attorney Lawson announced the Council discussed an administrative enforcement proceeding before the California Energy Commission related to the Russell City Energy Center and took no reportable action. Related to Item 2, Mayor Salinas announced there was no reportable action. The closed session adjourned at 6:50 p.m.

PRESENTATIONS

Mayor Salinas read a Proclamation declaring April 2023 as Arts, Culture and Creativity Month in the City of Hayward, and presented it to Hayward Arts Council (HAC) Board members Ruey Syrop, Edward Keller, Gerald Thompson, Winifred Thompson, Suzanne Philis, Heather Reyes, Lani Llamido, Winda Shimizu, Rachel Osajima, Bruce Roberts, Russell Foote. HAC Executive Director Shimizu thanked the City for such special recognition and highlighted HAC's upcoming 40th Anniversary on July 14, 2023. Alameda County Arts Commission Director Osajima expressed her appreciation for the City of Hayward and the mural program and acknowledged HAC's partnership. HAC Board President Reyes also appreciated the City's support.

Mayor Salinas read a Proclamation declaring the week of April 9-15, 2023 as National Public Safety Telecommunicators Week in the City of Hayward, and presented it to Acting Police Chief Matthews, Captain Deplitch and Communications Administrator Deorian. Acting Chief Matthews expressed his appreciation for the proclamation on behalf of the Hayward Communications Center.

Mayor Salinas read a Proclamation declaring April 2023 as Fair Housing Month in the City of Hayward and presented it to Bay East Association of REALTORS - Local Government

Relations Committee members Kevin McCallum, Bill Espinola and Sinath Thi. Mr. Bill Espinola accepted the recognition on behalf of Bay East Association of REALTORS and thanked the City for such special recognition.

PUBLIC COMMENTS

Ms. Suzanne Luther, Hayward Concerned Citizens member, asked if the City was preparing signs and notices related to illegal fireworks and fines residents may receive in anticipation of the Fourth of July holiday, inquired if fines had been collected from violators for the previous year, and how much money was received from the violations. Mayor Salinas noted the Council received a report last year on violations and fines assessed, and underscored the City has an active program addressing fireworks and residents could report violations.

CITY MANAGER'S COMMENTS

There were none.

CONSENT

Items 3, 4, 6 and 7 were removed from the Consent Calendar for clarification and to allow for public comment.

1. Approve the City Council Minutes of the Special City Council Meeting on April 11, 2023
MIN 23-052

It was moved by Council Member Roche, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council meeting on April 11, 2023.

2. Adopt a Resolution Rejecting all Bids, Approving Revised Plan and Specifications, and Calling for Bids for the Cesar Chavez Safe Routes to Schools Improvements Project, Project No. 05319 **CONS 23-203**

Staff report submitted by Public Works Director Ameri, dated April 25, 2023, was filed.

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

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/81668094657?pwd=NHFPEmJaWlloNUdWMmUyM1UrWW40UT09>

Tuesday, April 25, 2023, 7:00 p.m.

Resolution 23-090, "Resolution Rejecting the Bid and Approving the Revised Plans, Specifications and Estimates and Calling for Bids for the Safe Routes to School (SR2S) Project, Project No. 05319"

3. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Foster + Freeman to Purchase the DCS@5 Fingerprint Imaging Workstation in an Amount Not-to-Exceed \$199,350 **CONS 23-204**

Staff report submitted by Acting Chief of Police Matthews, dated April 25, 2023, was filed.

In response to Council Member Syrop's inquiry about the life span and planned duration of the fingerprint imaging workstation and the current fingerprinting machine, Acting Police Chief Matthews noted the proposed equipment was an upgrade and would allow to recover identifiable prints, was not aware of a sunset date as long as it would be operational, was not aware of a software update cost and elaborated on the items that would be scanned.

Council Member Syrop commented that he was not opposed to Item 3 or Item 6 and noted the City appeared to reinvest in alternatives to public safety with one hand and find ways to potentially criminalize on the other hand; recommended, as the City moves forward with its upcoming budget season, to consider how funds are allocated, and urged staff to continue to invest in the HEART program.

Mayor Salinas opened the public comment period at 7:47 p.m.

Ms. TJ, Hayward Concerned Citizens member, indicated that HPD obtained a grant to offset the cost of the fingerprint equipment which would help with crime investigation for murder cases, and noted that other departments had been approved for new equipment without concerns raised.

Mayor Salinas closed the public comment period at 7:48 p.m.

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

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-091, “Resolution Authorizing the City Manager to Execute an Agreement with Foster + Freeman to Purchase the DCS-5 Fingerprint Imaging Workstation in an Amount not to Exceed \$199,350.00”

4. Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY23 Pavement Improvement Project, Project No. 05240, in the Amount of \$15,294,950 and Authorizing an Administrative Change Order Budget of \$855,050 **CONS 23-209**

Staff report submitted by Public Works Director Ameri, dated April 25, 2023, was filed.

In response to Council Member Syrop’s inquiry, Public Works Director Ameri noted Bike East Bay was not contacted about the item because the project included mostly conventional bike lanes. Council Member Syrop supported the item and requested that Bike East Bay weigh in more to ensure protection is being provided to bicyclists moving forward.

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

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-092, “Resolution Approving Plans and Specifications for the FY23 Pavement Improvement Project, Project Nos. 05240 and Call for Bids”

5. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 5 Increasing the Professional Services Agreement with Pavement Engineering, Inc., by \$517,540, for a Total Not-to-Exceed \$2,273,035 to Provide Engineering Services for the FY24 Pavement Improvement Project No. 05242 **CONS 23-210**

Staff report submitted by Public Works Director Ameri, dated April 25, 2023, was filed.

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



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Tuesday, April 25, 2023, 7:00 p.m.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-093, "Resolution Authorizing the City Manager to Execute Amendment No. 5 to Professional Services Agreement with Pavement Engineering, Inc., to Provide Engineering Services for the FY24 Pavement Improvement Project No. 05242"

6. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Agreement with San Leandro Ford to Purchase Two (2) Vehicles for the Hayward Evaluation and Response Team (HEART) Program **CONS 23-216**

Staff report submitted by Assistant City Manager Youngblood, dated April 25, 2023, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-094, "Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Agreement with San Leandro Ford to Purchase Two (2) Vehicles for Hayward Evaluation and Response Team (HEART) Program"

Council Member Andrews thanked the Mobile Integrated Health Unit (MIHU) and the Hayward Evaluation and Response Team (HEART) response teams and asked how the purchase of two vehicles would impact the expansion of the HEART program. City Manager McAdoo indicated that the proposal would provide unmarked vehicles to be used by MIHU and Hayward Mobile Evaluation Team (HMET) providers.

In response to Council Member Bonilla's inquiry related to staffing and a report back to Council in a year on how often the vehicles are used, City Manager McAdoo confirmed there

was staffing to work on program implementation, and noted staff could provide information to Council in the future on how the programs have expanded and leveraged personnel.

7. Adopt A Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission for Transportation Development Act Article 3 Funds in Fiscal Year 2023-2024 and Execute a Funding Agreement **CONS 23-225**

Staff report submitted by Maintenance Services Director Rullman, dated April 25, 2023, was filed.

Council Member Roche thanked staff for acquiring a fully electric compact bike lane street sweeper.

Council Member Zermeño noted that as a member of the Council Sustainability Committee, he commended staff for procuring an electric street sweeper.

It was moved by Council Member Roche, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 23-095, “Resolution Supporting Submission of a Claim to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2023-2024 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for the Procurement of a Fully Electric, Compact Bikelane Street Sweeper”

Resolution 23-096, “Resolution Supporting the Acceptance and Appropriation of Fiscal Year 2023-2024 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for the Procurement of a Fully Electric, Compact Bike-Lane Street Sweeper in Gas Tax (Fund 210)”

8. Adopt Resolutions: (1) Approving Addenda Nos. 1, 2, and 3 and Awarding a Contract to DeSilva Gates Construction for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 in the Amount of \$15,742,743, and (2) Authorizing the City Manager to Execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company to Increase their Contract Amount by \$107,000, for a Total Not-to-Exceed Amount of \$1,626,180 **CONS 23-226**



CITY COUNCIL MEETING

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<https://hayward.zoom.us/j/81668094657?pwd=NHFPeWJhWlloNUdWMmUyM1UrWW40UT09>

Tuesday, April 25, 2023, 7:00 p.m.

Staff report submitted by Public Works Director Ameri, dated April 25, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-097, "Resolution Approving Addenda Numbers 1, 2 And 3 and Awarding a Contract to DeSilva Gates Construction for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287 in the Amount of \$15,742,743"

Resolution 23-098, "Resolution Authorizing the City Manager to Execute Amendment No. 4 to the Professional Services Agreement with Mark Thomas & Company, for Construction Support and Right-of-Way Services for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287"

9. Adopt a Resolution Authorizing the City Manager to Accept \$30,000 from the Moirao Family Trust - Surviving Spouse's Trust to Be Used by the Hayward Animal Shelter for the Continued Operation of the Community Cats Trap, Neuter, and Return Program and to Purchase Replacement Kennels for Small Animals **CONS 23-228**

Staff report submitted by Acting Chief of Police Matthews, dated April 25, 2023, was filed.

It was moved by Council Member Roche, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-099, "Adopt a Resolution Authorizing the City Manager to Accept \$30,000 From the Moirao Family Trust – Surviving Spouse's Trust to be Used by the Hayward Animal Shelter for the Continued Operation of the Community Cats Trap, Neuter, and Return Program and to Purchase Replacement Kennels for Small Animals"

WORK SESSION

10. Affordable Housing Bonds: Review and Discuss a Proposed Social Impact Bonds Program and Reallocation of \$2 Million in Housing ARPA Funds (Report from Assistant City Manager Claussen) **WS 23-014**

Staff report submitted by Housing Manager Morales and Assistant City Manager Claussen, dated April 25, 2023, was filed.

Housing Manager Morales announced the report and introduced Management Analyst Doris Tang who provided a synopsis of the staff report.

Mayor Salinas opened the public comment period at 8:00 p.m.

Ms. Ro Aguilar supported the allocation of \$2 million in American Rescue Plan Act (ARPA) funds for down payment assistance to be used in conjunction with the social impact bonds (SIB) program or as a stand-alone program; encouraged the City to consider giving priority to distressed properties if funds are used in conjunction with SIB program; and asked if ARPA funds are used alone, could they be allocated as a down payment to buyers of low-income houses built in a market rate development as part of the affordable inclusionary units.

Mayor Salinas closed the public comment at 8:04 p.m.

Discussion ensued among members of the City Council and City staff regarding: American Rescue Plan Act (ARPA) funds for down payment assistance; use of social impact bonds (SIB) to create affordable ownership housing from distressed properties; consideration of community land trusts (CLT) and support provided through the City's Affordable Housing Notice of Funding Availability (NOFA); the intent of SIB is to provide wealth building opportunities and target moderate and low-income households; ARPA funds for down payment assistance coupled with SIB would help target lower-income households with the intent to recapture funds when a property is resold; and the City of Richmond program which used social impact bonds to create affordable housing opportunities from underutilized properties.

Council Member Andrews asked if staff could look into a program to keep artists housed and generate public art, perhaps through a combination with social impact bonds.

Council Member Syrop asked if workforce housing could be tied into the proposal, noting that one way to achieve this was to provide down payment assistance to individuals employed



CITY COUNCIL MEETING

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Tuesday, April 25, 2023, 7:00 p.m.

within Hayward as a qualifier; favored building a system with ARPA funds to help perpetuate more affordability and earmark a small portion of the funds to support land trust initiatives to help build long-term affordability down the line.

Council Member Zermeño supported reallocating \$2 million ARPA funding for a down payment assistance program and providing down payment assistance with SIB program to convert vacant and blighted properties to ownership opportunities; and favored legal and rental assistance for renters.

Council Member Roche requested information about the City of Richmond's program to create affordable ownership housing from distressed properties using social impact bonds; indicated that she was in support of implementing a viable downpayment assistance program to promote wealth building and supported including social impact bonds if they did not take money away from implementing and helping people attain homeownership.

Council Member Bonilla supported maximizing a down payment assistance program by coupling it with social impact bonds; appreciated how the program would build generational wealth and root members of the community in Hayward; agreed with local preference and targeting middle income neighborhoods to offer inclusionary housing and integration of community members; supported exploring how land trusts could be brought into the community; and added that outside of ARPA funds for downpayment assistance, rental assistance could create the biggest impact for the community.

Council Member Goldstein favored the down payment assistance program and SIB program as both were innovative ways to address the housing shortage and enlist individuals working in the trades to enhance their own homebuilding skills and deliver a final product at a lower price, thus creating wealth building for both; supported local preference for people living or working in Hayward; stated that although land trusts were an excellent mechanism to increase housing stock at a more affordable rate, it did not translate to long-term intergenerational wealth building; and added that land trust should be considered later down the road.

Mayor Salinas commented that no one would disagree on the merits of a CLT program, but it was expensive, involved a large front-end investment and there was not a successful model of a comparable city; stressed that the purpose of ARPA funds was to help people presently through rental assistance, protecting renters, and keeping individuals housed; supported down payment assistance used in combination with a SIB program as it would target challenging vacant or abandoned properties and improve them and support families to build wealth.

PUBLIC HEARING

11. Airport Rental Rate Adjustment: Adopt a Resolution Amending the FY24 Master Fee Schedule and Adjusting Hayward Executive Airport Hangar Rental Rates (Report from Public Works Director Ameri) PH 23-020

Staff report submitted by Public Works Director Ameri, dated April 25, 2023, was filed.

Public Works Director Ameri announced the item and introduced Airport Manager McNeeley who provided a synopsis of the staff report.

Members of the City Council thanked City staff for the report and for the engagement with Airport tenants.

Discussion ensued among members of the City Council and City staff regarding: the proposed hangar rental rate increase was for FY 2024 and could be a potential increase the following year depending on the Consumer Price Index (CPI); revenue generated from rent increases would go towards the Enterprise Fund, which would be earmarked for airport maintenance, operations and revitalization; proposed increases would generate approximately \$151,000 over a two-year period; other airports generally charge increases at 100% of CPI, whereas Hayward has historically been lower at assessing only 75% of CPI; outreach and communication with the hangar tenant community; there is no hardship plan for tenants unable to make payments but staff works closely with them following Federal Aviation Administration (FAA) regulations; credit or reduced rate for aircrafts that participate in the Disaster Airlift Response Team (DART) and other public benefit type of operations occurring on airport premises; and an agreement with tenants that included increases of 2.5% to 5% per year dependent on hangar type during the next four years.

Council Member Zermeño, also a member of the Council Airport Committee (CAC), requested that staff prepare a chart including a hangar rental rate comparable to nearby airports and present it to the CAC.

Council Member Roche echoed Council Member Zermeño's request.

Council Member Bonilla Jr. noted that the Hayward Executive Airport was available at a feasible and economic rate which was evident by the modest fee increases.

Council Member Andrews recommended a postcard or another form of communication to notify hangar tenants of rent increases.

Council Member Goldstein noted that a Disaster Airlift Response Team (DART) was a part of the Civil Air Patrol organization and asked staff to find out if any outreach was done to advise tenants who may be eligible for a credit or reduced rate for participating in the program.



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<https://hayward.zoom.us/j/81668094657?pwd=NHFPEmJaWlloNUdWMmUyM1UrWW40UT09>

Tuesday, April 25, 2023, 7:00 p.m.

There being no public comments, Mayor Salinas opened and closed the public hearing at 9:00 p.m.

Council Member Goldstein offered a motion per staff's recommendation.

Council Member Syrop seconded the motion with a friendly amendment that any future rent increases for the next five years do not exceed 5%.

Discussion ensued among members of City staff and Council Member Syrop related to the friendly amendment, and Council Member Syrop agreed to modify his friendly amendment to refer it to the Council Airport Committee (CAC) for review and report back to the Council within thirty days of a future meeting of the CAC.

Council Member Zermeño accepted the modified friendly amendment and thanked his colleagues on the CAC for being actively involved.

Council Member Goldstein stated that the intent of the friendly amendment was to explore ways to reduce the impact on tenants, whether this was accomplished via a 5% cap or another similar mechanism to lessen the impact.

Council Member Syrop recognized that the impact he was trying to relieve was on smaller tenants at the airport, noting there were large developments coming in on airport property that would provide most of the future revenue to the airport; and his objective was to minimize taking from the smaller tenants.

Mayor Salinas provided historical context of the Council and City staff making accommodations over the last five years to mitigate impact to airport tenants. Mayor Salinas thanked CAC members Councilmembers Zermeño, Goldstein, and Syrop for their service on the CAC.

It was moved by Council Member Goldstein, seconded by Council Member Syrop, and carried by the following roll call vote, to adopt the resolution with a friendly amendment to refer a review of a 5% rent increase cap for the next five years to the Council Airport Committee (CAC) and report back to Council within thirty days of the meeting of the CAC.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-100 “Resolution Amending the Master Fee Schedule and Approving Airport Rates and Charges”

12. Community Agency Funding: Approval of FY 2024 Community Agency Funding Recommendations and the FY 2024 Annual Action Plan (Report from Assistant City Manager Youngblood) **PH 23-021**

Staff report submitted by Assistant City Manager Youngblood, dated April 25, 2023, was filed.

Assistant City Manager Youngblood and Community Services Manager Lobedan announced the item and introduced Management Analyst Lee who provided an overview of Part I of her presentation covering CDBG FY 2024 Annual Action Plan, and Community Agency Funding (CAF) Recommendations for FY 2024 in the categories of Economic Development & Infrastructure (CDBG Fund), Public Services (CDBG Fund), Social Services (General Fund), and Arts & Music.

Members of the Council thanked City staff for their work, acknowledged the work done by the Community Services Commission, the Council liaison, and former members of the Community Services Commission.

Discussion ensued among members of the City Council and City staff regarding: funding recommendation process including staff engaging Community Service Commission (CSC) members and applicants for ways to refine and improve the process, and staff debriefing in order to streamline the process and reduce staff time; the separate allocation made to Eden Area 2-1-1, and the desire to maintain a competitive process; how applications were evaluated for funding recommendations; application process and conversations about long-term sustainable funding and diversification of funding; South Hayward Parish submitted three applications and one was awarded funding; and direct allocation to Eden Information and Referral (EIR) for 2-1-1 services.

Council Member Bonilla Jr. requested that staff provide Eden I&R with assistance enabling them to be less dependent on City funding and more diversified in how they seek funding.

Council Member Goldstein expressed his support for staff continuing to have targeted conversations with non-profit providers to ensure there is diversification of funding sources; and offered that depending upon the need of some of nonprofits that are served, suggested perhaps working with a land trust to secure the land, and then obtaining additional funding for a building renovation might be another way of achieving the same goal.

Council Member Syrop identified the importance of communicating to residents about available resources through Eden Information and Referral (EIR) for 2-1-1 services as an improvement area for staff moving forward.



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Tuesday, April 25, 2023, 7:00 p.m.

Mayor Salinas indicated that if the City was to hypothetically focus on one issue in the community, he wondered if CDBG would permit this with its annual entitlement grant; expressed that that no one organization can survive on a grant of a few thousand dollars from CDBG; and thought that if all organizations focused on one area, then this could have a transformative impact on a particular matter such as stopping child hunger.

Council Member Bonilla Jr. concurred with Mayor Salinas about a focus area goal such as food security and noted that there could be infrastructure projects geared to that goal and still meet CDBG federal requirements, and Council discretion with the General Fund; and suggested that in future years three top priorities could be identified to go after with CDBG funding and galvanize the community around a common set of issues.

City Manager McAdoo cautioned to Council that there were community agencies relying on funding; noted a tradeoff could be rotating topics to be considered annually such as food security one year, homelessness the following year, within a five-year cycle; indicated the CDBG Action Plan would need to be modified if there was agreement to make such changes; and added that Council would need to give staff direction to explore this further.

There being no public comments, Mayor Salinas opened and closed the public hearing at 9:39 p.m.

Council Member Goldstein, also the Council liaison to the Community Services Commission, made a motion to approve the staff recommendation.

Council Member Bonilla Jr. seconded the motion.

Council Member Council Member Zermeño expressed deep appreciation to staff and the Community Services Commission for the funding recommendations.

Council Member Andrews noted that although she liked the theme idea, she did not want to lose sight of some important issues such as domestic violence which with even a small funding allocation could have an impact saving lives; mentioned that perhaps a couple of themes could be considered; was concerned about the staff and Community Services Commission time spent with the CAF process for determining allocation of \$1.5 million; and wondered how the process could be more efficient.

Council Member Syrop was excited that great organizations will continue to be supported; expressed he would like to hear from the CSC on the comments shared by the Mayor and was interested in how a discussion could be structured such as via an ad hoc committee of Council and CSC; agreed with Council Member Andrews about continuing to provide services individuals in the community; noted that the large projects mentioned by the Mayor could be addressed with other parts of the budget; and suggested that the CSC transition back to

delivering the CAF presentation to Council as was done in prior years; and expressed to CSC members they should be empowered to have conversations in the community in order to determine community needs.

Council Member Roche supported the idea to notice the funding as a five-year cycle to notify the other recipients of the probability of receiving a larger allocation in a future year, underscored that even if the dollar amount received by organizations might be a small sum, the funding allowed organizations to leverage the funds to apply for additional funding sources with other agencies and cautioned about these discussions to avoid disrupting the process organizations have in going after additional funding sources.

Mayor Salinas shared that the spirit of his proposal was to take the opportunity with the CAF process to be transformative and move the needle on a major citywide issue.

It was moved by Council Member Goldstein, seconded by Council Member Bonilla Jr., and carried by the following roll call vote, to adopt the resolutions.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 23-101 “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2024 in the Social Services Funding Category”

Resolution 23-102 “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2024 in the Arts and Music Funding Category”

Resolution 23-103 “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2024 in the Community Development Block Grant (CDBG) Category and Authorizing the City Manager to Apply for Federal Assistance Under the Community Development Block Grant Program; and Updating the CDBG Citizen Participation Plan”

Resolution 23-104 “Resolution Approving and Appropriating the Community Agency Funding Recommendations for 2-1-1 Services”

Council Member Zermeño recused himself from participating in the next part of the public hearing related to Special Event allocations and left the Council Chambers at 9:48 p.m.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/81668094657?pwd=NHFPEmJaWlloNUdWMmUyM1UrWW40UT09>

Tuesday, April 25, 2023, 7:00 p.m.

Management Analyst Lee provided an overview of Part 2 of her presentation covering Community Agency Funding (CAF) Recommendations for FY 2024 in the category of Special Events (General Fund).

There being no public comments, Mayor Salinas opened and closed the public comment period at 9:52 p.m.

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

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop
MAYOR Salinas

NOES: None

ABSENT: COUNCIL MEMBER Zermeño

ABSTAIN: None

Resolution 23-105 "Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2024 in the Special Events Funding Category"

Council Member Zermeño returned to the Council Chambers at approximately 9:51 p.m.

LEGISLATIVE BUSINESS

13. Adopt a Resolution Accepting the Resignation of Mr. Ray Bonilla Jr., from the Planning Commission, and Consideration of Options for Filling the Planning Commission Vacancy (Report from City Clerk Lens) **LB 23-016**

Staff report submitted by City Clerk Lens, dated April 25, 2023, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Salinas opened and closed the public comment period at 9:59 p.m.

In response to Council Member Goldstein's request for information about the impact on staff if Council were to appoint Ms. Shanta Franco-Clausen instead of wait until the August annual appointment process, City Manager McAdoo explained there was a substantial process in place to get new Planning Commissioners up to speed with the requirements of the position and only two meeting months remained; indicated that since the term would expire July 2023,

the appointed member would need to be reappointed based on two months of service.

City Clerk Lens confirmed for Council Member Zermeño that the annual commission interviews would take place mid-August due to the Council recess change.

Council Member Zermeño made a motion to accept the resignation of Council Member Bonilla Jr. and wait to fill the vacancy on the Planning Commission until the annual recruitment process.

Council Member Goldstein seconded the motion.

Council Member Syrop confirmed that a third option would be to appoint Ms. Franco-Clausen to fill the remainder of former Commissioner Bonilla Jr.'s term beginning after the August recess, noting he wanted to minimize staff time and recognize that Ms. Franco-Clausen had interviewed and was already selected as an alternate.

City Attorney Lawson commented that there was a motion on the floor which had already been seconded, and if the motion were to fail, then Council Member Syrop could offer a new motion. Council Member Syrop stated that he was not offering a new motion or a substitute motion.

In response to Council Member Roche's question about the impact to the Planning Commission by keeping the membership as six for the next two months, City Manager McAdoo noted the Acting Development Services Director had indicated they were not aware of any major projects coming to the Planning Commission that would necessitate participation by the full membership.

In response to Council Member Roche's inquiry if the alternate would need to reapply for consideration in August, staff clarified that if the appointment were made to the Planning Commission, then the appointed member would have to express interest and go through the reappointment process which required the individual to be in good standing with their attendance and performance, and if the appointment did not occur, then the alternate would need to reapply again.

Council Member Bonilla Jr. asked if the alternate underwent the reappointment process in August, then there was a probability that she would not be required to interview. City Clerk Lens confirmed that was correct generally; however, there have been situations where a member eligible for reappointment had been asked to interview due to attendance issues.

In response to Council Member Bonilla's inquiry about staff time involved with onboarding one member versus a group of recently appointment members, City Manager McAdoo confirmed that it was easier to do the training and onboarding as a group.

It was moved by Council Member Zermeño, seconded by Council Member Goldstein, and carried by the following roll call vote, to adopt the resolution and wait to fill the vacancy during the 2023 annual recruitment process.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/81668094657?pwd=NHFPEmJaWlloNUdWMmUyM1UrWW40UT09>

Tuesday, April 25, 2023, 7:00 p.m.

AYES: COUNCIL MEMBERS Goldstein, Roche, Zermeño
MAYOR Salinas
NOES: COUNCIL MEMBERS Andrews, Bonilla Jr., Syrop
ABSENT: None
ABSTAIN: None

Resolution 23-106 "Resolution Accepting the Resignation of Mr.
Ray Bonilla Jr. from the Planning Commission"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Roche shared that the red carnation worn by members of Council and staff was in solidarity with the Sister City Faro in Portugal noting that April 25 marked Freedom Day commemorating the Carnation Revolution which took place in 1974 and acknowledged community member Ms. Elisa Simons for her work with the Sister City.

Council Member Zermeño shared that the City of Hayward's flower coincidentally happened to be a carnation; shared that he was in Spain during the Carnation Revolution and witnessed the revolts firsthand; and addressed the Portuguese community in Portugal.

Council Member Syrop acknowledged Carl Gorringer and Kristine for helping organize the LitHop event in downtown Hayward on April 29, 2023.

Council Member Zermeño shared that the 38th Annual Cinco de Mayo event, hosted by La Alianza de Hayward, was going to be held in downtown Hayward on April 29, 2023.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 10:16 p.m.

APPROVED

Mark Salinas
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 23-214

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving an Amended Agreement between the City of Hayward and the Hayward Fire Chiefs' Association ("HFCA") and Authorizing Staff to Execute the Side Letter of Agreement to Revise Vacation Leave Payout Contributions Upon Service or Disability Retirement from the City to the Voluntary Employee Beneficiary Association (VEBA) Plan

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing an amended side letter of agreement between the City of Hayward and the Hayward Fire Chiefs' Association ("HFCA") to revise vacation leave payout contributions upon service or disability retirement from the City to the Voluntary Employee Beneficiary Association (VEBA) Plan.

SUMMARY

The City makes available to members of the HFCA group, the VEBA Plan that enables eligible employees to accumulate funds in a tax-exempt trust for reimbursement of qualified medical expenses.

Pursuant to the terms of the HFCA VEBA agreement, changes to the plan are made with the consensus of the majority of participants. Currently, members of HFCA upon service or disability retirement from the City, are required to contribute 75% of vacation leave payout to their VEBA account. The HFCA group voted and unanimously agreed on decreasing contributions from seventy-five percent (75%) to twenty-five percent (25%) of any vacation leave payout upon service or disability retirement from the City. Participants are required to contribute one hundred percent (100%) of any eligible sick leave payout after any sick leave hours have been converted to CalPERS service credit in accordance with Government Code Section 20965. In addition, members will be required to contribute twenty-five percent (25%) of any vacation leave payout and fifty percent (50%) of compensatory time payout to their VEBA account.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adoption of a Resolution Approving an Amended Agreement between the City of Hayward and the Hayward Fire Chiefs' Association ("HFCA") and Authorizing Staff to Execute the Side Letter of Agreement to Revise Vacation Leave Payout Contributions Upon Service or Disability Retirement from the City to the Voluntary Employee Beneficiary Association (VEBA) Plan

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing an amended side letter of agreement between the City of Hayward and the Hayward Fire Chiefs' Association ("HFCA") to revise vacation leave payout contributions upon service or disability retirement from the City to the Voluntary Employee Beneficiary Association (VEBA) Plan.

SUMMARY

The City makes available to members of the HFCA group, the VEBA Plan that enables eligible employees to accumulate funds in a tax-exempt trust for reimbursement of qualified medical expenses.

Pursuant to the terms of the HFCA VEBA agreement, changes to the plan are made with the consensus of the majority of participants. Currently, members of HFCA upon service or disability retirement from the City, are required to contribute 75% of vacation leave payout to their VEBA account. The HFCA group voted and unanimously agreed on decreasing contributions from seventy-five percent (75%) to twenty-five percent (25%) of any vacation leave payout upon service or disability retirement from the City. Participants are required to contribute one hundred percent (100%) of any eligible sick leave payout after any sick leave hours have been converted to CalPERS service credit in accordance with Government Code Section 20965. In addition, members will be required to contribute twenty-five percent (25%) of any vacation leave payout and fifty percent (50%) of compensatory time payout to their VEBA account.

BACKGROUND

VEBA is an entity established as a tax-exempt trust under Section 501(c)(9) of the Internal Revenue Service (IRS) Code to provide employees with the ability to save money for health care expenses.

Participants, their spouses, and eligible dependents can receive reimbursement for qualified medical expenses while actively employed, following separation of employment, and during retirement.

The City contracts with California Government Voluntary Employee Beneficiary Association (CALGOVEBA) to provide a healthcare funding vehicle for employees to make tax-free contributions to a trust for accumulating funds for the reimbursement of healthcare costs. Employees who participate in the VEBA program realize a tax benefit because both eligible contributions and reimbursed expenses are tax-exempt.

In 2011, the City restructured its plan to comply with a change in the IRS code that required all employees within a bargaining unit or employee group to make the same contribution amount. However, effective May 22, 2012, HFCA member contribution amounts were negotiated within the employee group. HFCA members must make regular contributions to fund their VEBA accounts. Contributions shall be made in the form of bi-weekly payroll deductions; participants cannot make direct contributions to the plan. The bargaining unit has determined that contributions to the plan shall be:

Years of Service	Per Pay Period Contribution
1-15 years	\$50
16-20 years	\$100
21-25 years	\$150
25+ years	\$200

Upon service or disability retirement from the City, participants are currently required to contribute one hundred percent (100%) of any eligible sick leave payout after any sick leave hours have been converted to CalPERS service credit in accordance with Government Code section 20965, seventy-five percent (75%) of any vacation leave payout, and fifty percent (50%) of compensatory time payout.

DISCUSSION

The HFCA group voted and unanimously agreed to decrease contributions effective October 1, 2022, from seventy-five percent (75%) to twenty-five percent (25%) of any vacation leave payout. All other contributions remain the same.

FISCAL IMPACT

There is no fiscal impact associated with the agreement authorizing HFCA members to decrease contributions from seventy five percent (75%) to twenty-five percent (25%) of any vacation

leave payout. All VEBA contributions are funded through employee contributions to the plan. The City does not contribute to the plan. Costs associated with administering payroll deductions for participating employees are minimal and are not expected to change as a result of this agreement.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the side letter and obtain the necessary review by the City Attorney and City Manager approval to execute the agreement. HR will also work with Finance to implement these changes.

Prepared by: Marisa Guerrero, Human Resources Manager

Recommended by: Brittney Frye, Director of Human Resources

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-____

Introduced by Council Member _____

RESOLUTION APPROVING THE SIDE LETTER OF AGREEMENT WITH THE HAYWARD FIRE FIGHTERS 1909 AND THE HAYWARD FIRE CHIEFS ASSOCIATION 1909 TO DECREASE MEMBER VACATION LEAVE PAYOUT CONTRIBUTIONS AT TIME OF SERVICE OR DISABILITY RETIREMENT TO THE VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION (VEBA) PLAN

WHEREAS, The City of Hayward will make available to the Hayward Firefighters, Local 1909 (“Local 1909”) and the Hayward Fire Chiefs Association 1909 (“HFCA”), and their respective members, a Voluntary Employee Beneficiary Association (“VEBA”) Plan; and

WHEREAS, VEBA is an entity established as a tax-exempt Trust under Section 501(c)(9) of the Internal Revenue Service (IRS) Code; and

WHEREAS, The City has contracted with California Government Voluntary Employees’ Benefit Association (CALGOVEBA) since 2006 to provide a healthcare funding vehicle where employees make tax-free contributions to a trust for accumulating funds for reimbursement of health care costs in accordance with Section 501(c)(9) of the IRS Code; and

WHEREAS, The City, Local 1909, and HFCA have reached an agreement which details the terms of participation in the VEBA Plan for members of Local 1909 and the HFCA; and

WHEREAS, The agreement further provides that members of Local 1909 and the HFCA who opt-in to participate in the VEBA Plan shall also contribute 100% of the total of all eligible sick leave payout after any sick leave hours have been converted to CalPERS service credit in accordance with Government Code Section 20965, 25% of vacation leave payout and 50% of compensatory time payout; and

WHEREAS, The membership of Local 1909 and the HFCA ratified the terms of a VEBA agreement as of October 1, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the side letter agreement to participate in the VEBA Plan between it and Local 1909 and the HFCA effective October 1, 2022.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-251

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Policies and Procedures for Granting Priority Water and Sewer Service to Housing Development Projects that Include Units Affordable to Lower-Income Households

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving policies and procedures for granting priority water and sewer service to housing development projects that include units affordable to lower-income households.

SUMMARY

State law requires public and private entities that provide water and sewer service to adopt written policies and procedures to ensure that priority for these services are granted to housing development projects that include units affordable to lower-income households. Although the City has not denied service to such housing developments, staff recommends that policies and procedures be approved in order to document Hayward's commitment to affordable housing and to comply with State requirements. The attached resolution and proposed policies and procedures have been drafted in accordance with Government Code Section 65589.7.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Approving Policies and Procedures for Granting Priority Water and Sewer Service to Housing Development Projects that Include Units Affordable to Lower-Income Households

RECOMMENDATION

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SUMMARY

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BACKGROUND

California Government Code Section 65589.7 requires water and sewer providers to grant priority for service provision to proposed developments that include housing units affordable to lower-income households, and to adopt written policies and procedures to establish such priority. Hayward has not denied water or sewer service to any housing development with affordable units. Adoption of the policies and procedures will document Hayward's compliance with State law and is required for State approval of the City's Housing Element.

DISCUSSION

The proposed policies and procedures, attached as Exhibit A to the draft Resolution, have been drafted in accordance with Government Code 65589.7. These regulations specify that priority for water and sewer service must be granted to housing projects that include units affordable to lower income households, as defined in the California Health and Safety Code, unless certain conditions exist. Conditions that may cause denial of service include:

- Insufficient water supply to meet the projected demand of the housing project
- A water supply emergency as declared by the City Council
- Insufficient water distribution and/or sewer capacity as verified by an engineering report
- Prohibitions on new water or sewer conditions issued by State regulatory bodies
- Lack of agreement from developer to comply with reasonable terms and conditions that are generally applicable to development projects, including payment of standard fees or charges

Although the City has never denied water or sewer service to housing projects with affordable units, the proposed policies and procedures will serve to document the City's continued commitment to affordable housing and compliance with State law, and will guide development review staff in the unlikely event that the City needs to prioritize services.

ECONOMIC IMPACT

Implementation of the policies and procedures will occur as part of the normal project review process and will not impact Water or Sewer rates.

FISCAL IMPACT

Implementation of the policies and procedures will not have a fiscal impact on the Water or Wastewater Operating Funds or the City's General Fund.

STRATEGIC ROADMAP

This agenda item relates to Council's Strategic Priority to "Preserve, Protect and Produce Housing for All." The proposed policies and procedures will ensure that water and sewer service is available on a priority basis to housing developments that include units for lower-income households.

SUSTAINABILITY FEATURES

This item does not include any sustainability features.

PUBLIC CONTACT

This item does not require public contact.

NEXT STEPS

If Council approves this item, the Director of Public Works will coordinate with the Director of Development Services to implement the policies and procedures.

Prepared by: Cheryl Muñoz, Water Resources Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR PROVIDING
PRIORITY WATER AND SEWER SERVICE TO AFFORDABLE HOUSING
PROJECTS PURSUANT TO GOVERNMENT CODE SECTION 65589.7

WHEREAS, the State of California Government Code Section 65589.7 was amended to require water and sewer service providers to grant priority for water and sewer service to proposed developments that include housing units affordable to lower income households; and

WHEREAS, proposed developments that include housing units affordable to lower income households are defined as dwelling units that shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code; and

WHEREAS, Government Code Section 65589.7 requires that water and sewer service providers adopt written policies and procedures to establish priority for developments that include housing units affordable to lower income households; and

WHEREAS, the City of Hayward is the water and sewer service provider for the City of Hayward and is, therefore, subject to the requirements of Government Code Section 65589.7; and

WHEREAS, the City of Hayward has prepared the required policies and procedures in conformance with the provisions of Government Code Section 65589.7.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts the attached Policies and Procedures Regarding the Provision of Water and Sewer Services to Proposed Developments that Include Housing Units Affordable to Lower Income Households (Exhibit A).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit A: Policies and Procedures Regarding Water and Sewer Service Provisions to Proposed Developments that Include Housing Units Affordable to Lower Income Households

EXHIBIT A

POLICIES AND PROCEDURES REGARDING WATER AND SEWER SERVICE PROVISIONS TO PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS PURSUANT TO GOVERNMENT CODE SECTION 65589.7

Priority for water and sewer services shall be given to proposed developments that include housing units affordable to lower income households as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent as defined in Section 50053 of the Health and Safety Code. The City will not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes units affordable to lower income households unless the City makes specific written findings that the denial, condition or reduction is necessary due to the existence of one or more of the following:

- a. The City:
 - i. Does not have “sufficient water supply” as defined in Government Code Section 66473.7(a)(2);
 - ii. Is operating under a water shortage emergency as defined in Water Code Section 350; or
 - iii. Does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
- b. The City is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
- c. The City does not have sufficient treatment or collection capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
- d. The City is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections.
- e. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the City, including, but not limited to, the requirements of local, state or federal laws and regulations, or payment of a fees and charges imposed pursuant to Government Code Section 66013.



CITY OF HAYWARD

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

File #: CONS 23-252

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving the Project List for FY2024 Road Repair and Accountability Act (RRAA) Funding for the FY2024 Pavement Improvement Project

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the project list for RRAA FY2024 funding for the FY2024 Pavement Improvement Project (PIP).

SUMMARY

A yearly application must be submitted to the California Transportation Commission (CTC) to continue receiving RRAA funding, which must include a resolution approving a project list of street segments or defined regions of the City given the estimated revenue. The RRAA revenue estimate for FY2024 is \$4,000,000 and the project list includes the Hayward neighborhoods within the limits of I-880, Industrial Parkway, Depot Road, Hesperian Boulevard, & Tennyson Road, as shown on Attachment III.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Location Map



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Approving the Project List for FY 2024 Road Repair and Accountability Act (RRAA) Funding for the FY 2024 Pavement Improvement Project

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the project list for RRAA FY2024 funding for the FY2024 Pavement Improvement Project (PIP).

SUMMARY

A yearly application must be submitted to the California Transportation Commission (CTC) to continue receiving RRAA funding, which must include a resolution approving a project list of street segments or defined regions of the City given the estimated revenue. The RRAA revenue estimate for FY2024 is \$4,000,000 and the project list includes the Hayward neighborhoods within the limits of I-880, Industrial Parkway, Depot Road, Hesperian Boulevard, & Tennyson Road, as shown on Attachment III.

BACKGROUND

On April 28, 2017, the Governor signed Senate Bill 1 (SB1), the RRAA of 2017, to address basic road maintenance, rehabilitation, and critical safety needs through an increase in per gallon fuel excise taxes and vehicle registration fees.

To receive each year's SB1 apportionments, cities must apply to the CTC for the funds by submitting a tentative project list approved by resolution to the CTC. The project list must contain either a list of street segments or defined regions of the City undergoing rehabilitation, an estimated completion date for the project, and the estimated useful life of the paving methods utilized.

DISCUSSION

This project is part of the larger FY 2024 PIP. This project is scheduled to finalize a street list by September 2023, call for bids in winter 2024, start construction in Spring 2024, and complete construction in Fall of 2024. The RRAA revenue estimate of \$4,000,000 will be used

to treat the Hayward neighborhoods within the limits of I-880, Industrial Parkway, Depot Road, Hesperian Boulevard, & Tennyson Road. This area includes streets in very poor condition with high number of resident requests in order to improve and increase equity in distribution of City services (West Tennyson Rd, Lauderdale Ave, Naples St). Preventative maintenance treatment estimated useful life is 5-10 years and pavement rehabilitation treatment estimated useful life is 10-15 years.

ECONOMIC IMPACT

This project will economically benefit the City by decreasing motorist travel time via reduced potholes, increase curb appeal and the desirability of residential neighborhoods, and attracting business to the City.

FISCAL IMPACT

This project is fully funded by the City's CIP through RRAA and has no impact on the General Fund. The estimated revenue from RRAA for FY 2024 is \$4,000,000. This amount will be budgeted in the recommended FY 2024-FY33 CIP which is scheduled to be presented to Council for adoption later this spring.

STRATEGIC ROADMAP

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

- Project 5, Part 5.a: Maintain Pavement Condition Index (PCI) at 70.
- Project 5, Part 5c: Construct various OHHA Pavement Improvements

SUSTAINABILITY FEATURES

The project requires the contractor to recycle all construction and demolition debris generated from the project. This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)

- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

PUBLIC CONTACT

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

NEXT STEPS

If Council approves this recommendation, staff will submit the defined regions in the City and resolution to the CTC.

May 2023	Submit RRAA funding application to CTC
Summer 2023	Finalize project list of streets
Fall 2024	Call for bids & bid opening
Spring 2024	Begin construction
Fall 2024	Complete construction

Prepared by: Yama Farouqi, Associate Civil Engineer
 Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-____

Introduced by Council Member _____

RESOLUTION APPROVING PROJECT LIST FOR FY24 ROAD REPAIR AND ACCOUNTABILITY ACT (RRAA) FUNDING FOR THE FY24 PAVEMENT IMPROVEMENT PROJECT

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Hayward are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

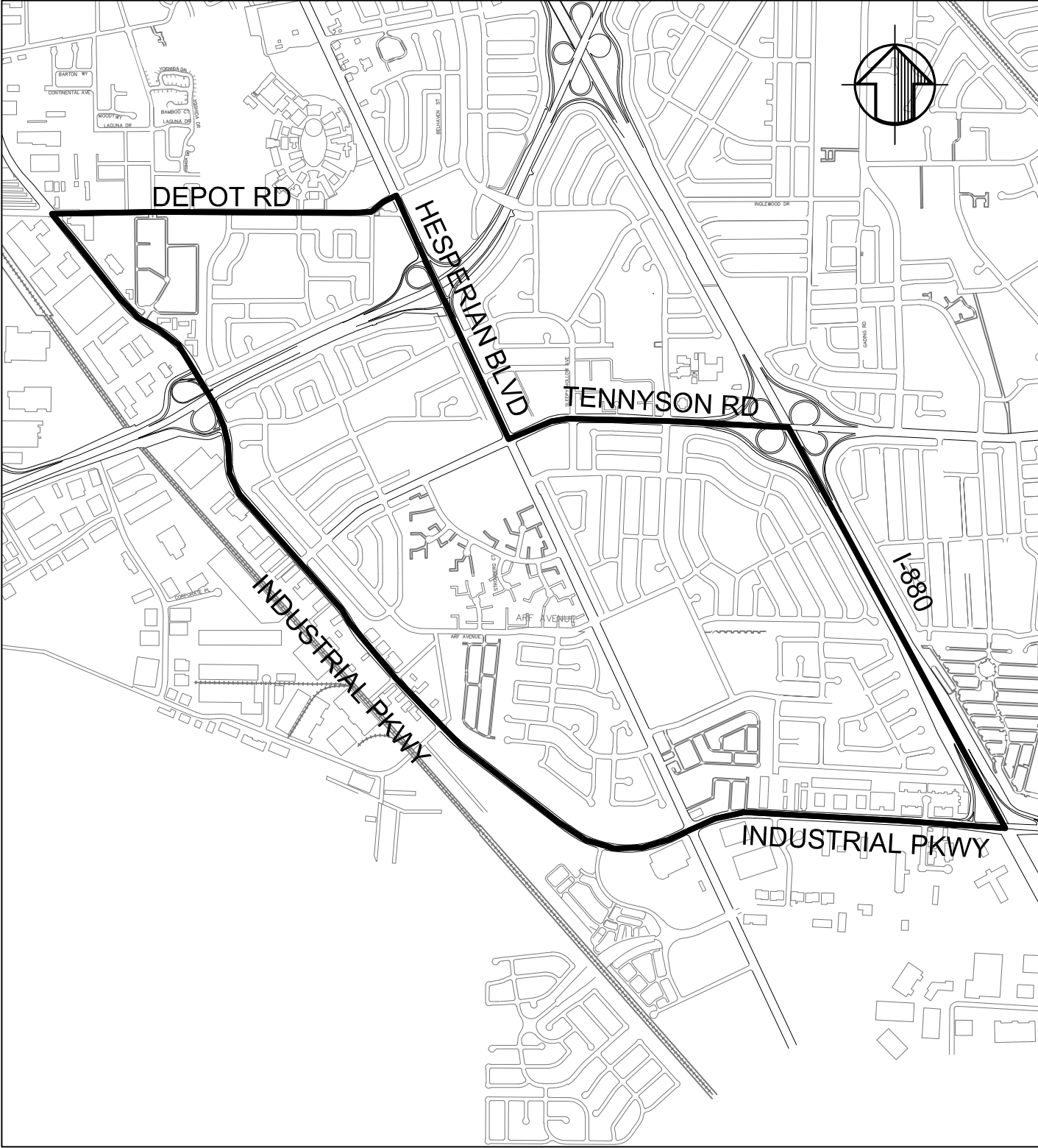
WHEREAS, the City must approve a list of all projects or defined regions of the City proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$4,000,000 in RRAA funding in Fiscal Year 2024 from SB1; and

WHEREAS, this is the seventh year in which the City of Hayward is receiving SB 1 funding and will enable the City of Hayward to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities; and

WHEREAS, the City will use a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and



Project Limits for FY24 Road Repair and Accountability Act (RRAA) Funding for the FY24 Pavement Improvement Project



CITY OF HAYWARD

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

File #: CONS 23-254

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Acting Director of Development Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Dudek in an Amount Not-to-Exceed \$94,022 for the Tree Preservation Ordinance Update and Hayward Executive Airport Landscape Guidelines for the City of Hayward

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with Dudek for the Tree Preservation Ordinance Update and Hayward Executive Airport Landscape Guidelines.

SUMMARY

Since 1986 for the past thirty-four consecutive years until 2019, Hayward has been recognized as “Tree City USA” by the Arbor Day Foundation until the temporary suspension due to COVID-19. Tree City USA is a nationwide movement established in collaboration with the U.S. Forest Service and the National Association of State Foresters in 1976. The program aims to recognize communities nationwide that are taking steps toward effectively managing and expanding public trees.

The proposed update to the Tree Preservation Ordinance and the Hayward Executive Airport Landscape Guidelines are a combined effort that focuses on a comprehensive review and update of the City’s existing Tree Preservation Ordinance, and any related Zoning Regulations, as well as an update to the landscape design guidelines to the areas near Hayward Executive Airport to determine what landscaping materials are appropriate to minimize wildlife and ensure public safety within the Airport safety zones. Coordinating these updates will result in a more comprehensive and holistic approach towards tree preservation and mitigation measures and will result in cost and time efficiencies tied to public outreach, environmental analysis, and implementation of the new regulations. In addition, the project will include an optional task to conduct a tree canopy study for all the trees within City limits, including trees located on public and private property, open space and natural resource areas, creek and riparian areas and within golf courses. The Updated Climate Action Plan lists the canopy study as a new action item and it will also support the development and adoption of an Urban Forest Management Plan, which has been identified as a program for implementation in the *Hayward 2040 General Plan*. The total budget for the

File #: CONS 23-254

work is \$94,022, which includes a \$8,547 contingency (10%) to cover unanticipated costs.

Dudek has been selected as a consultant through the request for qualifications process to lead the effort to update the Tree Preservation Ordinance and prepare the Hayward Executive Airport landscape guidelines for the first time and anticipates having this project completed by June 30, 2024.

ATTACHMENTS

Attachments I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Acting Director of Development Services

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The proposed update to the Tree Preservation Ordinance and the Hayward Executive Airport Landscape Guidelines are a combined effort that focuses on a comprehensive review and update of the City’s existing Tree Preservation Ordinance¹, and any related Zoning Regulations, as well as an update to the landscape design guidelines to the areas near Hayward Executive Airport to determine what landscaping materials are appropriate to minimize wildlife and ensure public safety within the Airport safety zones. Coordinating these updates will result in a more comprehensive and holistic approach towards tree preservation and mitigation measures and will result in cost and time efficiencies tied to public outreach, environmental analysis, and implementation of the new regulations. In addition, the project will include an optional task to conduct a tree canopy study for all the trees within City limits, including trees located on public and private property, open space and natural resource areas,

¹ Tree Preservation Ordinance:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

creek and riparian areas and within golf courses. The Updated Climate Action Plan² lists the canopy study as a new action item and it will also support the development and adoption of an Urban Forest Management Plan, which has been identified as a program for implementation in the *Hayward 2040 General Plan*³. The total budget for the work is \$94,022, which includes a \$8,547 contingency (10%) to cover unanticipated costs.

Dudek has been selected as a consultant through the request for qualifications process to lead the effort to update the Tree Preservation Ordinance and prepare the Hayward Executive Airport landscape guidelines for the first time and anticipates having this project completed by June 30, 2024.

BACKGROUND

The City of Hayward adopted its first tree preservation ordinance in the late 1950s, establishing a need to preserve significant trees based on size and species. There have been two updates since then, in 1971 and 2002. These updates ranged from minor updates to more significant policy changes, with the most substantial update occurring in 2002.

Currently, the City protects all trees in undeveloped properties with a trunk diameter of at least eight inches for non-California native trees and four inches for California native trees. The measurement of the diameter is taken at fifty-four inches above natural grade, also known as Diameter at Standard Height or DSH. If existing trees need to be removed to allow reasonable use or redevelopment of a property, applicants are required to mitigate the removal by replacement of new trees of equal value or size. Prior to any tree removal, a certified arborist is required to determine the value of the tree by using the latest edition of *Guide for Plant Appraisal*, established by the International Society of Arboriculture. The valuation is then reviewed by the City's Landscape Architect and used to determine the number and size of replacement trees required, in addition to other landscaping required as part of the Zoning Ordinance. On developed properties, trees are protected and preserved until the time development occurs, regardless of trunk diameter, and any tree removals, replacements or required mitigations are evaluated as part of the development review process. In addition to trees located on vacant or developed properties, any trees that are planted in memorial are protected after dedication by an entity recognized by the City. These trees can be removed but replacement trees are required.

Since the last Update in 2002, the city's population has grown significantly leading to a higher demand for more housing and development. To address the housing crisis in California, the State has recently enacted new legislation intended to streamline development review processes and spur new housing construction. These new laws have required changes and updates to the City's General Plan, Zoning Ordinance, and related development standards to allow for these higher-density developments. However, many projects located on infill sites require the removal of existing mature trees and a reduction in the amount of landscape area in order to accommodate the new development. This

² Climate Action Plan Update:
<https://haywardhousingandclimateupdate.com/climate-action-plan/>

³ Hayward 2040 General Plan:
<https://www.hayward2040generalplan.com/>

limits an applicant's opportunity to mitigate tree removals within the proposed development. Currently, the City's Tree Preservation Ordinance establishes two options for mitigation: 1) provide replacement trees on-site when possible; or 2) provide replacement trees off-site at a location designated by City's Landscape Architect in mutual agreement with the developer. The proposed Update to the Tree Preservation Ordinance will allow the City to evaluate and refine the current processes for preserving the protected trees, while offering creative, realistic solutions for those applicants that need to mitigate the removal of existing trees throughout the City.

In addition to updates to the Tree Preservation Ordinance, the landscaping guidelines and a list of recommended trees will be updated for properties located in the airport land use district. This update is essential to ensure the regulations set by Federal Aviation Administration (FAA) to enable safe aviation operations are maintained. In the past, Hayward Executive Airport has removed protected trees from private properties in the airport land use district due to wildlife habitats or height limits. With new guidelines, development communities will have a better understanding of the varying regulatory limitations within the FAA-influenced areas, including height limitations, to ensure safe aviation operations. The tree list will support the landscape design guidelines by providing qualifying trees that will further enhance safe aviation operations.

DISCUSSION

Project Overview: The proposed project will allow Dudek to comprehensively review the City's existing Tree Preservation Ordinance and Zoning Ordinance and develop a set of recommended updates to ensure the new Ordinance meets the best-practice standards of sustainable urban forest management. Dudek will analyze nearby municipal urban forest programs and ordinances to evaluate how the City's ordinance compares and will include guidelines for removing tree assets on City managed land, private property, and other government-managed lands. Critical areas of the analysis include the following:

- Determining the parameters for when trees are considered protected based on factors such as tree species, diameter at standard height, and property type;
- Analyzing the processes and permit fees by which requests are considered for the removal of protected trees;
- Examining whether replacement/mitigation planting requirements support the greater urban forestry goals of the City; and
- Determining if the defined penalties for violation are sufficient to deter violation of the ordinance, plan, or regulation.

The proposed Hayward Executive Airport Landscape Guidelines will focus on a comprehensive review of applicable regulations and policies, including Federal Aviation Administration (FAA) Advisory Circular 150/5200-33C dated February 21, 2020 (and subsequent revisions) "Hazardous Wildlife Attractants on or near Airports" to ensure any landscaping in and around the Airport is consistent with these regulations. The review will focus on developing recommendations for tree and landscape plans for the area designated as Air Terminal Subdistricts to ensure safe aviation operations.

Consultant Selection. Staff found that Dudek has a solid and experienced team both in preparation for the City's Tree Preservation Ordinance and the Hayward Executive Airport landscape guidelines work, a strategy to address existing tree removal and protection processes, and the existing financial and human resources dedicated to tree removal review, developing recommendations for tree and landscape plans within the City, and a commitment to creating a flexible and far-reaching outreach program through public events, and that Dudek is equipped to prepare defensible environmental analysis for the project. Overall, staff felt that Dudek was experienced and had the staffing and expertise to lead this effort within the required budget and timeframe. Dudek has been selected as a consultant through the request for qualifications process to lead the effort to update the Tree Preservation Ordinance and prepare the Hayward Executive Airport landscape guidelines for the first time and anticipates having this project completed by June 30, 2024.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priorities to Combat Climate Change. Specifically, this item relates to implementation of the following project(s):

- Combat Climate Change – Project 10, Update Tree Preservation Ordinance

FISCAL IMPACT

All costs for this professional services agreement will be paid for through a combination of appropriated funds within the Development Services Department and the Hayward Executive Airport FY 2023 Operating Budget. There is no additional impact to the General Fund. The total budget for the work is \$94,022, which includes a \$8,547 contingency (10%) to cover unanticipated costs.

NEXT STEPS

If the Council approves the attached resolution, staff will prepare an agreement to be executed between the City of Hayward and Dudek in a form approved by the City Attorney and hold a kick-off meeting in early June 2023.

Prepared by: Michelle Koo, RLA, Landscape Architect
Tera Maroney, Management Analyst
Jeremy Lochirco, Planning Manager

Recommended by: Sara Buizer, AICP, Acting Director of Development Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH DUDEK FOR THE TREE PRESERVATION ORDINANCE UPDATE AND HAYWARD EXECUTIVE AIRPORT LANDSCAPE GUIDELINES FOR THE CITY OF HAYWARD AND RELATED ENVIRONMENTAL ANALYSIS FOR AN AMOUNT NOT-TO-EXCEED \$94,022

WHEREAS, the City of Hayward adopted its first tree preservation ordinance in the late 1950s, establishing a need to preserve significant trees based on size and species. There have been two updates since then, in 1971 and 2002. These updates ranged from minor updates to more significant policy changes, with the most substantial update occurring in 2002; and

WHEREAS, new state laws have required changes and updates to the City's General Plan, Zoning Ordinance, and related development standards to allow for higher-density developments; and

WHEREAS, the Update to the Tree Preservation Ordinance will allow the City to evaluate and refine the current processes for preserving the protected trees, while offering creative, realistic solutions for those applicants that need to mitigate the removal of existing trees throughout the City; and

WHEREAS, the landscaping guidelines and a list of recommended trees will be updated for properties located in the airport land use district; and

WHEREAS, the update will ensure the regulations set by Federal Aviation Administration (FAA) to enable safe aviation operations are maintained; and

WHEREAS, the review will focus on developing recommendations for tree and landscape plans for the area designated as Air Terminal Subdistricts to ensure safe aviation operations; and

WHEREAS, a committee of staff representing the City's Planning Division and Public Works & Utilities – Airport Division reviewed the proposal and interviewed the firm before confirming that Dudek is the capable and the preferred team to complete the subject work; and

WHEREAS, the Scope of Work includes a budget of \$85,474 to complete the proposed project and related environmental analysis, and an approximately \$8,548 contingency for a total not to exceed project budget of \$94,022.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, hereby authorizes the City Manager to negotiate and execute an Agreement with Dudek in a form approved by the City Attorney, for the Tree Preservation Ordinance Update and Hayward Executive Airport Landscape Guidelines for the City of Hayward and related environmental analysis for an amount not-to-exceed \$94,022, and a term through June 30, 2024.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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

Scope and Approach

1 Project Management

Task 1.1: Project Kick-Off Meeting

Dudek plans to initiate the project with a meeting between City staff and the Dudek team to solidify specific project goals, discuss scope of work details, and confirm reporting and communication procedures. The group will discuss existing tree removal and protection processes and the existing financial and human resources dedicated to tree removal review and permitting. Dudek will provide an agenda prior to the meeting and submit meeting minutes summarizing major topic discussions following the meeting.

Task 1.2: Check-In Meetings

Following the project kickoff meeting, Dudek will meet (virtually) with City staff as needed to discuss scope of work details to ensure clear communication of progression of the project and to ensure on-time completion of desired deliverables. These check-in meetings will occur throughout the duration of the project and will be the chief way the City will be informed of project progress. Additional project communication not addressed during the monthly meetings will occur via email or telephone.

2 Tree Preservation Ordinance Analysis

Task 2.1: Analysis of Draft Protected Tree Ordinance and Relevant Documents

For this task, Dudek will focus on a comprehensive review of the City's Tree Preservation Ordinance (Ordinance) and relevant Zoning Regulations, General Plan, and other applicable regulations and policies. The review of the ordinances, plans, and regulations will include several key aspects to ensure they meet the standards of sustainable urban forest management. Key areas of the analysis and review of ordinances, plans, and regulations include the following:

- Determining if they have clearly defined parameters for when a tree is considered protected based on factors such as tree species, diameter at standard height, and property type
- Analyze the process and the permit fees by which requests are considered for the removal of protected trees
- Examine whether replacement/mitigation planting requirements support the urban forest goals of the City
- Determining if the defined penalties for violation are sufficient to deter violation of the ordinance, plan, or regulation

Dudek will provide an analysis of nearby municipal urban forest programs and ordinances to evaluate how the City's ordinance compares. The analysis will specifically address guidelines for removing tree assets on City managed land, private property, and other government managed land within the City.

Task 2.2: Analysis of Conflicts, Opportunities, Governance Structure

To complete this task, Dudek intends to hold interviews with appropriate City staff representatives who are involved in the permitting, processing, and implementation of tree protection ordinances and policies as well as other staff who directly affect tree preservation and green infrastructure design or planning efforts within the City. These interviews provide valuable insight into the day-to-day management and operations of the City and are intended to better understand the following:

- Opportunities to streamline internal protocol and processes for protected tree removal requests and management
- Regulation and policy conflicts
- The governance structure and financial and human resources dedicated to managing ordinances, policies, and regulations
- Areas where ordinance language is confusing or unclear
- Goals, policies, and priorities of each department that relate to tree protection and urban forest management
- Goals of the City related to climate adaptation and equity

Following the interviews, Dudek will summarize all relevant information. This information will be an important component in developing the specific recommendations towards updating the Ordinance and related documents. Dudek anticipates up to four (4) interviews will be needed for this task.

Task 2.3: Tree Mitigation Alternatives Comparison Study

Dudek will prepare a fee comparison study to determine an appropriate in-lieu mitigation fee for use when tree replacement is not feasible on the property where the removal occurred. The comparison study will examine the in-lieu fee structures used by other municipal programs as it relates to associated costs of tree acquisition, planting, maintenance and monitoring, and administration. Based on this study, Dudek will prepare a list of recommendations for an in-lieu fee structure that can be used as a model for the City to consider in development of the fee.

3 Community Engagement

Task 3.1 In-Person Engagement Activities

Task 3.1.1 Outreach Events

Dudek will coordinate and host a series of community outreach efforts to better understand public perspectives and priorities related to the ordinance and trees in the City. Outreach efforts will be targeted to communities that may not be able to participate in web-based outreach activities, such as a virtual meeting or online survey. Dudek will work with the City and stakeholders to identify and reach these communities through public events, such as a farmers' market, youth sporting events, or neighborhood association meetings. Dudek anticipates attending up to two (2) public outreach events. The first outreach event will occur in the beginning of the Ordinance review process. Dudek staff will attend the event with interactive, educational boards to better understand stakeholder values and opinions of trees and the Ordinance. Hard copies of the online survey (described below) will be made available as

well. The second round public outreach event will occur after completion of the draft Ordinance. At this event, Dudek will highlight key updates to the Ordinance regarding trees that are protected, tree replacement guidelines, and City design processes to approve permit removal applications. The public will be encouraged to provide written comments that will be used to further refine the draft Ordinance. Following the public outreach events, Dudek will deliver a summary report to the City on the public input received.

Task 3.2 Online Engagement Activities

Task 3.2.1 Social Media

Dudek’s marketing and graphics team will assist the City in developing social media content for the City to disseminate information about the Ordinance update process and public engagement opportunities including the public survey. Social media content will be uniquely designed to fit the City’s desired image.

Task 3.2.2 Focus Groups

In addition to the City staff interviews, Dudek will hold two (2) focus groups with key stakeholders selected by the City in consultation with the Dudek team. The purpose of the focus groups will be to meet with a wide range of stakeholders who are impacted by the Ordinance to further understand how the regulations and permit process impact development, trees on residential properties, and other private property locations. Selected stakeholders would represent a cross section of Hayward stakeholders, such as those who implement development projects, other agencies, and commercial property managers. The focus groups will help inform key aspects of how to ensure clarity about when a tree is protected, the application process, and tree replacement planting requirements. Following the focus groups, Dudek will summarize all relevant information from each focus group.

Task 3.3 Supplemental Engagement Activities

Task 3.3.1 Website Content

Dudek will leverage the City’s existing webpage as a landing page for all project updates and key findings, PDFs of educational pamphlets, a calendar of in-person engagement events, and links and QR codes to the public tree survey. All website content will inform community members about all the various ways they can participate in the ordinance update process.

Task 3.3.2 Ordinance Guidance Document

Dudek will begin by working with City staff to identify which arboricultural best management practices will be included in the Guidance Document (Document) that are most pertinent to ensuring the protection and preservation of trees throughout all phases of permitting and project implementation. Development of this section will include a review of current Document management practices, standards, details, and design practices. Document management practices will be measured against International Society of Arboriculture (ISA) and American National Standards Institute (ANSI) standards, current research, and experience of the consultant team. Dudek will provide recommendations for updates to existing practices to be reviewed with the City team and for inclusion in the guidance document. The end result will be an 8–10-page graphic based document that reflects key elements of the Ordinance and tree management actions including:

- Definitions of Ordinance terms
- How to measure trunk diameter

- Descriptions and images of protected tree species
- What to include in an arborist report
- Permit processes
- Best management practices for how to properly plant, water, maintain, and prune trees
- Contact information for outside agencies for tree permit and maintenance services

4 Hayward Executive Airport Landscape Guidelines

Task 4.1 Review Hayward Executive Airport Landscape Guidelines

For this task, Dudek will focus on a comprehensive review of the Hayward Executive Airport landscape guidelines and other applicable regulations and policies including Federal Aviation Administration (FAA) Advisory Circular 150/5200-33C dated February 21, 2020 (and subsequent revisions) “Hazardous Wildlife Attractants on or near Airports”. The review will focus on developing recommendations for tree and landscape plans for the area. Dudek will prepare a summary of its review for Airport staff to guide discussions in developing the airport landscape plan in task 4.3.

Task 4.2 Airport Landscape Plan

Dudek will prepare plant palettes for trees, shrubs, and ground covers identifying species that address the Airport priorities for aircraft safety including minimizing attractiveness to birds and other wildlife, controlling height of trees at full growth, and limiting potential for vegetation to create foreign object debris (FOD) on the airfield. In addition, species selection will consider the plants’ ability to be drought tolerant and low water using, as well as physical constraints at Hayward Executive Airport and the vicinity such as depth to groundwater and variable soil conditions. It is expected that two plant palettes will be prepared under Task 4.3: one for species to be planted on the airport property, and the other for species to be planted outside the airport property, potentially with zonal recommendations (e.g., within 500 feet, within 1 mile, within 5 miles) of distance from the airport property. Both native-to-the region and ornamental landscape plant species will be considered. We assume that soil reconditioning will occur in preparation of any plantings, including soil loosening (decompaction), addition of amendments, and incorporation of organic matter.

Under this task, Dudek will research available information and previous studies, conduct expert collaboration about our findings, and prepare two tables listing the recommended plant species to serve as the plant palettes noted above. To initiate this task, Dudek will research available information on the Hayward Executive Airport natural resource conditions such as soils, hydrology, vegetation, and climate. In addition, we will review past studies regarding vegetation and planting in and around airports, bird strike studies, and the effects of wildlife near airports. Upon reviewing the information and previous studies, Dudek’s landscape architect will compare findings and incorporate our knowledge and expertise to develop initial plant palettes. Dudek will refine the plant palettes to address the following goals and objectives:

- On airport property, the plant palette will minimize attractiveness to birds and other wildlife by prescribing species that provide less perching space; and will not include fruiting trees or decorative plantings that produce seeds and berries. Further, the plant palette will prescribe tree species with controlled height at maturity, and ground cover species that can persist on the airport property (shallow groundwater, periodic drought, and variable soils).

- Off of the airport property, the plant palette will minimize species that attract birds. In addition, the plant palettes will prescribe plant palette will prescribe tree species with controlled height at maturity, and ground cover species that can persist on the airport property (shallow groundwater, periodic drought, and variable soils).

The plant palettes will be prepared as tables listing the recommended plant species. The tables will be organized by trees, shrubs, and ground covers; specific plant species will be prescribed by botanical and common name, shape and form, deciduous vs. evergreen, mature height, and suggested plant spacing. Dudek anticipates that up to two (2) iterations of the plant palettes will be prepared: 1) a draft submittal for the Department's review, and 2) a final submittal reflecting any modifications based on the Department's review.

Task 4.3 Presentations to Airport Committee

Dudek anticipates one (1) presentation to the Airport Committee. The first meeting will be an informational update on the project and will present initial results of study. The second meeting will be to present the final landscape plan and updates to the Hayward Executive Airport Wildlife Hazard Mitigation Plan. In advance of each Committee meeting, Dudek will prepare a PowerPoint presentation that will be reviewed by Airport staff (two drafts). The anticipated turnaround time for each review will be approximately two weeks.

5 Updated Ordinance and Presentations

Task 5.1 Admin and Public Draft Ordinance Update

Dudek will submit a first draft to City staff within seven (7) months from the day of the commencement of work, and a second draft, including all revisions, within 60 calendar days of receiving city comments on the first draft submittal. We request that the appropriate City personnel provide comments on the first draft within a four (4) week time frame. These edits will be incorporated, and the second draft will be made available to the public for review and comment. Dudek will coordinate with the City to post the second draft on its website and other important media channels. A dedicated email address and set of public comment instructions will be created by Dudek to facilitate receipt and organization of public comments. The open period for public review and comment of the draft of the Ordinance will be 30 calendar days.

Task 5.2 Final Draft Ordinance Update

Following completion of the 80% draft review process, the final Ordinance will be developed, incorporating City and public comments, and will be completed with twelve (12) months of commencement. The final copy will be submitted as an electronic copy in Adobe PDF format, along with a number of bound hard copies determined with the City, and can be formatted to be placed on the City webpage.

Task 5.3 City Council Presentations

Dudek anticipates two (2) presentations to the City Council. The first meeting will be an informational update on the project to be provided during a City Council work session. We will present the results of the community feedback effort and the resulting updated ordinance recommendations to the City Council. The second meeting will be at a full City Council session with the intent of Ordinance adoption by Council. In advance of each City Council meeting, Dudek will prepare a PowerPoint presentation that will be reviewed by City staff (two drafts). The anticipated turnaround time for each review will be approximately two weeks.

6 Option #1 – USFS Canopy Cover Study

For this task, Dudek will utilize publicly available canopy and land use data generated by the United States Forest Service Urban Tree Canopy Assessment in 2018 and any newer canopy data that maybe become available during the project. Dudek will conduct a canopy analysis that includes all trees within City limits, including public and private property, open space, natural resource areas, creek and riparian areas, golf courses, and other areas defined by the project team and the City. This analysis will focus on the City’s existing canopy cover, which consists of the area of the City covered by trees when viewed from above. The resulting canopy cover study will provide information on the distribution of trees and tree density on all identified study areas and analyze whether trees are equitably distributed throughout the City.

The final product will be a GIS data file of the tree canopy in the City for 2018. Results of the canopy cover analysis will be reported as City total canopy coverage, and then further broken down by public and private property, census tracts, parks/open space, transportation corridors, council districts, or other delineations desired by the City. Our graphics staff will take the interpretation of this information and create charts, graphs, and tables that are visually appealing and understandable.

7 Option #2 – Hayward LiDAR Canopy Cover Study

Dudek will conduct an image-based mapping of urban tree canopies within the City, using LiDAR and aerial imagery from 2020 provided by the City of Hayward. The tree canopy analysis for 2020 will combine LiDAR (collected on June 2020) tree height information derived using bare ground and top-of-surface (e.g., top of trees, buildings, etc.) with 2020 multispectral imagery. The combined multispectral imagery and feature height products will be used to map all trees within the City, using both multispectral analysis approaches and machine learning image classification. An accuracy assessment will be performed to evaluate the accuracy of the urban tree canopy product. Dudek proposes to also document our methodology so that the City can conduct a similar analysis in the future.

Dudek will use this process to conduct a canopy analysis that includes all trees within City limits, including public and private property trees, open space, natural resource areas, creek and riparian areas, golf courses, and other areas defined by the project team and the City. This analysis will focus on the City’s existing canopy cover, which consists of the area of the City covered by trees when viewed from above. The resulting canopy cover study will provide information on the number of trees and tree density on all identified study areas, and provide analysis if trees are equitably distributed throughout the City.

The final product will be a GIS data file of the tree canopy in the City for 2020. Results of the canopy cover analysis will be reported as City total canopy coverage, and then further broken down by public and private property, census tracts, parks/open space, transportation corridors, council districts, or other delineations desired by the City. Our graphics staff will take the interpretation of this information and create charts, graphs, and tables that are visually appealing and understandable.

8 Additional Services

Should the actual effort to complete the proposed tasks be greater than anticipated and include out-of-scope requests, additional fee authorizations will be requested. No work in excess of the proposed fee or outside of the proposed scope of work will be performed without written authorization from the client. Any approved out-of-scope work will be billed on a time-and-materials basis according to our 2023 rate schedule.

Cost

Dudek Labor Hours and Rates													
		Senior Specialist I	Specialist II	Analyst IV	Analyst IV	Specialist V	Project Director/Environmental	Creative Services IV	GIS Analyst IV	TOTAL DUDEK HOURS	DUDEK LABOR COSTS	OTHER DIRECT COSTS	TOTAL FEE
Project Team Role:		Ryan Allen	Clarissa Boyajian	Jared Davis	Kalie Ortiz	John Zanzi	Michael Henry	Racoul Ranoa	Curtis Battle				
Team Member:		Billable Rate: \$200.00	\$155.00	\$125.00	\$125.00	\$185.00	\$265.00	\$165.00	\$165.00				
Task 1	Project Management												
1.1	Project Kick-off meeting	2	1	1	2	1	1			8	\$1,380.00		\$1,380.00
1.2	Check-In Meetings	20	6		6	4	4			40	\$7,480.00		\$7,480.00
	Subtotal Task 1	22	7	1	8	5	5			48	\$8,860.00		\$8,860.00
Task 2	Tree Preservation Ordinance Analysis												
2.1	Analysis of Protected Tree Ordinance	6	14	40						60	\$8,370.00		\$8,370.00
2.2	Analysis of Conflicts, Opportunities, Governance Structure (4 interviews)	6	6	6		4	4			26	\$4,680.00		\$4,680.00
2.3	Comparison Study	2	4	16						22	\$3,020.00		\$3,020.00
	Subtotal Task 2	14	24	62		4	4			108	\$16,070.00		\$16,070.00
Task 3	Community Engagement												
3.1	In-Person Engagement Activities (2)	2		16	4					22	\$2,900.00	\$130.00	\$3,030.00
3.3	Social Media				6			8		14	\$2,070.00		\$2,070.00
3.4	Focus Groups (2)	4	2	2	4					12	\$1,860.00		\$1,860.00
3.3.4	Optional Engagement Activities												
3.3.4.1	Website Content				8			10		18	\$2,650.00		\$2,650.00
3.3.4.2	Guidance Document	8		16				30		54	\$8,550.00		\$8,550.00
	Subtotal Task 3	14	2	34	22			48		120	\$18,030.00	\$130.00	\$18,160.00
Task 4	Airport Mitigation Plan												
4.1	Review/Update of Wildlife Hazardous Mitigation Plan					8	8			16	\$3,600.00		\$3,600.00
4.3	Airport Landscape Plan					30	30			60	\$13,500.00		\$13,500.00
4.4	Presentations to Airport Committee (1)						6			6	\$1,590.00	\$65.00	\$1,655.00
	Subtotal Task 4					38	44			82	\$18,690.00	\$65.00	\$18,755.00
Task 5	Updated Ordinance and Presentations												
5.1	Admin and Public Draft	8	8	24						40	\$5,840.00		\$5,840.00
5.2	Final Updated Ordinance	8		16						24	\$3,600.00		\$3,600.00
5.3	City Council Presentations (2)	16								16	\$3,200.00	\$488.75	\$3,688.75
	Subtotal Task 5	32	8	40						80	\$12,640.00	\$488.75	\$13,128.75
	Total Hours	82	41	137	30	47	53	48	0	438			
	Total	\$16,400.00	\$6,355.00	\$17,125.00	\$3,750.00	\$8,695.00	\$14,045.00	\$7,920.00	\$0.00		\$74,290.00	\$683.75	\$82,471.13
	<i>Percent of Hours (Base)</i>	<i>19%</i>	<i>9%</i>	<i>31%</i>	<i>7%</i>	<i>11%</i>	<i>12%</i>	<i>11%</i>	<i>0%</i>				
Optional Services													
Task 6	Option 1 - USFS Canopy Study	4	20						8	32	\$5,220.00		
	Total Hours	86	61	137	30	47	53	48	8	470			
	Total	\$17,200.00	\$9,455.00	\$17,125.00	\$3,750.00	\$8,695.00	\$14,045.00	\$7,920.00	\$1,320.00		\$79,510.00	\$683.75	\$88,213.13
												Contingency (10%)	\$8,019.38
Task 7	Option 2 - Hayward LiDAR Canopy Study	4	20						40	64	\$10,500.00		
	Total Hours	86	61	137	30	47	53	48	40	502			
	Total	86	61	137	30	47	53	48	40	502	\$84,790.00	\$683.75	\$94,021.13
												Contingency (10%)	\$8,547.38

2023 Rate Sheet

DUDEK 2023 Standard Schedule of Charges

Engineering Services		Hydrogeology/HazWaste Services	
Project Director	\$325.00/hr	Project Director	\$325.00/hr
Principal Engineer III	\$280.00/hr	Principal Hydrogeologist/Engineer II	\$285.00/hr
Principal Engineer II	\$280.00/hr	Principal Hydrogeologist/Engineer I	\$275.00/hr
Principal Engineer I	\$270.00/hr	Senior Hydrogeologist V/Engineer V	\$260.00/hr
Program Manager	\$280.00/hr	Senior Hydrogeologist IV/Engineer IV	\$250.00/hr
Senior Project Manager	\$260.00/hr	Senior Hydrogeologist III/Engineer III	\$240.00/hr
Project Manager	\$250.00/hr	Senior Hydrogeologist II/Engineer II	\$230.00/hr
Senior Engineer III	\$245.00/hr	Senior Hydrogeologist I/Engineer I	\$220.00/hr
Senior Engineer II	\$235.00/hr	Project Hydrogeologist V/Engineer V	\$205.00/hr
Senior Engineer I	\$225.00/hr	Project Hydrogeologist IV/Engineer IV	\$185.00/hr
Project Engineer IV/Technician IV	\$215.00/hr	Project Hydrogeologist III/Engineer III	\$185.00/hr
Project Engineer III/Technician III	\$205.00/hr	Project Hydrogeologist II/Engineer II	\$175.00/hr
Project Engineer II/Technician II	\$185.00/hr	Project Hydrogeologist I/Engineer I	\$165.00/hr
Project Engineer I/Technician I	\$175.00/hr	Hydrogeologist/Engineering Assistant	\$130.00/hr
Senior Designer II	\$185.00/hr		
Senior Designer I	\$180.00/hr		
Designer	\$180.00/hr	District Management & Operations	
Assistant Designer	\$175.00/hr	District General Manager	\$225.00/hr
CADD Operator III	\$170.00/hr	District Engineer	\$215.00/hr
CADD Operator II	\$160.00/hr	Operations Manager	\$185.00/hr
CADD Operator I	\$145.00/hr	District Secretary/Accountant	\$140.00/hr
CADD Drafter	\$130.00/hr	Collections System Manager	\$140.00/hr
CADD Technician	\$120.00/hr	Grade V Operator	\$130.00/hr
Project Coordinator	\$150.00/hr	Grade IV Operator	\$115.00/hr
Engineering Assistant	\$125.00/hr	Grade III Operator	\$105.00/hr
		Grade II Operator	\$85.00/hr
		Grade I Operator	\$80.00/hr
		Operator in Training	\$75.00/hr
		Collection Maintenance Worker	\$75.00/hr
Environmental Services		Creative Services	
Senior Project Director	\$300.00/hr	Creative Services IV	\$185.00/hr
Project Director	\$285.00/hr	Creative Services III	\$150.00/hr
Senior Specialist V	\$250.00/hr	Creative Services II	\$135.00/hr
Senior Specialist IV	\$235.00/hr	Creative Services I	\$120.00/hr
Senior Specialist III	\$225.00/hr		
Senior Specialist II	\$210.00/hr	Publications Services	
Senior Specialist I	\$200.00/hr	Technical Editor IV	\$185.00/hr
Specialist V	\$185.00/hr	Technical Editor III	\$150.00/hr
Specialist IV	\$175.00/hr	Technical Editor II	\$135.00/hr
Specialist III	\$165.00/hr	Technical Editor I	\$120.00/hr
Specialist II	\$155.00/hr	Publications Specialist IV	\$125.00/hr
Specialist I	\$145.00/hr	Publications Specialist III	\$115.00/hr
Analyst V	\$135.00/hr	Publications Specialist II	\$105.00/hr
Analyst IV	\$125.00/hr	Publications Specialist I	\$85.00/hr
Analyst III	\$115.00/hr	Clerical Administration	\$80.00/hr
Analyst II	\$105.00/hr		
Analyst I	\$85.00/hr		
Technician III	\$85.00/hr		
Technician II	\$75.00/hr		
Technician I	\$65.00/hr		
Mapping and Surveying Services		Expert Witness - Court appearances, depositions, and interrogatories as expert witness will be billed at 2.00 times normal rates.	
Application Developer II	\$185.00/hr	Emergency and Holidays - Minimum charge of two hours will be billed at 1.75 times the normal rate.	
Application Developer I	\$155.00/hr	Material and Outside Services - Subcontractors, rental of special equipment, special reproductions and blueprinting, outside data processing and computer services, etc., are charged at 1.15 times the direct cost.	
GIS Analyst V	\$205.00/hr	Travel Expenses - Mileage at current IRS allowable rates. Per diem where overnight stay is involved is charged at cost.	
GIS Analyst IV	\$185.00/hr	Invoices, Late Charges - All fees will be billed to Client monthly and shall be due and payable upon receipt. Invoices are delinquent if not paid within 30 days from the date of the invoice. Client agrees to pay a monthly late charge equal to 1% per month of the outstanding balance until paid in full.	
GIS Analyst III	\$145.00/hr	Annual Increases - Unless identified otherwise, these standard rates will increase in line with the CPI-U for the nearest urban area per the Department of Labor Statistics to where the work is being completed) or by 3% annually, whichever is higher.	
GIS Analyst II	\$130.00/hr	The rates listed above assume prevailing wage rates does not apply. If this assumption is incorrect Dudek reserves the right to adjust its rates accordingly.	
GIS Analyst I	\$115.00/hr		
UAS Pilot	\$115.00/hr		
Survey Lead	\$185.00/hr		
Survey Manager	\$145.00/hr		
Survey Crew Chief	\$120.00/hr		
Survey Rod Person	\$85.00/hr		
Survey Mapping Technician	\$85.00/hr		
Construction Management Services			
Principal/Manager	\$185.00/hr		
Senior Construction Manager	\$185.00/hr		
Senior Project Manager	\$175.00/hr		
Construction Manager	\$170.00/hr		
Project Manager	\$165.00/hr		
Resident Engineer	\$180.00/hr		
Construction Engineer	\$155.00/hr		
On-site Owner's Representative	\$145.00/hr		
Prevailing Wage Inspector	\$145.00/hr		
Construction Inspector	\$140.00/hr		
Administrator/Labor Compliance	\$100.00/hr		

DUDEK

EFFECTIVE JANUARY 1, 2023



CITY OF HAYWARD

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

File #: CONS 23-257

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute the Downtown Hayward Promise Neighborhood (DHPN) Five (5) Year Contract, and Accept and Appropriate Up to \$1,698,782 in Funding from Downtown Hayward Promise Neighborhood (DHP) Over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028)

RECOMMENDATION

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

- 1) Execute the Downtown Hayward Promise Neighborhood (DHPN) five (5) year contract totaling \$1,698,782 over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028) and contribute up to \$1,698,787 of in-kind matching City resources (e.g., staff time and effort and special revenue grants/donations already leveraged for existing Library Family Education Programming) over that same time period; and to
- 2) Accept and appropriate up to \$1,698,782 in funding from Downtown Hayward Promise Neighborhood (DHPN) over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028).

SUMMARY

The Promise Neighborhoods Initiative was established under the federal legislative authority of the Fund for the Improvement of Education (FIE) program. Started during the Obama administration, the vision of the initiative is to make it possible for all children, youth, and young adults growing up and being educated in "Promise Neighborhoods" to have access to high quality schools and strong systems of family and community support. This would provide students access to an excellent education and enable them to successfully transition through the educational pipeline-from cradle to career.

In January of 2023, Council was made aware that the U.S. Department of Education awarded the Hayward Promise Neighborhoods (HPN) consortium a new \$30 million (5) five-year grant (\$6 Million per year for five calendar years 2023 through 2027) to expand their decade-long initiative to serve Downtown Hayward and the surrounding communities along the A St. and Mission Blvd. corridors. Hayward's

File #: CONS 23-257

application received a perfect score of 110 (max possible). Applications for the third round of funding went to only two (2) urban applicants including DHPN, as well as one rural applicant and one tribal applicant. Hayward was the only application funded in California. Previous Hayward neighborhoods supported by Promise Neighborhood Funding were Jackson Triangle and South Hayward.

The City of Hayward was awarded \$1,698,782 of the DHPN funding over five (5) calendar years (2023-2027). Funding will be used to support staffing and eligible expenses directly related to the HPN programs.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Jayanti Addleman, Director of Library Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute the Downtown Hayward Promise Neighborhood (DHPN) Five (5) Year Contract, and Accept and Appropriate Up to \$1,698,782 in Funding from Downtown Hayward Promise Neighborhood (DHPN) Over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028)

RECOMMENDATION

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

- 1) Execute the Downtown Hayward Promise Neighborhood (DHPN) five (5) year contract totaling \$1,698,782 over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028) and contribute up to \$1,698,787 of in-kind matching City resources (e.g., staff time and effort and special revenue grants/donations already leveraged for existing Library Family Education Programming) over that same time period; and to
- 2) Accept and appropriate up to \$1,698,782 in funding from Downtown Hayward Promise Neighborhood (DHPN) over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028).

SUMMARY

The Promise Neighborhoods Initiative was established under the federal legislative authority of the Fund for the Improvement of Education (FIE) program. Started during the Obama administration, the vision of the initiative is to make it possible for all children, youth, and young adults growing up and being educated in “Promise Neighborhoods” to have access to high quality schools and strong systems of family and community support. This would provide students access to an excellent education and enable them to successfully transition through the educational pipeline—from cradle to career.

In January of 2023, Council was made aware that the U.S. Department of Education awarded the Hayward Promise Neighborhoods (HPN) consortium a new \$30 million (5) five-year grant (\$6 Million per year for five calendar years 2023 through 2027) to expand their decade-long initiative to serve Downtown Hayward and the surrounding communities along the A St. and Mission Blvd. corridors. Hayward’s application received a perfect score of 110 (max possible).

Applications for the third round of funding went to only two (2) urban applicants including DHPN, as well as one rural applicant and one tribal applicant. Hayward was the only application funded in California. Previous Hayward neighborhoods supported by Promise Neighborhood Funding were Jackson Triangle and South Hayward.

The City of Hayward was awarded \$1,698,782 of the DHPN funding over five (5) calendar years (2023-2027). Funding will be used to support staffing and eligible expenses directly related to the HPN programs.

BACKGROUND AND DISCUSSION

The DHPN initiative is led by California State University, East Bay, in collaboration with 12 agencies, including Hayward Unified School District (HUSD), the City of Hayward, and Chabot College. Home to 20,297 persons, the DHPN is one of the nation's most ethnically diverse neighborhoods; 85% of residents are people of color, with Latinx (44%) being the largest group. The DHPN has a relatively young population, including 1,461 children ages 0-4 and 4,575 under 18 (22.5%). One-third of the young people live in Cherryland, an unincorporated area in the project served by HUSD schools. According to current U.S. Census data, 20.3% of children under 18 (and 24.4% in one of the four census tracts) live below the federal poverty line – higher than the corresponding percentages in our city, state, and nation.

DHPN will implement a cradle-to-career pipeline of services and support for young people and families. Services will prioritize assisting community members from historically underserved groups, including Latinx, African-American, and other communities of color; recent immigrants; English Learners and their families; and children with special needs. DHPN strategies and activities include: a range of early childhood educational and support services for families; a community schools approach at the target schools; comprehensive programs to promote students' college readiness and increase access to and students' success in post-secondary education; programs to reconnect adults to education and training programs to help them advance their own and families' prospects; channels for disadvantaged families to food assistance and other resources; and a Community/Family Resource HUB and Techmobile through which DHPN partners will coordinate, target, and maximize the reach of support services and resources for families.

The DHPN initiative is an exciting endeavor that clearly represents the commitment of a robust network of community partners and stakeholders to substantially improve educational, health, and employment outcomes of the children and families in Downtown Hayward and build from successful solutions (programming) from the previous (2) two HPN funding awards.

The City of Hayward will receive a total of \$1,698,782 in funding from DHPN over five (5) calendar years (2023-2027). Funding will be used to support staffing and eligible expenses directly related to HPN programs.

Based on the success and structure of the Bookmobile, the Library is committed to building on the Tech Lending Library (of nearly 1,500 computing and broadband internet devices) by

leveraging HPN funding to purchase and deploy a Techmobile. This vehicle will have a mobile technology lab and classroom and will help ensure residents have equitable and affordable access to the technology and skills needed to live and work in today's society.

ECONOMIC IMPACT

According to the National Bureau of Economic Research¹, studies show that educational achievement can strongly predict economic growth across U.S. states based on data obtained over the past four decades. Projections from economic growth models in one study demonstrated that there is a strong correlation between economic development and the delivery of quality education. The study states in part that at the national level, the low end of the range equates to an increase of \$32 trillion to the U.S. economy in 2095 by simply bringing the lowest-performing students in each state up to “Basic” level as measured by the National Assessment of Educational Progress (NAEP). At the high end, the U.S. economy could realize as much as \$76 trillion if every state brought student performance up to the current performance level of the best state.

The National Promise Neighborhood School Reform Initiative is designed to improve the education and development of students—cradle to career. It operates on the premise that a student's ability to learn is impacted not only by the schools that they attend but also by several quality-of-life factors that exist beyond the walls of educational institutions. Poverty, housing and food security, safety, health and public health, and other social factors also impact a student's ability to learn. Consequently, the Hayward Promise Neighborhood collaboration of public and private service organizations works to not only improve the quality of services provided by local child development and educational institutions, it also strives to optimize the health, mental health, and safety of individual students, their families, their neighborhoods, and the greater Hayward community in which these students live.

FISCAL IMPACT

The City of Hayward will receive a total of \$1,698,782 in funding from DHPN over five (5) calendar years (2023-2027). The requested DHPN matching commitment from the City is \$1,698,787. These funds consist of in-kind, matching City resources (e.g., staff time and effort) and already-leveraged and consistent special revenue grants (e.g., California State Library, Hayward Unified School District, etc.) that support the Library's Family Education Program Services, consisting of Library and school-based after-school Homework Support Centers, adult literacy and ESL services consisting of 1:1 tutoring, English Conversation Circles, Grammar and Citizenship workshops, expansion of the Bookmobile services, between CY2023 and CY2027.

STRATEGIC ROADMAP

¹ **Source:** National Bureau of Economic Research (NBER) Working Paper No. 21770-
<http://www.nber.org/papers/w21770>

This consent item supports the following items in Hayward’s current Strategic Roadmap: Enhance Community Safety and Quality of Life, Grow the Economy, and Invest in Infrastructure. The drafted FY 2024 Strategic Roadmap has a new goal specific to DHPN under Grow the Economy.

NEXT STEPS

Upon Council’s approval, staff will execute the agreement between DHPN and the City of Hayward and appropriate the DHPN funding to provide Family Education Program services over the term of the agreement.

Prepared by: Lindsey Vien, Education Services Manager
 Brad Olson, Management Analyst II

Recommended by: Jayanti Addleman, Director of Library Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE DOWNTOWN HAYWARD PROMISE NEIGHBORHOOD (DHPN) FIVE (5) YEAR CONTRACT TOTALLING \$1,698,782 OVER CALENDAR YEARS (CY) 2023-2027 (FISCAL YEARS 2023-2028), AND CONTRIBUTE UP TO \$1,698,787 OF IN-KIND, MATCHING CITY RESOURCES OVER THAT SAME TIME PERIOD.

WHEREAS, The Promise Neighborhoods Initiative was established under the federal legislative authority of the Fund for the Improvement of Education Program (FIE) started during the Obama administration; and

WHEREAS, The DHPN initiative is led by California State University, East Bay, in collaboration with 12 agencies, including Hayward Unified School District (HUSD), the City of Hayward, and Chabot College; and

WHEREAS, In January of 2023, Council was made aware that the U.S. Department of Education awarded the Hayward Promise Neighborhoods (HPN) consortium a new \$30 million grant (\$6 Million per year for five [5] years) to expand their decade-long initiative to serve Downtown Hayward and the surrounding communities along the A St. and Mission Blvd. corridors; and

WHEREAS, The City of Hayward was awarded \$1,698,782 of the DHPN funding over five (5) calendar years (CY 2023-2027). Funding will be used to support staffing and eligible expenses directly related to the HPN programs; and

WHEREAS, The requested DHPN match commitment from the city is \$1,698,787. These funds consist of in-kind, matching City resources (i.e. staff time and effort) and already-leveraged and consistent special revenue grants.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to execute the Downtown Hayward Promise Neighborhood (DHPN) five (5) year contract over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028) and contribute up to \$1,698,787 of in-kind, matching City resources over that same time period.

FURTHER, BE IT RESOLVED, that the City Council of the City of Hayward authorizes the City Manager to appropriate up to \$1,698,782 in funding from Downtown Hayward Promise Neighborhood (DHP) over Calendar Years (CY) 2023-2027 (Fiscal Years 2023-2028).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-259

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Contract With 3Di Systems to Extend the Contract for Wildfire Vegetation Management Inspection Software Through April 30, 2024

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an amendment to the contract with 3Di Systems to extend the service agreement for wildfire vegetation management inspection software through April 30, 2024.

SUMMARY

The Fire Department piloted the management inspection software during the 2018 fire season and has continued using the program since. The 3Di platform has successfully reduced staff time and increased customer experience by eliminating paperwork and adding a customer interface. Staff is requesting Council authorize an extension of the service agreement for this software through April 30, 2024. The cost of the annual extension is \$60,000 a year, which has already been incorporated into the City's Information Technology budget. This one-year extension will increase the total expenditure of the agreement to \$448,936.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Contract With 3Di Systems to Extend the Contract for Wildfire Vegetation Management Inspection Software Through April 30, 2024

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an amendment to the contract with 3Di Systems to extend the service agreement for wildfire vegetation management inspection software through April 30, 2024.

SUMMARY

The Fire Department piloted the management inspection software during the 2018 fire season and has continued using the program since. The 3Di platform has successfully reduced staff time and increased customer experience by eliminating paperwork and adding a customer interface. Staff is requesting Council authorize an extension of the service agreement for this software through April 30, 2024. The cost of the annual extension is \$60,000 a year, which has already been incorporated into the City's Information Technology budget. This one-year extension will increase the total expenditure of the agreement to \$448,936.

BACKGROUND AND DISCUSSION

The City entered into an agreement with 3Di Systems in May of 2017 to use its "myFD Brush Inspection/Weed Abatement" software for Hayward's wildfire fuel management inspection program. In July 2019 the City amended the original agreement to extend the service agreement through April 30, 2023.

Every year in the late spring, the City's fire crews inspect all City of Hayward and Fairview properties east of Mission Boulevard to confirm that wildfire fuel/vegetation, such as brush, weeds, and dead branches, are cleared for the fire season. The purpose of these inspections is to ensure defensible space around homes and to reduce the risk of wildfire.

In the past, the fire crews would keep paper records, which would be given to administrative staff for data entry and citations. In May 2017, the Fire Department entered into an agreement with 3Di Systems to pilot its “myFD Brush Inspection/Weed Abatement” software. This cloud-based platform automates the inspection program by providing the tools to schedule, notice, deploy, track and close out the inspections. The platform also enables the fire crews to take geocoded pictures of violations. When property owners receive a citation, they can log onto the customer interface to see a visual of the hazard that they need to address. This has been helpful for administrative staff, who field dozens of calls each year from customers seeking guidance on how to properly manage the wildfire fuel on their properties.

The 3Di platform successfully reduces staff time and increases customer experience. 3Di has since upgraded its software at no additional cost to a newer version which covers the wildland survey module and a complaints module.

FISCAL IMPACT

The cost of this contract extension is \$60,000 annually through FY 2024. There are sufficient funds budgeted in the Information Technology fund to cover the costs associated with this contract.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not directly relate to the Council’s Strategic Roadmap.

PUBLIC CONTACT

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

NEXT STEPS

If the Council approves this item, the City Manager will negotiate and execute the amendment to the agreement with 3Di.

Prepared by: Norma Marples, Acting Management Analyst

Recommended by: Garrett Contreras, Fire Chief

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE CONTRACT WITH 3DI SYSTEMS TO EXTEND THE CONTRACT FOR WILDFIRE VEGETATION MANAGEMENT INSPECTION SOFTWARE THROUGH APRIL 30, 2024

WHEREAS, the Hayward Fire Department (HFD) entered into an agreement with 3di Systems for use of its “myFD Brush Inspection/Weed Abatement” software, to streamline its annual wildfire vegetation management inspection process; and

WHEREAS, the HFD implemented the 3Di System's “myFD Brush Inspection/Weed Abatement” software during the 2018 fire season, which successfully reduced staff time and increased customer experience by eliminating paperwork and adding a customer interface; and

WHEREAS, 3Di has upgraded the original myFD program over the course of the agreement at no additional cost; and

WHEREAS, the City wishes to renew the agreement with 3Di Systems for one year in an amount not to exceed \$60,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to negotiate and execute an amendment to the contract with 3Di Systems to extend the agreement for wildfire vegetation management inspection software through April 30, 2024 in the amount of \$60,000.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-261

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY23 Sidewalk Rehabilitation and Wheelchair Ramp Project, Project No. 05303

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the plans and specifications for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303 and calling for bids to be received on July 18, 2023.

SUMMARY

This Project is a continuation of the City's Annual Sidewalk Repair Program (Program) that began in 2001. The City is currently divided into ten districts for the purpose of the Program (Attachment V). Two districts, 6 and 9, will be the focus of this year's program to address continuous repair and improvement needs. Attachment III depicts the repair locations in the districts covered in this year's project.

The project budget is \$1,900,000 and is included in the FY23 Capital Improvement Program (CIP). The Project includes 260 locations for sidewalk repair and installation of approximately 30 wheelchair ramps. The proposed improvements will repair damaged sections of sidewalks and increase pedestrian mobility. On November 15, 2016, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The construction cost estimate for this project is more than \$1,000,000, therefore the CWA agreement applies to this project.

ATTACHMENTS

- | | |
|----------------|------------------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | District 6 & 9 Location Map |
| Attachment IV | Wheelchair Ramp Location Map |
| Attachment V | District Map |



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY23 Sidewalk Rehabilitation and Wheelchair Ramp Project, Project No. 05303

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the plans and specifications for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303 and calling for bids to be received on July 18, 2023.

SUMMARY

This Project is a continuation of the City's Annual Sidewalk Repair Program (Program) that began in 2001. The City is currently divided into ten districts for the purpose of the Program (Attachment V). Two districts, 6 and 9, will be the focus of this year's program to address continuous repair and improvement needs. Attachment III depicts the repair locations in the districts covered in this year's project.

The project budget is \$1,900,000 and is included in the FY23 Capital Improvement Program (CIP). The Project includes 260 locations for sidewalk repair and installation of approximately 30 wheelchair ramps. The proposed improvements will repair damaged sections of sidewalks and increase pedestrian mobility. On November 15, 2016, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The construction cost estimate for this project is more than \$1,000,000, therefore the CWA agreement applies to this project.

BACKGROUND

When the Program was initiated, the City was divided into ten districts to facilitate the selection of sidewalk areas for repairs during each year of a ten-year cycle. For the past several years, two districts per year have been included in the program. This year, the work will be performed in Districts 6 and 9.

The Program for the repair of damaged concrete sidewalks consists of two components, each performed under separate construction contracts. City staff conducts a sidewalk survey annually to identify the number and location of sidewalk repairs. The first contract, removes tripping hazards from sidewalk displacements or offsets up to 1³/₄ inches. These hazards will be removed by saw cutting or grinding each uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface that meets the Americans with Disabilities Act (ADA) slope requirements. Grinding or saw cutting up to 1³/₄" from a short segment of the typical 4" sidewalk section is less expensive and more cost effective than the removal and replacement of an entire sidewalk section.

The second component of the Program, which is the subject of this report, removes and replaces, with new concrete, all sidewalk displacements exceeding 1³/₄ inches.

DISCUSSION

This year's Project will repair damaged sidewalks in the Tennyson Road South Area (District 6) and the Winton Grove Thelma Area (District 9) (Attachment III). The project includes repair of approximately 12,000 square feet of damaged sidewalk and curb and gutters plus the installation of 30 new or upgraded wheelchair ramps in various locations, tree trimming and root pruning of existing trees to prevent further displacement of sidewalks, and planting of new trees. As part of the project, the contractor will retain an arborist to examine the condition of existing trees and inspect all root-pruning work. Based on the preliminary inspection, staff anticipates removing 28 trees and planting 91 new trees in various locations. New trees will be planted where street trees are absent, where an existing tree must be removed because of disease or it is in danger of falling, where a need for extensive root pruning may kill the tree, or where a more suitable tree species will minimize future maintenance efforts. Thirty new wheelchair ramps will also be installed or upgraded to bring wheelchair ramps into compliance with current ADA standards (Attachment IV).

Pursuant to Section 5610 of the California Street and Highway Code, property owners are responsible for repairing damaged sidewalks in front of their properties. Under the City's program, property owners with damaged sidewalks are given the choice of completing the work themselves or having the repairs undertaken by the City's contractor for a nominal fee of \$550 per property.

In order to repair all sidewalks within the City, commercial and investment property owners are given the option to fix damaged sidewalks fronting their property themselves or reimburse the City for repairs. Property owners of commercial and investment properties, who opt to have the City perform repairs, shall be charged for the exact square footage of the damaged sidewalk repair at the actual Construction Contract bid price.

This project is categorically exempt under the California Environmental Quality Act, Section 15301(c) that covers the operation, repair, maintenance, or minor alteration of

existing streets, sidewalks, and gutters.

On November 15, 2016, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. The construction cost estimate for this project is more than \$1,000,000, therefore the CWA agreement applies to this project.

ECONOMIC IMPACT

This project will have a positive economic impact on the community as it provides safer and more accessible sidewalks and ramps for pedestrians. Dividing the City into 10 districts allows staff to select and recommend districts to ensure equitable distribution of this service to all City residents and businesses.

FISCAL IMPACT

The adopted FY23 CIP includes \$1,900,000 for the Project in the Street System Improvements Fund (Fund 450). Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$290,000.

The estimated project costs are as follows:

Contract Construction	\$1,450,000
Trip Hazard Removal (under a separate contract)	\$60,000
Design and Administration	\$120,000
Construction Survey, Inspection, and Testing	\$120,000
Administrative Change Order (ACO)	\$150,000
TOTAL	\$1,900,000

STRATEGIC ROADMAP

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

SUSTAINABILITY FEATURES

This project requires that all material generated during construction and demolition be sent to designated facilities for recycling. Recycled Portland Cement Concrete will be required for use as aggregate base for the concrete curb, gutter, and sidewalk. The improvements made to the sidewalks will encourage the public to walk more as opposed to driving their vehicles. This reduces both carbon emissions and carbon footprints, which is beneficial for the environment.

PUBLIC CONTACT

Owners of the affected properties will receive certified letters regarding the program along with a response form to return to the City indicating their choice to complete the repairs themselves or pay the \$550 fee for a single-family home or actual repair cost for the commercial and investment properties to have the City complete the work. Property owners have the option of paying the fee in one lump sum or in twelve monthly payments. The response form also includes a list of trees that an owner can choose from for a replacement tree. Before construction commences, a second notice will be sent to all property owners who did not respond to the first notice to assure they are aware of the program.

NEXT STEPS

If Council approves the plans, staff will release the calls for bids. The estimated schedule for this project is as follows:

Receive Bids	July 18, 2023
Award Contract	August 15, 2023
Begin Construction	September 5, 2023
Complete Construction	January 5, 2024

Prepared by: Mir Ali, Assistant Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE
FY23 SIDEWALK REHABILITATION AND WHEELCHAIR RAMPS,
PROJECT NO. 05303, AND CALL FOR BIDS

WHEREAS, those certain plans and specifications for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps, FY23 Project No. 05303, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, 1st Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, June 20, 2023, and immediately thereafter publicly opened and declared by the City Clerk in the Rotunda, first Floor, at City Hall.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

BE IT FURTHER RESOLVED, that the project is categorically exempt under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

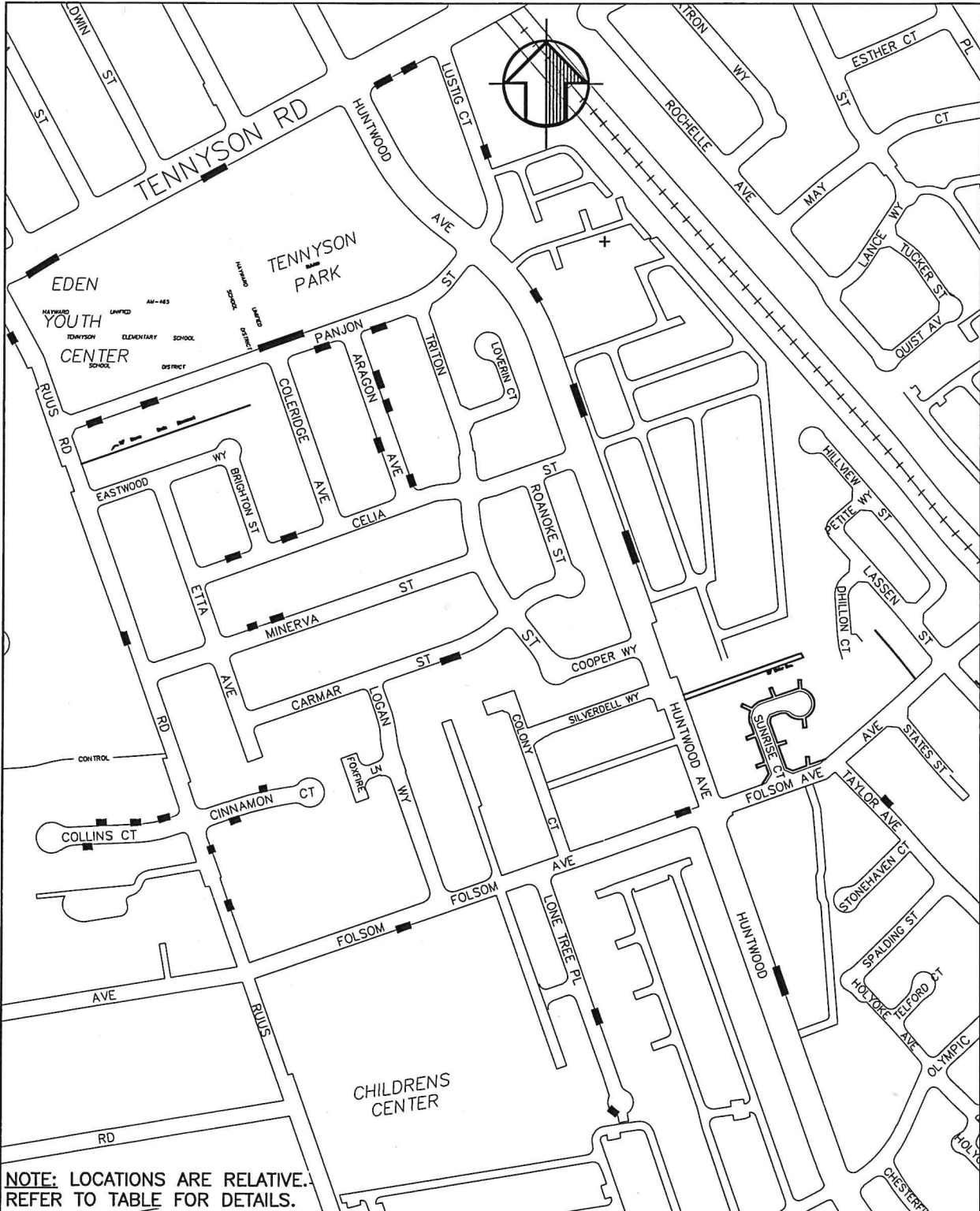
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

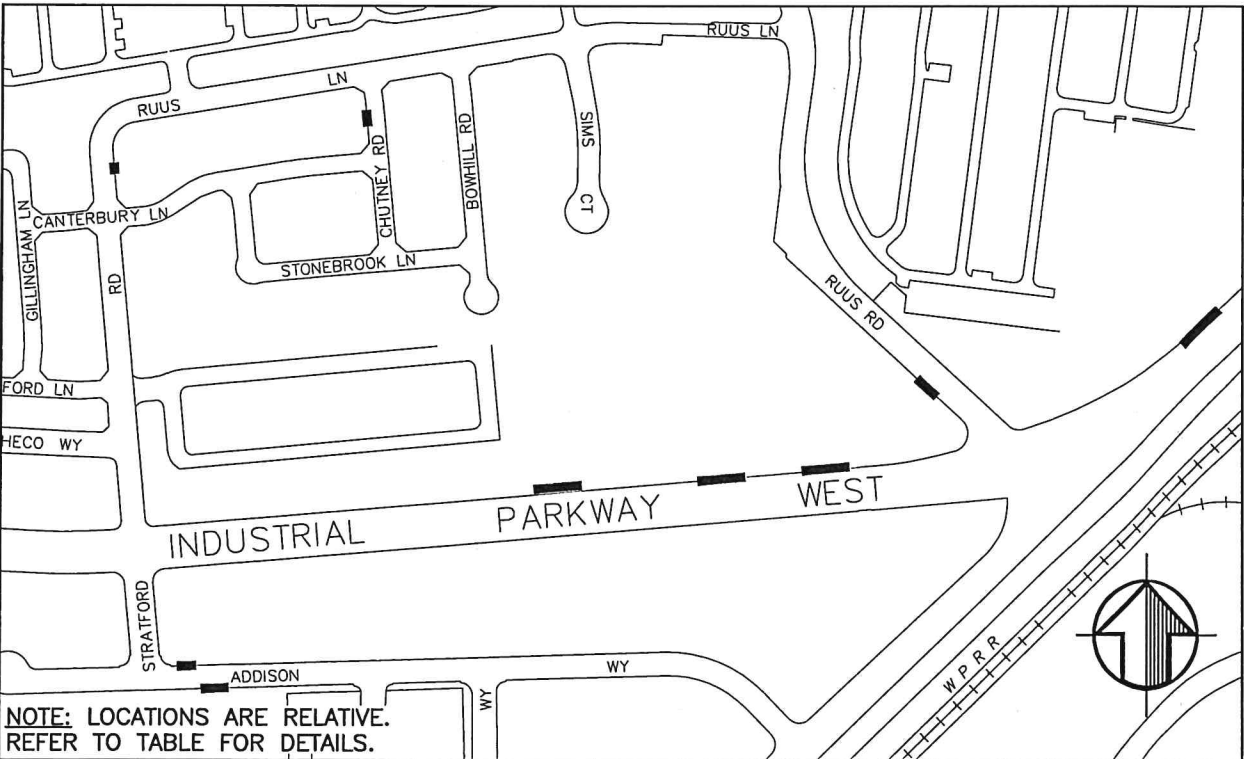
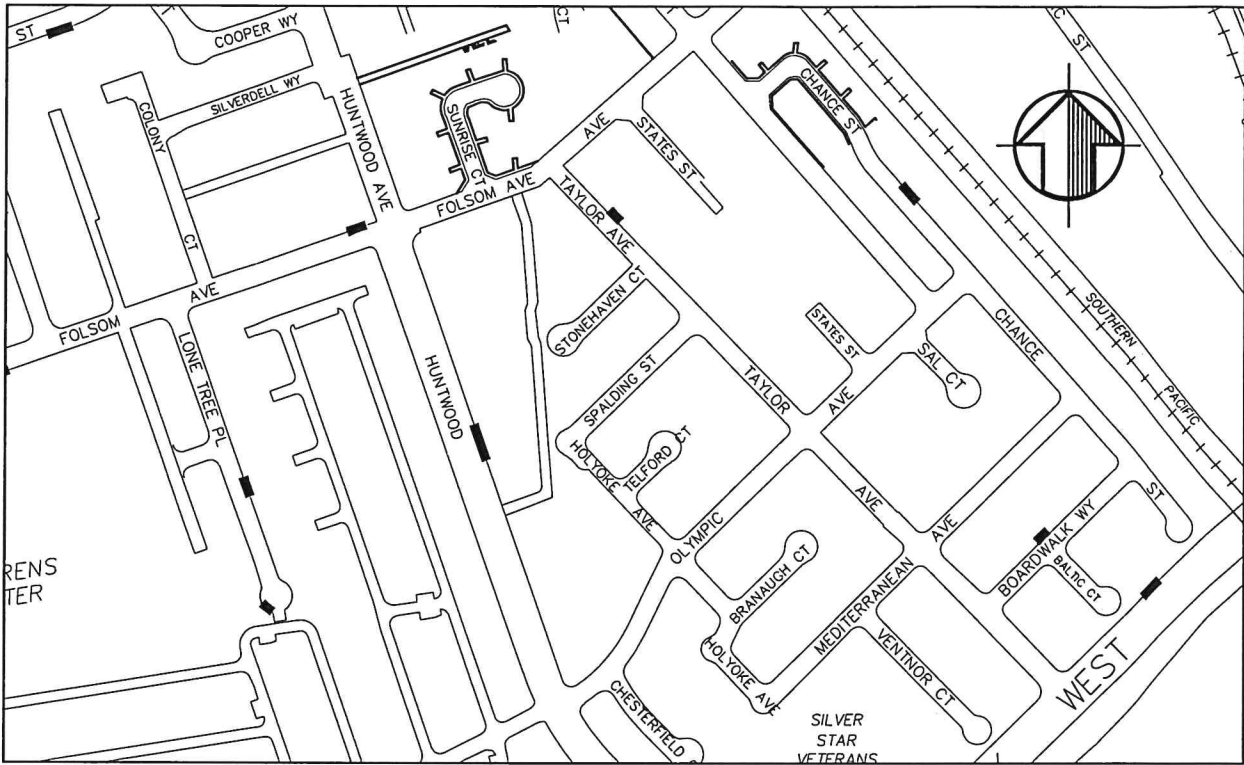
ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

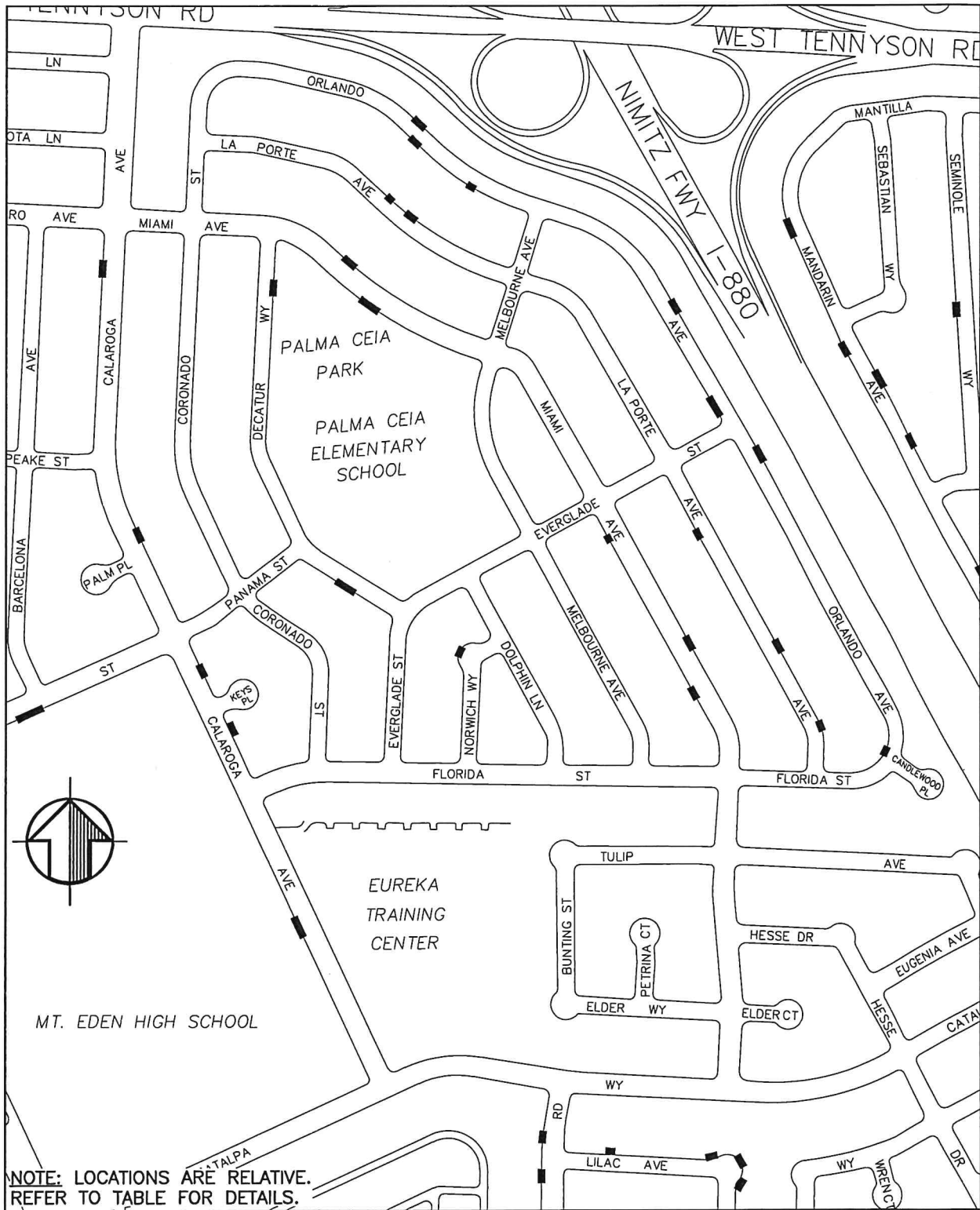


LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303

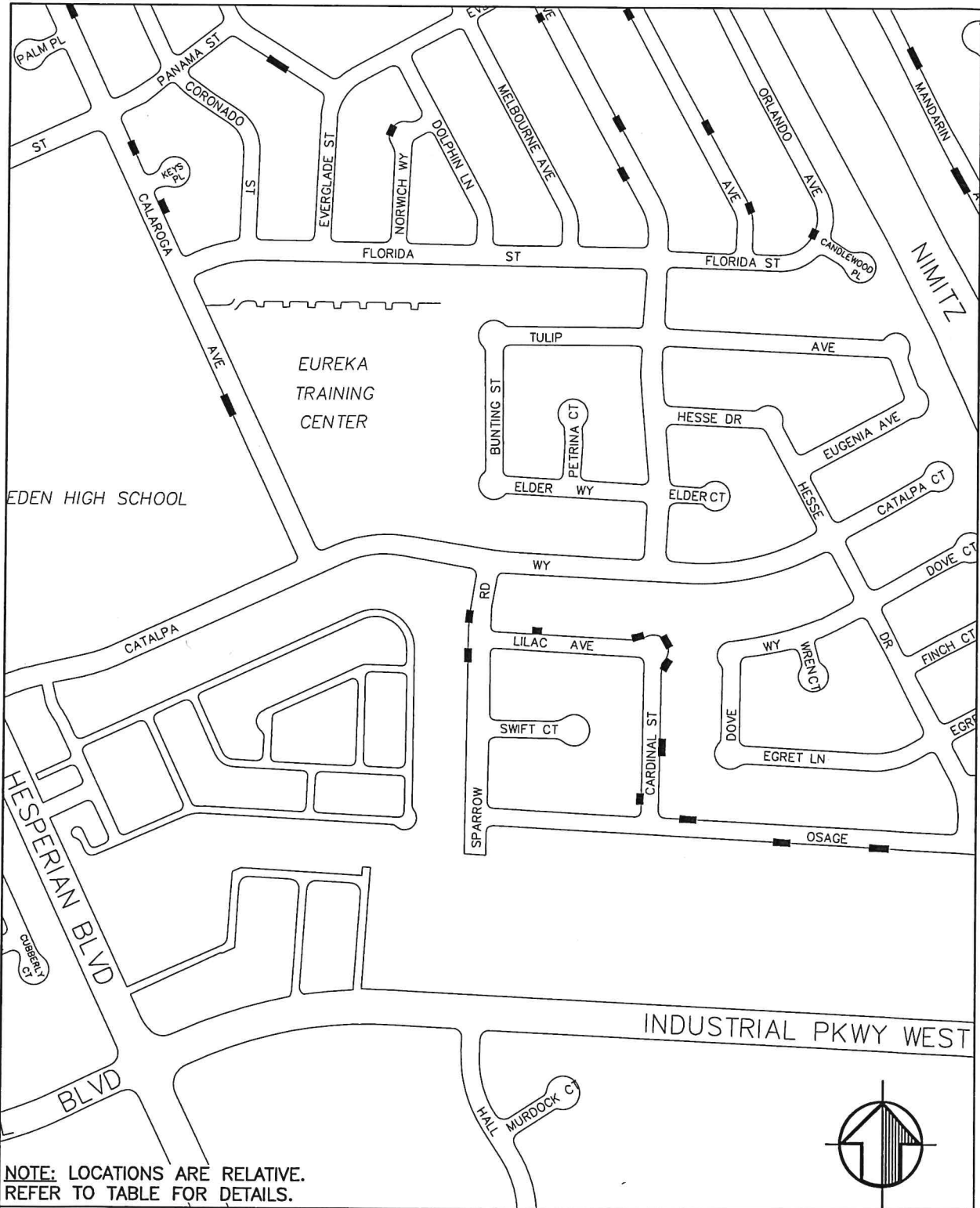


NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303

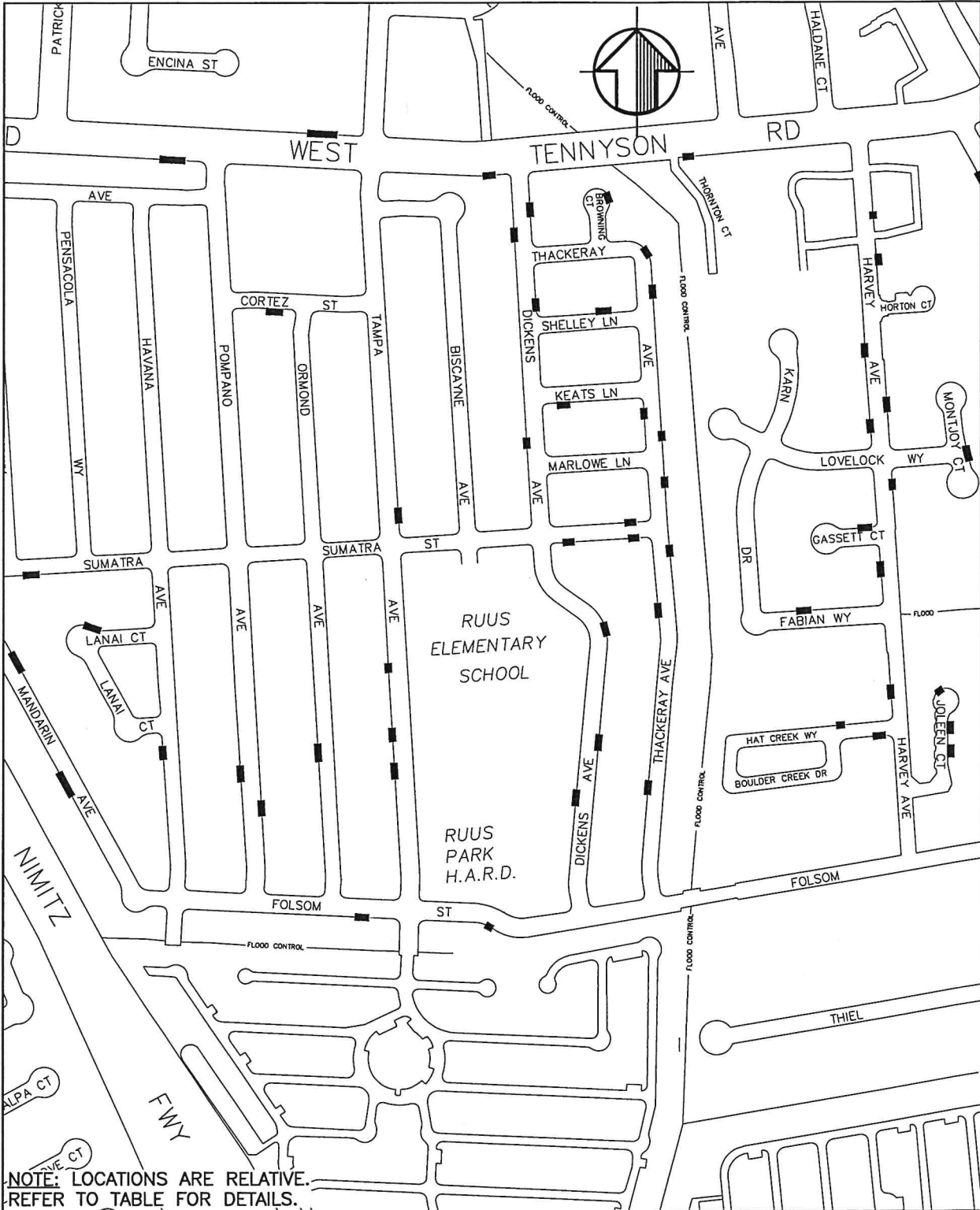


LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303



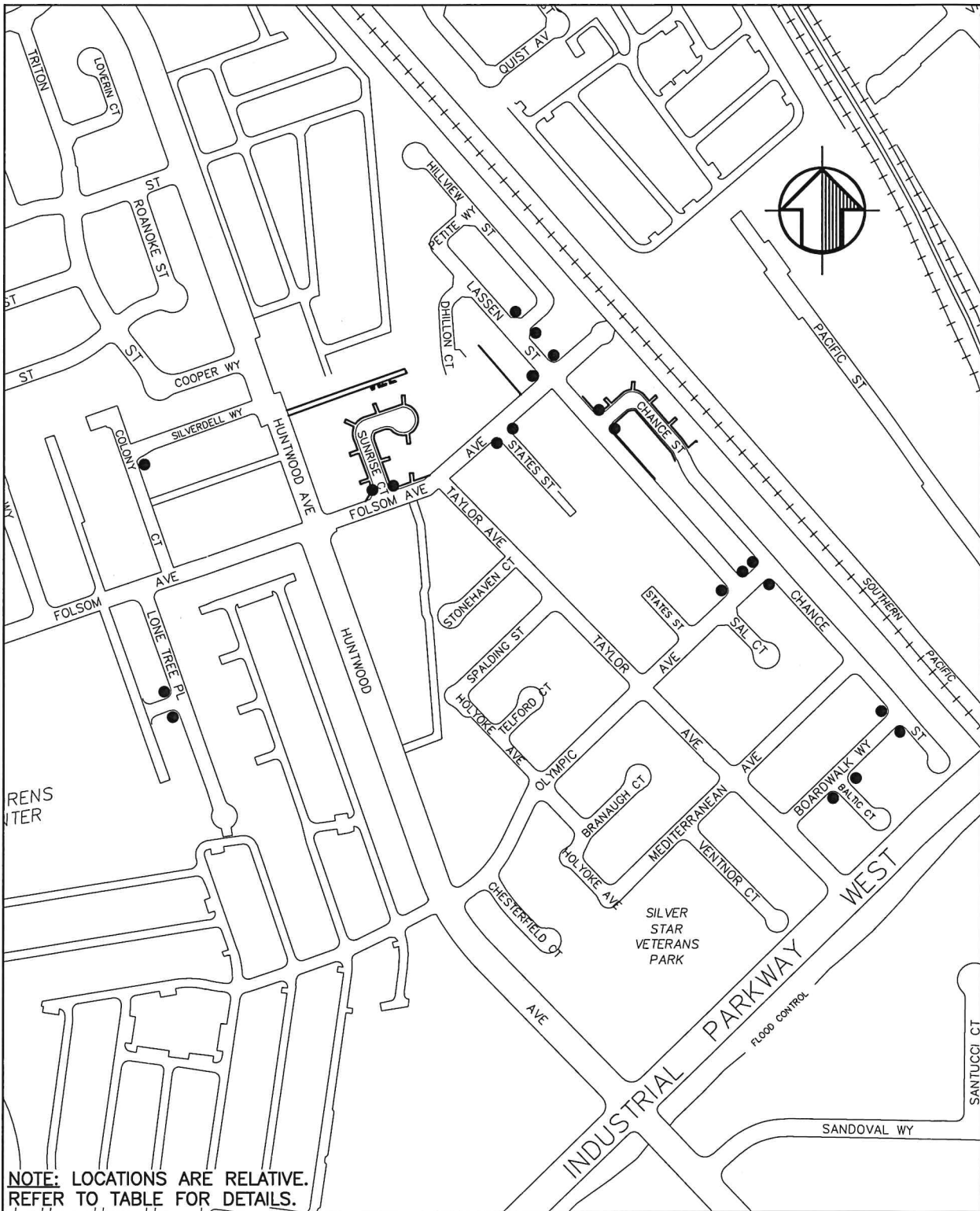
NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303

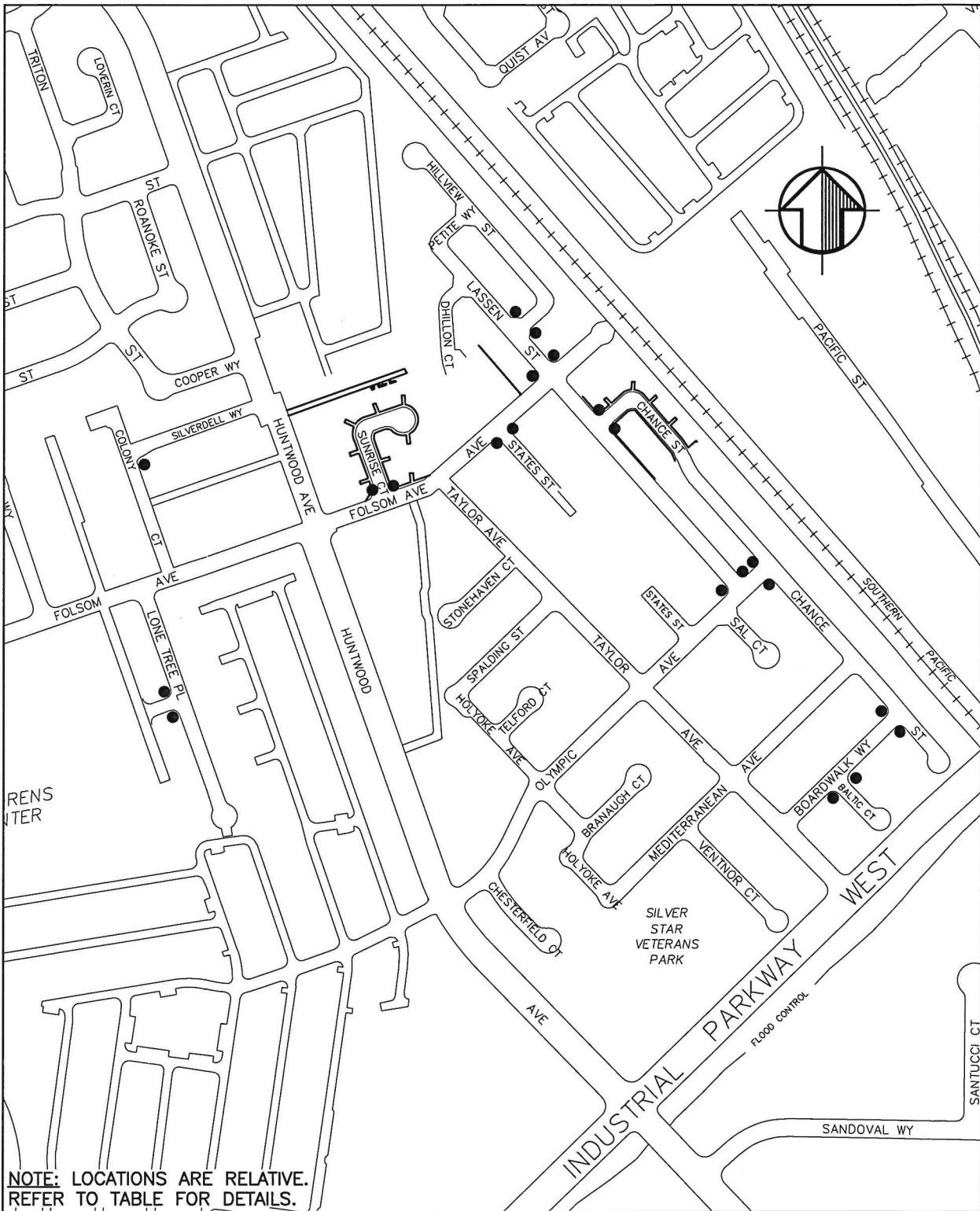


NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

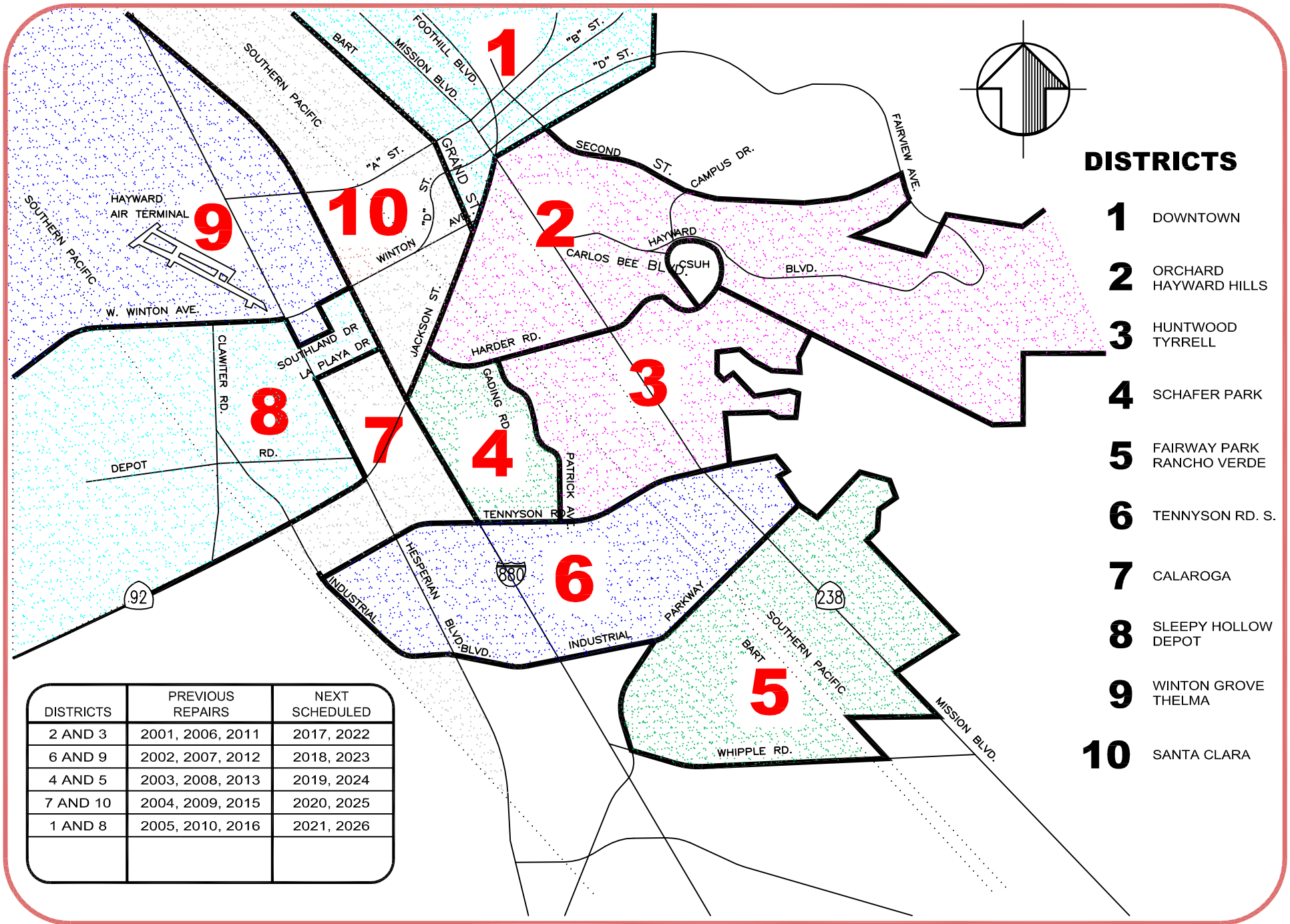
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303



**LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 6
PROJECT NO. 05303**



**LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 6
PROJECT NO. 05303**



DISTRICTS

- 1** DOWNTOWN
- 2** ORCHARD HAYWARD HILLS
- 3** HUNTWOOD TYRRELL
- 4** SCHAFER PARK
- 5** FAIRWAY PARK RANCHO VERDE
- 6** TENNYSON RD. S.
- 7** CALAROGA
- 8** SLEEPY HOLLOW DEPOT
- 9** WINTON GROVE THELMA
- 10** SANTA CLARA

DISTRICTS	PREVIOUS REPAIRS	NEXT SCHEDULED
2 AND 3	2001, 2006, 2011	2017, 2022
6 AND 9	2002, 2007, 2012	2018, 2023
4 AND 5	2003, 2008, 2013	2019, 2024
7 AND 10	2004, 2009, 2015	2020, 2025
1 AND 8	2005, 2010, 2016	2021, 2026



CITY OF HAYWARD

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

File #: CONS 23-263

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing the Contract Amount for Project Design and Engineering Services for the Sewer and Water Line Improvements Projects by \$99,083 for a Total Not-to-Exceed Contract Amount of \$1,741,948

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement (PSA) for project design and engineering services with HydroScience Engineers, Inc., (HydroScience) in an amount not-to-exceed \$99,083, resulting in a total contract amount of not-to-exceed \$1,741,948 for the Sewer and Water Line Improvement Projects (Project).

SUMMARY

The City's current Capital Improvement Program (CIP) includes funding to replace the City's water mains to improve supply reliability and fire flow through annual water line replacement projects. Additionally, the CIP includes funding to replace the City's undersized and structurally damaged sanitary sewer mains through annual sewer line replacement projects.

On September 28, 2020, the City entered into a PSA with HydroScience to provide engineering, design, and construction support services for the Project. Staff is requesting to amend the contract by \$99,083 for a total not-to-exceed contract amount of \$1,741,948 to include additional items in the scope of services and to address unforeseen construction conditions. The scope of work for construction support services required by HydroScience has increased due to unanticipated changes in site conditions and additional engineering services that are required to support the project.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution

File #: CONS 23-263



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with HydroScience Engineers, Inc., Increasing the Contract Amount for Project Design and Engineering Services for the Sewer and Water Line Improvements Projects by \$99,083 for a Total Not-to-Exceed Contract Amount of \$1,741,948

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement (PSA) for project design and engineering services with HydroScience Engineers, Inc., (HydroScience) in an amount not-to-exceed \$99,083, for a total not-to-exceed contract amount of \$1,741,948 for the Sewer and Water Line Improvement Projects (Project).

SUMMARY

The City's current Capital Improvement Program (CIP) includes funding to replace the City's water mains to improve supply reliability and fire flow through annual water line replacement projects. Additionally, the CIP includes funding to replace the City's undersized and structurally damaged sanitary sewer mains through annual sewer line replacement projects.

On September 28, 2020, the City entered into a PSA with HydroScience to provide engineering, design, and construction support services for the Project. The City amended the PSA in February 2022. Staff is requesting to further amend the contract by increasing the contract amount by \$99,083 for a total not-to-exceed contract amount of \$1,741,948 to include additional items in the scope of services and to address unforeseen construction conditions. The scope of work for construction support services required by HydroScience has increased due to unanticipated changes in site conditions and additional engineering services that are required to support the project.

BACKGROUND

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

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

On January 18, 2022², Council approved Resolution No. 22-005, adopting Amendment No. 1 to the PSA with HydroScience for unanticipated and additional services for the completion of the project design and engineering, increasing the contract amount by \$175,000 for a total not-to-exceed contract amount of \$1,642,865.

The design for the water and sewer projects were completed in January 2022 and June 2022 respectively. Following completion of the project plans and specifications, the City called for construction bids for each project separately. The construction contracts were awarded to Ranger Pipeline, Inc., for both projects. Construction in the field for the sewer project started in October 2022 and water project started in November 2022 and are anticipated to be completed by June 2024.

DISCUSSION

During the construction phase of the Sewer and Water Projects, HydroScience provided additional design and engineering services, which were not anticipated and incurred costs that exceeded the budgeted amount. Additional services from HydroScience may be needed for unforeseen conditions discovered during construction for both projects including further submittal reviews and design revisions.

- 1) Sanitary Sewer Main Installation at Rose Street – Additional design revisions were necessary to accommodate the unforeseen underground conditions. A redesign including preparing drawings were necessary for a portion of the City’s new 8” sewer main that was located approximately 3’ from the existing 33” vitrified clay sewer pipeline belonging to Castro Valley Sanitary District. Only upon commencement of construction was it discovered that the existing Castro Valley Sanitary District sewer main was close enough to negatively impact the construction of the new Hayward sewer main.
- 2) BART Settlement Calculations – In the course of obtaining encroachment permits from BART to conduct the jack and bore operations underneath BART railroad tracks located in BART right-of-way, BART’s structural engineering review required calculations demonstrating the work will not have an adverse impact on the BART tracks due to settlement. HydroScience assisted the City by providing technical review and engineering support to comply with BART’s requirements.
- 3) Sanitary Sewer Main Installation at Whitestone Court – Pipe bursting is the specified method of installation per the Project Plans. The Contractor had submitted several alternative installation methods, which required additional review by HydroScience. Additional construction support is anticipated for the Whitestone Court site on account of the complex nature of the operation as the pipeline replacement is in a woody hillside.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4640098&GUID=DAA6C51-8A86-47A4-B5D0-35F45982BD1F&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=5382574&GUID=296BFFA3-36F3-4584-87D0-2644A0D669CE&Options=&Search=>

- 4) Water Main Installations at Zephyr Avenue, Dunn Road, and Main Street – These three specific jobsites incorporate two different trenchless methods for pipe installation. Jack and Bore will be used for Union Pacific Railroad crossings at Zephyr Avenue and Dunn Road. Microtunneling will be used on Main Street for a crossing underneath an existing storm drain culvert. It is anticipated that design adjustments and engineering support from HydroScience will be critical during these operations.

- 5) Sanitary Sewer Main Installation at Torrano Avenue – This jobsite will utilize two trenchless methods of pipe installation during the construction phase. Guided Boring will be used beneath the Union Pacific and BART railroad tracks. Pipe reaming will be used to replace the existing sewer main beneath the sidewalk on Torrano Avenue towards Mission Boulevard. Due to the uncertain nature of these complex operations, additional engineering support may be needed to complete the installation of the sewer pipelines.

Construction is anticipated to be completed in June 2024. Due to the nature of underground construction and the complexity of trenchless methods, it is expected that additional services will be needed for unforeseen conditions and changes during construction. Therefore, staff is requesting to amend the PSA with HydroScience by \$99,083 for a new not-to-exceed amount of \$1,741,948 to provide engineering services and construction support.

ECONOMIC IMPACT

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

FISCAL IMPACT

The estimated project cost are as follows:

Engineering Services (Consultant)	\$1,741,948
Design and Construction Management – City Staff (Estimated)	\$600,000
Water Project Construction Contract	\$11,352,779
Water Project Administrative Construction Contingency	\$1,135,278
Sewer Project Construction Contract	\$11,087,925
Sewer Project Administrative Construction Contingency	\$1,108,793
Inspection and Testing (Estimated)	\$300,000
<hr/>	
Total	\$27,326,723

The adopted FY23 CIP includes \$14,272,000 for the Water Line Improvements Project, Project No. 07093, and \$14,185,000 for the Sewer Line Improvements Project, Project No. 07761, for a total project budget of \$28,457,000.

STRATEGIC ROADMAP

This agenda item supports the Strategic Roadmap to Invest in Infrastructure. Specifically, this item relates to the implementation of the following projects:

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

Project N20: Upgrade sewer collection system by replacing 3-4 miles of sewer lines annually.

STAINABILITY FEATURES

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

PUBLIC CONTACT

There is no public contact needed for this item.

NEXT STEPS

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

Prepared by: James Damasco, Assistant Civil Engineer

Reviewed by: Sammy Lo, Senior Civil Engineer
Tay Nguyen, Senior Utilities Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS, INC., INCREASING THE CONTRACT AMOUNT BY \$99,083 FOR PROJECT DESIGN AND ENGINEERING SERVICES FOR THE SEWER AND WATER LINE IMPROVEMENTS PROJECTS FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$1,741,948

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

WHEREAS, the Parties subsequently amended the contract on the 8th day of February, 2022, titled "Amendment No. 1 to the Agreement for Professional Services between the City of Hayward and HydroScience Engineers, Inc.," increasing the contract amount by \$175,000; and

WHEREAS, the City and HydroScience desire to further amend the Agreement in certain respects to provide additional engineering services and construction support for the Sewer and Water Line Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute Amendment No. 2 to the Agreement with HydroScience Engineers, Inc., for additional services in an amount not-to-exceed \$99,083 thereby increasing the total contract not-to-exceed amount to \$1,741,948 associated with the Sewer and Water Line Improvements Project, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-267

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Adopt a Resolution Authorizing the City Manager to (1) Extend and Amend the Agreement with Advocates for Human Potential, Inc. for the California Department of Healthcare Services, Behavioral Health Justice Intervention Services Project; and (2) Accept and Appropriate Additional Funding in the Amount of \$130,000

RECOMMENDATION

That the City Council:

1. Adopts a resolution (Attachment II) authorizing the City Manager to extend and amend the agreement with Advocates for Human Potential, Inc. for the Behavioral Health Justice Intervention Services (BHJIS) Grant Project which provides grant funding to support capacity building and infrastructure development for the Hayward Evaluation and Response Teams (HEART) program; and
2. Accepts and appropriates \$130,000 to the Federal Grants Special Revenue Fund.

SUMMARY

In December 2021, to support capacity building and infrastructure development for the Hayward Evaluation and Response Teams (HEART) program, the City applied for the California Department of Health Care Services (DHCS) Behavioral Health Justice Intervention Services (BHJIS) project, funded by the Substance Abuse Mental Health Services Administration (SAMHSA) through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA). In February 2022, the City was awarded \$389,260 for the initial project period from February 15, 2022 through February 14, 2023. DHCS contracted with Advocates for Human Potential, Inc. (AHP) as the administrator for the grant. In January 2023, the BHJIS project period was extended through December 31, 2023 and in March 2023, additional funding in the amount of \$130,000 was awarded to continue the project through the extended project period.

Council approval is requested to authorize the City Manager to extend and amend the agreement with

File #: CONS 23-267

Advocates for Human Potential, Inc. (AHP) to continue the important work of improving the City's response to people experiencing mental illness, substance use disorders, and homelessness.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to (1) Extend and Amend the Agreement with Advocates for Human Potential, Inc. for the California Department of Healthcare Services, Behavioral Health Justice Intervention Services Project; and (2) Accept and Appropriate Additional Funding in the Amount of \$130,000

RECOMMENDATION

That the City Council:

1. Adopts a resolution authorizing the City Manager to extend and amend the agreement with Advocates for Human Potential, Inc. for the Behavioral Health Justice Intervention Services (BHJIS) Grant Project which provides grant funding to support capacity building and infrastructure development for the Hayward Evaluation and Response Teams (HEART) program. (Attachment II); and
2. Accepts and appropriates \$130,000 to the Federal Grants Special Revenue Fund.

SUMMARY

In December 2021, to support capacity building and infrastructure development for the Hayward Evaluation and Response Teams (HEART) program, the City applied for the California Department of Health Care Services (DHCS) Behavioral Health Justice Intervention Services (BHJIS) project, funded by the Substance Abuse Mental Health Services Administration (SAMHSA) through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA). In February 2022, the City was awarded \$389,260 for the initial project period from February 15, 2022 through February 14, 2023. DHCS contracted with Advocates for Human Potential, Inc. (AHP) as the administrator for the grant. In January 2023, the BHJIS project period was extended through December 31, 2023 and in March 2023, additional funding in the amount of \$130,000 was awarded to continue the project through the extended project period.

Council approval is requested to authorize the City Manager to extend and amend the agreement with Advocates for Human Potential, Inc. (AHP) to continue the important work of improving the City's response to people experiencing mental illness, substance use disorders, and homelessness.

BACKGROUND

The Hayward Evaluation and Response Teams (HEART) program was originally developed from recommendations made by the Public Safety Policy Innovation Workshops that took place in Spring 2021 following deep engagement with the community about public safety and policing in Hayward. For a full background and links to staff reports, visit www.hayward-ca.gov/haywardsafe.

The primary goal of HEART is to create an integrated continuum of options for public safety responses to community members experiencing mental illness, homelessness and/or substance use disorders, allowing the right team or resource to respond to the right call for service, improving access to medical, mental health and other support services and reducing the need for police officers to intervene. The HEART model consists of two distinct co-responder teams, that are rooted in national best practices for crisis response systems, including [SAMHSA's National Guidelines for Behavioral Health Crisis Care](#)¹ and the [National Council of Behavior Health's Roadmap to the Ideal Crisis System](#)²:

- 1) The Mobile Integrated Health Unit (MIHU) which pairs Hayward Fire Department Community Paramedics with Mental Health Clinicians
- 2) The Hayward Mobile Evaluation Team (HMET) which pairs Crisis Intervention Team (CIT) trained Hayward Police Officers with behavioral health clinicians from the Alameda County Behavioral Health Care Services.

In addition to the co-responder teams, the HEART program also includes a Behavioral Health Coordinator and a Lead Program Assistant. The Behavioral Health Coordinator focuses on infrastructure development and capacity building to maximize the leveraging of resources available Countywide and identify and close service gaps for Hayward's most vulnerable residents. The Lead Program Assistant provides critical case management and follow-up services for community members referred by MIHU and HMET who need additional support and connection to resources after the initial call for service is resolved.

In December 2021, the City applied for a competitive grant from the California Department of Health Care Services (DHCS) for the Behavioral Health Justice Intervention Services (BHJIS) Project, funded by the Substance Abuse Mental Health Services Administration (SAMHSA) through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA). The BHJIS Project is intended to help agencies, including local governments, first responders, law enforcement, behavioral health and others, to improve and enhance their collaborative response to individuals facing mental health or substance use crises.

¹ <https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf>

² <http://crisisroadmap.com/>

The primary BHJIS goals are to:

- Implement innovative solutions to problems and connect people experiencing mental or substance use crises at the right time and in the right environment;
- Improve partnerships/collaboration between system partners and communities; and
- Adopt policies and practices to promote diversity, equity, and inclusion and establish culturally and linguistically appropriate services that address structural inequities.

In February 2022, the City was awarded \$389,260 for the initial project period from February 15, 2022 through February 14, 2023. DHCS contracted with Advocates for Human Potential, Inc. (AHP) as the administrator for the grant. In January 2023, the BHJIS project period was extended through December 31, 2023, and in March 2023, additional funding in the amount of \$130,000 was awarded to continue the project through the extended project period, bringing the total amount of BHJIS funding awarded to the City to \$519,260.

DISCUSSION

Recent events, backed by research, show it is clear we need new solutions in mental health and crisis response. At least 20 percent of police calls for service involve a mental health or substance use crisis³, a demand that has grown over the past two years of global pandemic and national unrest. There is an urgent need for increased collaboration between crisis care systems if we are to properly address mental health crisis response.⁴ For nearly three years, Hayward has been engaging community members and evaluating how to best meet the needs of community members who experience mental illness, substance use and homelessness and require emergency response from our Police and Fire departments. In an effort to balance innovative solutions that meet Hayward's specific needs with established best practices, staff has developed the Hayward Evaluation and Response Teams (HEART) Program and has actively explored funding opportunities to support implementation of these new strategies. Towards this end, the Behavioral Health Justice Intervention Services (BHJIS) project is providing critical funding to continue to build the City's capacity to respond more effectively to people in crisis.

Components of the Hayward BHJIS Project

- Identify service and resource gaps through system mapping of assets/needs among mental health and other social service partners and identify strategies to address gaps;
- Utilize two distinct co-response teams that include clinical staff to respond to calls for service alongside HFD and HPD: the Mobile Integrated Health Unit (MIHU) and the Hayward Mobile Evaluation Team (HMET);
- Conduct planning, training and protocol/policy development to support the co-responder teams;
- Procure necessary equipment to support the program, including two unmarked vehicles;

³ Abramson, A., (2021). Building Mental Health into Emergency Responses. American Psychological Association. *Monitor on Psychology*. 52(5), 30.

⁴ Substance Abuse and Mental Health Services Administration (SAMHSA). National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit. 2020. U.S. Department of Health and Human Services (HHS).

- Develop and improve data collection and appropriate sharing mechanisms to inform project evaluation and continual improvement;
- Formalize organizational agreements/infrastructure required to seamlessly connect community members experiencing mental illness, substance use disorders, and homelessness to services; and
- Participate in monthly coaching calls and quarterly learning collaborative meetings to receive technical assistance from Advocates for Human Potential, Inc. (AHP).

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Enhance Community Safety and Quality of Life. Specifically, this item relates to Project Q5: Community Safety Public Engagement and Policy Innovation Workshop Pilots/Projects.

FISCAL IMPACT

With the additional \$130,000 awarded as part of the recommended amendment, the City will receive a total of \$519,260 for the BHJIS project from February 2022 through December 2023, spanning three separate fiscal years (\$58,970 in FY 2022; \$180,280 in FY 2023; \$280,010 in FY 2024). Accepting and appropriating these funds to the Federal Grants Special Revenue Fund will allow the balance of the unspent BHJIS funds to be carried forward in the FY 2024 budget cycle. As staff continues to develop long term funding models that will allow for the sustainability of the HEART program beyond the pilot period, the awarded grant will provide critical bridge funding to offset the cost to the City's General Fund while the pilot is implemented and fund development continues.

NEXT STEPS

If the Council authorizes this action, staff will work to: 1) Extend and amend the agreement with AHP for the Behavioral Health Justice Intervention Services (BHJIS) project; 2) accept and appropriate \$130,000 to the Federal Grants Revenue Fund and 3) continue developing and implementing the HEART program to provide essential mental health, medical, and other social services to the Hayward community.

Prepared by: Emily Young, YFSB Administrator/HEART Project Manager

Recommended by: Regina Youngblood, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO (1) EXTEND AND AMEND THE AGREEMENT WITH ADVOCATES FOR HUMAN POTENTIAL, INC. FOR THE CALIFORNIA DEPARTMENT OF HEALTHCARE SERVICES, BEHAVIORAL HEALTH JUSTICE INTERVENTION SERVICES PROJECT; AND (2) ACCEPT AND APPROPRIATE ADDITIONAL FUNDING IN THE AMOUNT OF \$130,000

WHEREAS, the City of Hayward is committed to providing appropriate responses to community members experiencing mental illness, substance use and homelessness; and

WHEREAS, the Hayward Evaluation and Response Teams (HEART) program has been developed to more efficiently connect people who request emergency services to needed medical, mental health and other social services; and

WHEREAS, extending and amending the agreement with Advocates for Human Potential, Inc. will provide funding to develop infrastructure and build the capacity of the HEART program to serve the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to accept and appropriate funding from the California Department of Health Care Services in the amount of \$130,000 in the Federal Grant fund; and

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to amend the agreement with Advocates for Human Potential, Inc. to carry out services for the California Department of Health Care Services, Behavioral Health Justice Intervention Services project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-268

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate And Execute an Agreement With Motorola For the Purchase of 105 Portable Radios in an Amount Not to Exceed \$1,160,917

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to: (1) execute an agreement with Motorola for the purchase of 105 Motorola Portable Radios for an amount not to exceed \$1,160,917; and 2) appropriate \$581,630 in Capital Improvement Project (CIP) funds for the purchase of one hundred and five (105) Motorola Portable Radios to provide a necessary system-wide upgrade for fire personnel.

SUMMARY

With consistent call volume and a 24-hour operation, the necessity for reliable and clear communication among fire personnel is essential. The purchase of the upgraded radios is necessary for the Hayward Fire Department ("HFD") due to the age of the radios currently in use and the advancement of technology since the purchase of the current radio system. This sole-source purchase is essential, as it will allow HFD to continue compliance with the East Bay Regional Communications System (EBRCS) while allowing for a seamless transition from the current operating system to the new operating system, both of which utilize Motorola.

The City will purchase the 105 Motorola Portable Radios in year one of the agreement, rather than leasing the equipment over several years. By not leasing the equipment, the City will save \$174,611 in interest payments over the terms of the agreement.

The City currently plans to use \$379,287 from the FY 2023 budget, and \$200,000 from the FY 2024 budget, for the purchase of the portable radios. As such, an additional \$581,630 will need to be appropriated from the CIP fund for the purchase of the 105 portable radios.

ATTACHMENTS

File #: CONS 23-268

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate And Execute an Agreement With Motorola For the Purchase of 105 Portable Radios in an Amount Not to Exceed \$1,160,917

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to: (1) execute an agreement with Motorola for the purchase of 105 Motorola Portable Radios for an amount not to exceed \$1,160,917; and 2) appropriate \$581,630 in Capital Improvement Project (CIP) funds for the purchase of one hundred and five (105) Motorola Portable Radios to provide a necessary system-wide upgrade for fire personnel.

SUMMARY

With consistent call volume and a 24-hour operation, the necessity for reliable and clear communication among fire personnel is essential. The purchase of the upgraded radios is necessary for the Hayward Fire Department ("HFD") due to the age of the radios currently in use and the advancement of technology since the purchase of the current radio system. This sole-source purchase is essential, as it will allow HFD to continue compliance with the East Bay Regional Communications System (EBRCS) while allowing for a seamless transition from the current operating system to the new operating system, both of which utilize Motorola.

The City will purchase the 105 Motorola Portable Radios in year one of the agreement, rather than leasing the equipment over several years. By not leasing the equipment, the City will save \$174,611 in interest payments over the terms of the agreement.

The City currently plans to use \$379,287 from the FY 2023 budget, and \$200,000 from the FY 2024 budget, for the purchase of the portable radios. As such, an additional \$581,630 will need to be appropriated from the CIP fund for the purchase of the 105 portable radios.

BACKGROUND AND DISCUSSION

The current radio system, which has been utilized by HFD for the past 10 years on a 24-hour consistent basis, has reached the end of its intended lifecycle and an update is needed to ensure both the quality of communication and lack of interruption in services.

The HFD has a long-standing forward-thinking approach to the maintenance and continued success of the department, which includes planning for the necessary upgrades for all equipment used by personnel. In 2014, after the completion of previous radio purchases, a budgetary plan was reinstated to account for the next department-wide radio purchase, scheduled to culminate in FY23. Unfortunately, due to increased supply chain issues and inflation, the cost of the necessary portable radio equipment has surpassed the planned budget allotment. While costs have increased beyond current means, the necessity of this purchase is essential to continue daily operations.

The purchase of the portable radios is crucial to the department, as reliable communication is paramount to the safety and success of all fire personnel. The Hayward Fire Department applied for the Assistance to Firefighters Grant Program to help with the additional cost of the radios (to supplement the price increase). Unfortunately, however, such grant funds were not awarded.

The purchase of the portable radios was originally planned to occur over several years, following the leasing of the equipment. However, given the current price of the equipment, purchasing of the equipment in year one of the agreement will save the City \$174,611 in interest payments on leased equipment.

STRATEGIC ROADMAP

This project aligns with the strategic roadmap core priority 1 “Enhance Community Safety & Quality of Life,” as ensuring the full capacity of the emergency response system is a crucial element to public safety.

FISCAL IMPACT

The Motorola equipment that is currently in use, courtesy of the partnership with EBRCS, has a system maintenance agreement that is managed by EBRSC, therefore saving any unexpected system maintenance costs that may occur. The CIP budget has been accruing over the last ten (10) years to cover the purchase and cover some of the large cost burden of the contract. However, additional funds will be needed due to unexpected increases in the cost of the product. By securing the purchase now, we can complete the payment in full in July 2023.

An increase in budget appropriation in the amount of \$581,630 in the Capital Projects – Governmental (Fund 405) is required to allow for the equipment to be purchased in full in July 2023. An increase in appropriation to the Capital Projects – Governmental Fund (Fund 405) will occur through a transfer from the General Fund (Fund 100).

Purchase of 105 Motorola Portable Radio Agreement	\$1,160,917
FY 2023 Budget	\$379,287
FY 2024 Budget	\$200,000
Additional Appropriation Required	\$581,630

SUSTAINABILITY FEATURES

The continued use of integrated communication systems by the same provider, Motorola, allows HFD to upgrade without having to pay for the purchase of adapters, modifiers, or alternate equipment.

PUBLIC CONTACT

No public contact is needed for this item.

NEXT STEPS

If Council adopts the resolution, staff will: 1) work with the City Manager to execute the agreement with Motorola; 2) Route the budget appropriation to the finance department; and 3) complete the purchase of Motorola Portable Radios. Once received, staff will distribute all required equipment to fire personnel and coordinate with EBRCS to onboard the system.

Prepared by: Lauren Dekas, Management Analyst

Recommended by: Garrett Contreras, Fire Chief

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MOTOROLA FOR THE PURCHASE OF 105 PORTABLE RADIOS IN AN AMOUNT NOT TO EXCEED \$1,160,917

WHEREAS, the City of Hayward Fire Department has identified a system-wide compliant portable radio system supplied by Motorola; and

WHEREAS, the existing portable radio system already supplied by Motorola has reached its end of life capacity for quality and reliability of use; and

WHEREAS, the City Manager authorizes a sole source justification to purchase Motorola Portable Radios for continuity of services;

WHEREAS, an additional \$581,630 must be appropriated from the General Fund to the Capital Improvement fund for the purchase of such radios by FY 2023.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby authorizes the City Manager to negotiate and execute an agreement with Motorola for the purchase of 105 Portable Radios in an amount not to exceed \$1,160,917.

FURTHER, BE IT RESOLVED, that the City Council of the City of Hayward hereby approves the amendment to the FY 2023 budget resolution for the appropriation and transfer of \$581,630 from the General Fund (Fund 100) to the Capital Projects – Governmental Fund (Fund 405).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-269

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement With First Responder Wellness For the Provision of the First Responder Wellness Mental Health Program For the Hayward Fire Department in an Amount Not to Exceed \$89,407

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with First Responder Wellness, for the provision of the First Responder Wellness mental health program, to members of the Hayward Fire Department (“HFD”) in an amount not to exceed \$89,407.

SUMMARY

The HFD has identified the need for a comprehensive wellness plan for the mental health of its frontline staff. The necessity of supporting first responder health and wellbeing is crucial considering the devastating effects mental illness can have on first responders, whose jobs entail dealing with emotionally charged scenarios on a daily basis. The First Responder Wellness program (“the Program”) is a multi-faceted approach to mental health for all sworn staff. The Program will begin at onboarding and will include mental health screenings, peer support team training, support for first responder families, critical incident stress management, wellbeing retreats, and retirement transition guidance. The services span the lifetime of employment and include virtual and in-person support.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement With First Responder Wellness For the Provision of the First Responder Wellness Mental Health Program For the Hayward Fire Department in an Amount Not to Exceed \$89,407

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SUMMARY

The HFD has identified the need for a comprehensive wellness plan for the mental health of its frontline staff. The necessity of supporting first responder health and wellbeing is crucial considering the devastating effects mental illness can have on first responders, whose jobs entail dealing with emotionally charged scenarios on a daily basis. The First Responder Wellness program (“the Program”) is a multi-faceted approach to mental health for all sworn staff. The Program will begin at onboarding and will include mental health screenings, peer support team training, support for first responder families, critical incident stress management, wellbeing retreats, and retirement transition guidance. The services span the lifetime of employment and include virtual and in-person support.

BACKGROUND

An estimated 30% of first responders develop behavioral health conditions including, but not limited to, depression and posttraumatic stress disorder (PTSD). This is approximately 10% more than the 20% of the general population that develop behavioral health conditions¹. It is the intent of the HFD to ensure the overall wellbeing of all frontline team members.

¹ <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf>

The Program is a comprehensive plan for ensuring the wellbeing of our frontline team members from the inception of employment and throughout their employment with the City. The Program will be utilized during the hiring process, by conducting pre-employment psychological testing and will continue to a three-part program throughout the first year of employment.

There will be concurrent training for veteran employees to provide coping strategies, mental performance training, and in-depth training for the designated peer support team. As needed, there are additional levels of support for any escalated concerns, including substance abuse, trauma management, and spouse/family support.

The facility for in-person support is located in Southern California, and the estimated costs provided do not include travel-related expenses. The current quote for services is based on an estimate of participation and may fluctuate based on employment needs. The cost summary provided includes mileage reimbursement for 12 participants to attend the in-person sessions.

DISCUSSION

To maintain a well-rounded Fire Department, the focus must not only lie on first responders' physical fitness, but also on their mental wellbeing. Constant exposure to death and destruction creates a heavy toll on all first responders, and the resiliency to keep mental fortitude can waver as time goes on, creating a dangerous potential for a mental lapse.

By providing comprehensive care from the inception of employment through the transition to retirement, the Hayward Fire Department will ensure that all members have adequate mental health support to provide the tools needed to cope with the everyday stresses of the position. This is especially important since untreated mental health conditions are major factors in decreased career lifespans for first responders. By incorporating a mental wellness program into the ongoing standard work practice, it is HFD's hope that the stigma of having to seek mental health assistance will be removed, by simply ensuring that all staff have access to these necessary services.

At its basic premise, the First Responder Wellness program is designed to care for those who care for others. Program features are extensive and are designed to take a proactive approach to mental health, but also provide follow-up care based on individual needs. Specific programs and approaches have been created for employees at different phases of their careers, and focus on new recruits, management promotions, peer group support, and retirement transition.

By providing a fully immersive experience, accessibility and participation will be improved and therefore more effective in practice. In terms of retention, this is both an investment in current personnel and an incredible incentive for the onboarding process.

FISCAL IMPACT

This project is included in the FY 2023 operating budget for employee wellness for the Hayward Fire Department. There is sufficient funding to cover the cost of the service agreement with First Responder Wellness, and an additional appropriation is not required.

STRATEGIC ROADMAP

This program will improve the quality of our first responders and help retain a strong and healthy force. A quality fire service team will be well-equipped to address the needs of the city and will contribute to the improvement of community safety.

PUBLIC CONTACT

There is no public contact required for this item.

NEXT STEPS

If Council approves staff's recommendation, the City Manager will negotiate and execute an agreement with First Responder Wellness and HFD will implement the program into the onboarding and ongoing training of all frontline fire personnel.

Prepared by: Lauren Dekas, Management Analyst I

Recommended by: Garrett Contreras, Fire Chief

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIAITE AND EXECUTE AN AGREEMENT WITH FIRST RESPONDER WELLNESS FOR THE PROVISION OF THE FIRST RESPONDER WELLNESS MENTAL HEALTH PROGRAM FOR THE HAYWARD FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$89,407

WHEREAS, the Hayward Fire Department (“HFD”) work as first responders dealing with difficult and emotionally charged situations on a daily basis, which affect the mental well-being and health of HFD personnel.

WHEREAS HFD has identified an appropriate service package provided by First Responder Wellness to provide mental healthcare services to all HFD firefighters;

WHEREAS, this is a planned budget item included in the FY 2023 operating budget for employee wellness for the HFD, in an amount not to exceed \$89,407.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following findings and takes the following actions: The City Manager may negotiate and execute an agreement with First Responder Wellness for the provision of the Mental Health Program, in an amount not to exceed \$89,401, to be implemented by HFD.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-271

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$20,000 in Funding from First 5 of Alameda County to Support Library Services and Programs for Fiscal Year 2023, and Annually for the Next Three Fiscal Years (FY 2024 - FY 2026)

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate up to \$20,000 in funding from First 5 of Alameda County to support library services and programs for FY 2023, and annually for the next three fiscal years (FY 2024 - FY 2026).

SUMMARY

First 5 Alameda County is an innovative public entity created by passage of Proposition 10 in 1998 which added fifty cents per pack of cigarettes to help fund early care and education for children 0-5. To fulfill their mission, First 5 of Alameda County frequently partners with local agencies, including the Hayward Public Library (HPL). The grant/stipend amounts vary by year, based on funding available and the programs the organization is working on.

In June 2022, Council approved up to \$10,000 in funding from First 5 of Alameda County for Fiscal Year 2022 and annually for the next three fiscal years (through the end of Fiscal Year 2025). Already in Fiscal Year 2023, First 5 has agreed to \$12,000 in funding for Hayward Library. Additional funds may become available in 2023 and in future fiscal years. With Council approval, staff will appropriate up to \$20,000 in the Local Grants Fund (Fund 240) for FY 2023 and annually for the next three fiscal years (through the end of fiscal year 2026) and provide services per the requirements of the grants/stipends from First 5 of Alameda County.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution

File #: CONS 23-271



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate up to \$20,000 in Funding from First 5 of Alameda County to Support Library Services and Programs for Fiscal Year 2023, and Annually for the Next Three Fiscal Years (FY 2024 – FY 2026)

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate up to \$20,000 in funding from First 5 of Alameda County to support library services and programs for FY 2023, and annually for the next three fiscal years (FY 2024 – FY 2026).

SUMMARY

First 5 Alameda County is an innovative public entity created by passage of Proposition 10 in 1998 which added fifty cents per pack of cigarettes to help fund early care and education for children 0-5. To fulfill their mission, First 5 of Alameda County frequently partners with local agencies, including the Hayward Public Library (HPL). The grant/stipend amounts vary by year, based on funding available and the programs the organization is working on.

In June 2022, Council approved up to \$10,000 in funding from First 5 of Alameda County for Fiscal Year 2022 and annually for the next three fiscal years (through the end of Fiscal Year 2025)¹. Already in Fiscal Year 2023, First 5 has agreed to \$12,000 in funding for Hayward Library. Additional funds may become available in 2023 and in future fiscal years. With Council approval, staff will appropriate up to \$20,000 in the Local Grants Fund (Fund 240) for FY 2023 and annually for the next three fiscal years (through the end of fiscal year 2026) and provide services per the requirements of the grants/stipends from First 5 of Alameda County.

BACKGROUND AND DISCUSSION

First 5 Alameda County is an innovative public entity created by passage of Proposition 10 in 1998 which added fifty cents per pack of cigarettes to help fund early care and education for children 0-5. The organization helps young children grow up healthy and ready to learn

¹ [CONS 22-342](#), approved by Council on June 7, 2022

during the most important time in their development. First 5 of Alameda County has nearly two decades of experience funding innovative programs and advocating for policies that produce better futures for children in the county.

First 5 of Alameda County has several programs, including Parent Engagement and Support, Fathers Corps, Help Me Grow, Neighborhood Partnership Project, Neighborhoods Ready for School (NRFS), Quality Early Care and Education, and Training @ First 5. In partnership with the community, these programs help support a county-wide continuous prevention and early intervention system that promotes optimal health and development, narrows disparities, and improves the lives of children from birth to age five and their families.

In Fiscal Year 2023, First 5 has agreed to provide HPL with a direct payment of \$12,000 to purchase Family, Friend, and Neighbor (FFN) Storytime kits with books in patron's home language (English, Spanish, or Chinese), purchase FFN backpacks for rotation, provide a link online or hardcopies in person to Home Activity Survey for three (3) Storytimes, and host a Dia de los Libros/Dia de los Ninos event. Additional funds may become available in 2023 and in future fiscal years.

With Council approval, staff will appropriate up to \$20,000 in the Local Grants Fund (Fund 240) and annually for the next three fiscal years, through the end of fiscal year 2026, and provide services per the requirements of the grants/stipends from First 5 of Alameda County.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not directly relate to one of the Council's Strategic Initiatives.

FISCAL IMPACT

Grant funds supplement the City's General Fund and help fund Library Services programming. There is no negative impact on the General Fund from accepting these supplemental funds as the City is already providing these programs. With Council approval, staff will appropriate up to \$20,000 in the Local Grants Fund (Fund 240) and annually for the next three fiscal years, through the end of fiscal year 2026.

Prepared by: Brad Olson, Management Analyst II

Recommended by: Jayanti Addleman, Director of Library Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-____

Introduced by Council Member _____

AUTHORIZE THE CITY MANAGER TO ACCEPT AND APPROPRIATE UP TO \$20,000 IN FUNDING FROM FIRST 5 OF ALAMEDA COUNTY TO SUPPORT LIBRARY SERVICES AND PROGRAMS FOR FISCAL YEAR 2023, AND ANNUALLY FOR THE NEXT THREE FISCAL YEARS (FY 2024 – FY 2026)

WHEREAS, First 5 Alameda County is an innovative public entity created by passage of Proposition 10 in 1998 which added fifty cents per pack of cigarettes to help fund early care and education for children 0-5; and

WHEREAS, The organization helps young children grow up healthy and ready to learn during the most important time in their development; and

WHEREAS, First 5 of Alameda County has nearly two decades of experience funding innovative programs and advocating for policies that produce better futures for children in the county; and

WHEREAS, The Library Services department has many educational programs throughout the year specially designed for children 0-5; and

WHEREAS, To fulfill their mission, First 5 of Alameda County frequently partners with local agencies, including the Hayward Public Library;

WHEREAS, the City Council approved the City Manager to approve and appropriate up to \$10,000 in funding from First 5 on Alameda for Fiscal Years 2022 through 2025;

WHEREAS, additional funds have become available for Fiscal Year 2023 and may become available in future fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up to \$20,000 in the Local Grants Fund (Fund 240) from First 5 of Alameda County to Support Library Services and Programs for FY 2023, and annually for the next three fiscal years (FY 2024 – FY 2026).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-272

DATE: May 16, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt a Resolution Appointing Council Member Syrop to the Alameda County Mosquito Abatement District Board of Trustees to Fill the Remainder Term Left by Former Council Member Márquez Which Would End December 31, 2024

That the City Council adopts a resolution (Attachment II) appointing Council Member Syrop to the Alameda County Mosquito Abatement District (ACMAD) Board of Trustees to fill the remaining term left by former Council Member Márquez, which would run through December 31, 2024.

SUMMARY

On December 1, 2020, former Council Member Márquez was appointed as the City of Hayward representative on the Alameda County Mosquito Abatement District (ACMAD) Board of Trustees for a term from January 1, 2021, through December 31, 2024. Ms. Márquez served on the ACMAD Board of Trustees since March 17, 2015. On April 4, 2023, former Council Member Márquez was appointed to the Alameda County Board of Supervisors, which left her seat on the ACMAD vacant and causes the City Council to appoint a member to fill the remainder of her term.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: May 16, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adopt a Resolution Appointing Council Member Syrop to the Alameda County Mosquito Abatement District Board of Trustees to Fill the Remainder Term Left by Former Council Member Márquez Which Would End December 31, 2024

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) appointing Council Member Syrop to the Alameda County Mosquito Abatement District (ACMAD) Board of Trustees to fill the remaining term left by former Council Member Márquez, which would run through December 31, 2024.

SUMMARY AND DISCUSSION

On December 1, 2020, former Council Member Márquez was appointed as the City of Hayward representative on the Alameda County Mosquito Abatement District (ACMAD) Board of Trustees for a term from January 1, 2021, through December 31, 2024. Ms. Márquez served on the ACMAD Board of Trustees since March 17, 2015. On April 4, 2023, former Council Member Márquez was appointed to the Alameda County Board of Supervisors, which left her seat on the ACMAD vacant and causes the City Council to appoint a member to fill the remainder of her term.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION APPOINTING COUNCIL MEMBER SYROP AS CITY OF HAYWARD REPRESENTATIVE TO THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT TO FILL THE REMAINDER TERM LEFT BY FORMER COUNCIL MEMBER MÁRQUEZ WHICH WOULD END DECEMBER 31, 2024

WHEREAS, on December 1, 2020, former Council Member Márquez was appointed as the City of Hayward representative on the Alameda County Mosquito Abatement District (ACMAD) Board of Trustees for a four-year term from January 1, 2021, through December 31, 2024; and

WHEREAS, on April 4, 2023, former Council Member Márquez was appointed to the Alameda County Board of Supervisors, which left her seat on the ACMAD vacant; and

WHEREAS, the vacancy on the ACMAD causes the City Council to appoint a member to fill the remainder of her term.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby appoints Council Member Syrop as the City of Hayward representative to the Alameda County Mosquito Abatement District to fill the remainder term left by former Council Member Márquez which would run through December 31, 2024.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-299

DATE: May 16, 2023

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Amended Coordination, Resiliency, and Action Agreement with Russell City Energy Company, LLC and Accepting and Appropriating a Contribution of \$1,250,000 in Funds to Support Clean Energy Efficiency Projects in the City Following the Explosion that Occurred at the Russell City Energy Center on May 27, 2021

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amended Coordination, Resiliency, and Action Agreement (Attachment III) with Russell City Energy Company, LLC and accepting and appropriating a donation of \$1,250,000 to the City of Hayward to support clean energy efficiency projects.

SUMMARY

The Russell City Energy Center (RCEC) is a 600 megawatt powerplant located in the Hayward industrial area. The plant is owned and operated by the Calpine Corporation and began commercial operations in 2013. On May 27, 2021, RCEC experienced a mechanical failure of the steam turbine generator that resulted in an explosion and fire (incident). The steam turbine generator experienced extensive damage and debris from the explosion flew from the site to surrounding areas, including the City's Water Pollution Control Facility (WPCF) and the City's Homeless Navigation Center.

On February 7, 2023, the Council approved the original Coordination, Resiliency, and Action Agreement that was the result of over two years of investigations, meetings, and collaboration between the CEC, California Public Utilities Commission (CPUC), Calpine Corporation staff, and City staff. The intent of the agreement is to document improvements made in the working relationship between the City and Calpine as well as create a mechanism for donations to the Fire Department for the purchase of a hazardous materials response vehicle (\$150,000) and to the Russell City Reparative Justice Project (RCRJP) (\$20,000). Calpine has made these initial contributions to the City.

Pursuant to a settlement agreement pending with the California Energy Commission, Calpine agreed to

File #: CONS 23-299

donate additional funds to the City in the amount of \$1,250,000 for clean energy efficiency projects in the City to support grid resiliency, including microgrids, solar energy, and/or battery storage installations. This report presents the amended Agreement for Council adoption and allows the City to accept and appropriate the funds.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Redline Amended Cooperation Agreement



DATE: May 16, 2023

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amended Coordination, Resiliency, and Action Agreement with Russell City Energy Company, LLC and Accepting and Appropriating a Contribution of \$1,250,000 in Funds To Support Clean Energy Efficiency Projects in the City Following the Explosion that Occurred at the Russell City Energy Center on May 27, 2021

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amended Coordination, Resiliency, and Action Agreement (Attachment III) with Russell City Energy Company, LLC and accepting and appropriating a donation of \$1,250,000 to the City of Hayward to support clean energy efficiency projects.

SUMMARY

The Russell City Energy Center (RCEC) is a 600 megawatt powerplant located in the Hayward industrial area. The plant is owned and operated by the Calpine Corporation and began commercial operations in 2013. On May 27, 2021, RCEC experienced a mechanical failure of the steam turbine generator that resulted in an explosion and fire (incident). The steam turbine generator experienced extensive damage and debris from the explosion flew from the site to surrounding areas, including the City's Water Pollution Control Facility (WPCF) and the City's Homeless Navigation Center.

On February 7, 2023, the Council approved the original Coordination, Resiliency, and Action Agreement that was the result of over two years of investigations, meetings, and collaboration between the CEC, California Public Utilities Commission (CPUC), Calpine Corporation staff, and City staff. The intent of the agreement is to document improvements made in the working relationship between the City and Calpine as well as create a mechanism for donations to the Fire Department for the purchase of a hazardous materials response vehicle (\$150,000) and to the Russell City Reparative Justice Project (RCRJP) (\$20,000). Calpine has made these initial contributions to the City.

Pursuant to a settlement agreement pending with the California Energy Commission, Calpine agreed to donate additional funds to the City in the amount of \$1,250,000 for clean energy efficiency projects in the City to support grid resiliency, including microgrids, solar energy, and/or battery storage installations. This report presents the amended Agreement for Council adoption and allows the City to accept and appropriate the funds.

BACKGROUND

The Russell City Energy Center (RCEC) is a 600 megawatt powerplant located in the Hayward industrial area. The plant is owned and operated by the Calpine Corporation and began commercial operations in 2013. On May 27, 2021, RCEC experienced a mechanical failure of the steam turbine generator that resulted in an explosion and fire (incident). The steam turbine generator experienced extensive damage and debris from the explosion flew from the site to surrounding areas, including the City's Water Pollution Control Facility (WPCF) and the City's Homeless Navigation Center. No damage occurred at the WPCF but a large piece of debris fell through the roof of the Navigation Center trailer that serves as the common area and kitchen. Thankfully, the trailer was unoccupied at the time and there were no significant injuries resulting from the explosion.

CEC, CPUC, and City staff have been meeting bi-weekly as part of a Joint Agency Working Group since the incident as the investigation and follow up actions have occurred. On May 24, 2022¹, City staff, along with CEC and CPUC staff, presented to City Council regarding the investigations into the incident. After any major incident at a powerplant in the State, the operator must commission a Root Cause Analysis (RCA) report. Calpine commissioned this report and it was included in the May 24, 2022 Council packet. Upon review of the RCA, CEC and CPUC staff determined there were deficiencies in the report and commissioned a secondary gap analysis and investigation. That report was also included with the May 24 Council report. In addition, CEC and CPUC staff presented this report and corrective actions to the CEC Business Meeting on April 26, 2022. The City Manager and Fire Chief also participated in that meeting and presented the collaborative work that has been done with the Calpine team to enhance first responder training and response to the plant.

DISCUSSION

In addition to the investigations into the explosion, the CEC directed Calpine to work with the City and the Fire Department on both operating practices and reimbursement for expenses related to the incident response. The City and Calpine met on at least ten (10) separate occasions regarding the Event and RCEC plans to continue its efforts to communicate, cooperate, and coordinate with the City. These meetings were conducted on:

- August 6, 2021, with the City Manager and Fire Chief, and representatives of the CEC and California Public Utilities Commission (CPUC)

¹ [CITY OF HAYWARD - File #: WS 22-019 \(legistar.com\)](#)

- August 16, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,
- August 19, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,
- August 27, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,
- September 8, 2021, with the City Manager and Fire Chief
- November 30, 2021, with the City Manager and Fire Chief, CEC Staff and CPUC Staff for presentation of the RCA Report
- December 2, 2021, with the City Manager and Fire Chief
- March 14, 2022, with the Fire Department Training Battalion Chief
- May 9, 2022, with the City Manager and Fire Chief
- May 24, 2022, with the City Manager and Fire Chief

The result of these meetings was the Coordination, Resiliency, and Action Agreement that the Council adopted on February 7, 2023². This agreement resulted in a contribution of \$150,000 towards a hazardous materials response vehicle for the Hayward Fire Department and a contribution of \$20,000 to support the Russell City Reparative Justice Project (RCRJP). The City has received these funds.

Following additional settlement negotiations between Calpine and the California Energy Commission (CEC), Calpine agreed to contribute an additional \$1,250,000 to the City for clean energy efficiency projects in the City to support grid resiliency, including microgrids solar energy and/or battery storage installations. This report amends the original Agreement to include this additional donation to the City and to allow the City to accept and appropriate the funds.

The City will be required to report quarterly to the CEC in a public manner on the use of these funds. City staff will return to Council at a future date to appropriate these funds to specific City projects that will be eligible to utilize this funding.

ECONOMIC AND FISCAL IMPACTS

The acceptance and appropriation of the \$1,250,000 in funding from this agreement will allow for the support of clean energy efficiency projects in the City to support grid resiliency, including microgrids, solar energy, and/or battery storage installations.

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6016050&GUID=5C9CD27C-59A7-4434-B2B9-EADEE40A9627>

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority and Specific Project of:

- Strengthen Organizational Health
 - 6.13. Expand Communications, Transparency, and Community Engagement

PUBLIC CONTACT

There is no public contact associated with this item.

NEXT STEPS

Upon authorization from the City Council, the City Manager will execute the agreement and upon receipt, staff will appropriate the funds to a restricted project fund until the Council approves a future appropriation to an eligible project.

Prepared and Recommended by: Kelly McAdoo, City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED COORDINATION, RESILIENCY, AND ACTION AGREEMENT WITH RUSSELL CITY ENERGY COMPANY, LLC AND TO ACCEPT AND APPROPRIATE \$1,250,000 TO SUPPORT CLEAN ENERGY EFFICIENCY PROJECTS IN THE CITY

WHEREAS, the Russell City Energy Center is a 600 megawatt combined-cycle electric generating facility with advanced air emissions control technologies located in Hayward, California (the “Plant”); and

WHEREAS, the Plant commenced operations in August 2013 and, at all relevant times, has been duly licensed by the California Energy Commission (CEC); and

WHEREAS, the California Independent System Operator (CAISO) identified the Plant as one of two resources in the Bay Area that are best suited to provide black start capability, which mitigates the potential for catastrophic economic disruption to the region following a system-wide power outage. The Plant’s battery black start capability was commissioned in December 2020 and has significantly improved the system restoration capabilities in Northern California, including Hayward and the greater Bay Area; and

WHEREAS, on May 27, 2021, the Plant experienced a mechanical failure of the steam turbine generator (the “Event”). The Event rendered the Plant temporarily inoperable in its designed configuration and damaged the nearby Hayward Housing Navigation Center; and

WHEREAS, immediately following the incident, RCEC engaged an independent third party to conduct a root cause analysis (RCA) to identify the cause of the Event. In addition, the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) commissioned a gap analysis of the RCA; and

WHEREAS, the CEC found it was appropriate for the CEC to “exercise enhanced scrutiny over the facility” in light of the May 27, 2021 incident and that “it is reasonable for the public to have access to safety audits conducted pertaining to the operation of the facility, including the circumstances that gave rise to the petition.” Additionally, the CEC directed the project owner to meet with CEC staff and the Hayward City Fire Department within 30 days of the order “to discuss any needed modifications of [RCEC’s] standard operating procedures for first responders to implement when responding to incidents on site, including establishing a process for reimbursement of reasonable expenses”; and

WHEREAS, the Plant has made repairs, taken corrective actions required by the CEC and the CPUC, and has returned to combined-cycle operations; and

WHEREAS, RCEC takes the concerns of the City and its relationship with the community very seriously and has committed to ensuring improved communication with the City going forward; and

WHEREAS, RCEC and the City have met on at least ten (10) separate occasions regarding the Event and RCEC plans to continue its efforts to communicate, cooperate, and coordinate with the City. These meetings were conducted on:

- August 6, 2021, with the City Manager and Fire Chief, and representatives of the CEC and California Public Utilities Commission (CPUC)
- August 16, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,
- August 19, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,
- August 27, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,
- September 8, 2021, with the City Manager and Fire Chief
- November 30, 2021, with the City Manager and Fire Chief, CEC Staff and CPUC Staff for presentation of the RCA Report
- December 2, 2021, with the City Manager and Fire Chief
- March 14, 2022, with the Fire Department Training Battalion Chief
- May 9, 2022, with the City Manager and Fire Chief
- May 24, 2022, with the City Manager and Fire Chief

WHEREAS, these meetings between CEC staff, the City and Fire Department staff, and Calpine/RCEC staff resulted in the development of the Coordination, Resiliency, and Action Agreement, which will help to ensure that the Fire Department and RCEC work in close coordination with each other moving forward.

WHEREAS, the original Coordination, Resiliency, and Action Agreement was approved by Council on February 7, 2023, executed by Calpine and the City Manager, and funds were received for a hazardous materials response vehicle (\$150,000) and the Russell City Reporative Justice Project (RCRJP) (\$20,000); and

AMENDED AND RESTATED COORDINATION, RESILIENCY, AND ACTION
AGREEMENT

This Amended and Restated Coordination, Resiliency, and Action Agreement (the “A&R Agreement”) is entered into as of February, _____, 2023 (the “Execution Date”) by and between Russell City Energy Company, LLC, (“RCEC”), and City of Hayward, California, a municipal corporation of the State of California (the “City”) (collectively, the “Parties”).

WHEREAS, the purpose of this A&R Agreement is to set forth a summary of the understanding and agreement between RCEC and the City, regarding coordination, resiliency, and action following the May 27, 2021 steam turbine incident at RCEC’s facility.

WHEREAS, the Russell City Energy Center is a highly efficient, combined-cycle electric generating facility with advanced air emissions control technologies located in Hayward, California (the “Plant”).

WHEREAS, the Plant commenced operations in August 2013 and, at all relevant times, has been duly licensed by the California Energy Commission (~~“(“CEC”)~~).

WHEREAS, the Plant brings much-needed energy capacity to Hayward, the East Bay, and the greater Bay Area and is capable of serving the needs of 600,000 households.

WHEREAS, the California Independent System Operator (~~“(“CAISO”)~~) identified the Plant as one of two resources in the Bay Area that are best suited to provide black start capability, which mitigates the potential for catastrophic economic disruption to the region following a system-wide power outage. The Plant’s battery black start capability was commissioned in December 2020 and has significantly improved the system restoration capabilities in Northern California, including Hayward and the greater Bay Area.

WHEREAS, on May 27, 2021, the Plant experienced a mechanical failure of the steam turbine generator (the “Event”). The Event rendered the Plant temporarily inoperable in its designed configuration.

WHEREAS, the Event impacted the nearby Hayward Housing Navigation Center.

WHEREAS, immediately following the Event, RCEC engaged an independent third party to conduct a root cause analysis (RCA) to identify the cause of the Event.

WHEREAS, on July 30, 2021, the Governor of California issued an emergency proclamation finding it necessary to take immediate action to reduce the strain on the energy infrastructure, increase energy capacity, and make energy supply more resilient

to protect the health and safety of Californians and directing all state agencies to act immediately to achieve energy stability and to mitigate the risk of capacity shortages.

WHEREAS, to provide critical support to the electric grid in the summer and fall 2021, RCEC sought and obtained from the CEC and the Bay Area Air Quality Management District approval for a temporary modification to the steam turbine condenser to allow the Plant to operate in simple-cycle mode (a mode of operation where the combustion turbines are operational without the steam turbine) until repairs to the steam turbine were complete.

WHEREAS, the Plant has returned to combined-cycle operations.

WHEREAS, the safety of its colleagues and the community is a core value of RCEC, and RCEC is committed to the safe and reliable operation of the Plant.

WHEREAS, RCEC takes the concerns of the City and its relationship with the community very seriously and has committed to ensuring improved communication with the City going forward.

WHEREAS, RCEC and the City ~~have, including the Mayor, the City Manager, the Fire Chief, and the Fire Department Training Battalion Chief,~~ met on at least ten (10) separate occasions regarding the Event, and RCEC ~~plans~~intends to continue to engage in its additional cooperation, communication, and coordination efforts ~~to communicate, cooperate, and coordinate with the City. These meetings were conducted~~Hayward Fire Department as outlined in Exhibit A.

WHEREAS, on: February 13, 2023 (the "Original Execution Date"), RCEC and the City entered into the original Coordination, Resiliency, and Action Agreement (the "Original Coordination Agreement") to set forth a summary of the understanding and agreement between RCEC and the City, regarding coordination, resiliency, and action following the Event.

- ~~August 6, 2021, with the City Manager and Fire Chief, and representatives of the CEC and California Public Utilities Commission (CPUC)~~
- ~~August 16, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,~~
- ~~August 19, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,~~
- ~~August 27, 2021, with the City Mayor, City Manager and Fire Chief, and CEC Commissioners and Staff,~~
- ~~September 8, 2021, with the City Manager and Fire Chief~~

- ~~November 30, 2021, with the City Manager and Fire Chief, CEC Staff and CPUC Staff for presentation of the RCA Report~~
- ~~December 2, 2021, with the City Manager and Fire Chief~~
- ~~March 14, 2022, with the Fire Department Training Battalion Chief~~
- ~~May 9, 2022, with the City Manager and Fire Chief~~
- ~~May 24, 2022, with the City Manager and Fire Chief~~

WHEREAS, the Original Coordination Agreement included the following benefits for the City and the Hayward Fire Department: (1) specified cooperation, communication, and coordination efforts between the City, the Hayward Fire Department, and RCEC and (2) (i) a contribution of one hundred and fifty thousand dollars (\$150,000) by RCEC to the Hayward Fire Department in support of the development of a Hazardous Materials Unit and (ii) a contribution of twenty thousand dollars (\$20,000) by RCEC to an appropriate cultural project to recognize the history of Russell City.

WHEREAS, in accordance with the Original Coordination Agreement, on February 28, 2023, RCEC paid one hundred and fifty thousand dollars (\$150,000) to the Hayward Fire Department in support of the development of a Hazardous Materials Unit and on March 6, 2023, RCEC paid twenty thousand dollars (\$20,000) to recognize the history of Russell City.

WHEREAS, On April 10, 2023, Senator Wahab and Assembly Member Ortega, two members of the California Legislature who represent the City of Hayward community, submitted comments to the Energy Commission related to the Event and expressed the desire to have further community benefits to the City of Hayward.

WHEREAS, RCEC is willing enter into this A&R Agreement and make a further community benefit contribution to the City consistent with the terms of this A&R Agreement.

NOW, THEREFORE, in exchange for the agreements and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the RCEC and the City agree as follows:

1.0 COORDINATION AGREEMENT

- 1.1 Cooperation with the Hayward Fire Department.** RCEC will engage in additional cooperation, communication, and coordination efforts with the Hayward Fire Department as outlined in Exhibit A.

- 1.2 Contribution to Hayward Fire Department HazMat Unit.** Within 30 days after the Original Execution Date, RCEC ~~will makemade~~ a contribution of one hundred fifty thousand dollars (\$150,000) ~~by wire transfer directly~~ to the Hayward Fire Department in support of the development of a Hazardous Materials Unit. Once the Hazardous Materials Unit is purchased, RCEC will provide opportunities to train Hayward Fire Department personnel at the RCEC facility.
- 1.3 Contribution to Recognize the History of Russell City.** The City and RCEC will work with the historic Russell City community to agree upon an appropriate cultural project to recognize the history of Russell City. Within 30 days after the Original Execution Date, RCEC will contribute up to ~~contributed~~ twenty thousand dollars (\$20,000) to the City of Hayward for the selected project. ~~Payment will be made via wire transfer within 30 days after the Execution Date.~~
- 1.4 Further Contribution to the City.** Upon approval of the Hayward City Council and upon execution by both RCEC and the CEC of the separate Settlement Agreement and Release between those parties, RCEC will make a contribution of one million two hundred fifty thousand dollars (\$1,250,000) by wire transfer directly to the City to fund projects of the City's selection, limited to clean energy efficiency projects in the City, projects to support grid resiliency, including microgrids, solar energy, and/or battery storage installations. The City asserts that it will publicly report the progress of these projects on a quarterly basis.

2.0 GENERAL PROVISIONS

- 2.1 No Public Statement.** Neither Party shall issue any press or media releases nor make any other public statements or disclosures with respect to this A&R Agreement or the transactions contemplated hereby, without the prior written consent of the other Party, except as required by applicable law. Each Party shall make all reasonable efforts to consult with the other Party prior to making any public statements required by applicable law.
- 2.2 Insurance Payments.** The City acknowledges and agrees that RCEC's insurer has paid all property damage claims submitted in connection with the Event.
- 2.3 Amendment.** This document may not be modified or amended in any way unless done in writing and signed by all Parties to this A&R Agreement.
- 2.4 Sole Agreement.** This A&R Agreement is the sole and exclusive agreement made by the Parties in connection with this matter.

- 2.5 **City Approvals.** City of Hayward has or will obtain all necessary approvals for this [A&R](#) Agreement.
- 2.6 **Notices.** Any notice as required under this [A&R](#) Agreement shall be made, in writing, as follows:

For the City of Hayward:

City of Hayward
777 B Street
Hayward, CA 94541
Attention: City Manager
Telephone: (510) 583-4305
E-mail: Kelly.McAdoo@hayward-ca.gov

For RCEC:

Russell City Energy Company, LLC
3862 Depot Road
Hayward, CA 94545
Attn: Plant Manager
Telephone: (510) 731-1403
E-mail: Jason.jin@calpine.com

With a copy to:

Russell City Energy Company, LLC

3003 Oak Road, Suite 400

Walnut Creek, CA 94597

Attn: ~~Rosemary Antonopoulos, VP and Deputy General~~Jessica L. Grossman, Senior Counsel, West Region

Telephone: (925) 557-~~2283~~2318

E-mail: ~~Rosemary.Antonopoulos@calpine.com~~

E-mail: jessica.grossman@calpine.com

3.0 RELEASE OF CLAIMS

3.1 Release of Claims. Except for the agreements, obligations, and promises set forth in this A&R Agreement and the exception to released claims set forth in section 3.2 of this A&R Agreement, each Party (each a "Releasing Party") hereby irrevocably and unconditionally RELEASES, ACQUITS, AND FOREVER DISCHARGES the other Party, and all of the other Party's successors, predecessors, current and prior subsidiary and affiliated companies and entities, and all of the other Party's officers, directors, shareholders, partners, limited partners, agents, assigns, employees, representatives, independent contractors, attorneys, and insurers (all of which and whom are collectively referred to as "Releasees"), from any and all claims, demands, rights, liens, actions, suits, causes of action, counterclaims (whether compulsory or not), obligations, debts, costs, expenses, attorneys' fees, damages, judgments, and liabilities, of whatever kind or nature in law, equity, or otherwise, whether now known or unknown, suspected or unsuspected, which the Releasing Party may own or hold against said Releasees that have accrued prior to the Effective Date and that arise from, concern, or relate to the Event ("Released Claims").

3.2 Exception to Released Claims. Notwithstanding the release of claims described in Section 3.1 of this A&R Agreement, nothing in this A&R Agreement operates as a waiver, release, estoppel, and/or discharge between the Parties of each Party's prospective obligations established by this A&R Agreement or any other agreement between the City and RCEC.

3.3 Waiver of California Civil Code Section 1542. With regard to the release of claims set forth in section 3.1 of this A&R Agreement, the Parties agree as follows:

3.3.1 This A&R Agreement is the result of a compromise and shall not be deemed an admission of the truth or correctness of the claims or contentions of any Party against any other Party. The Parties understand the risks associated with this A&R Agreement, including

the risk that, after the execution of this A&R Agreement, a Party may discover that a Released Claim may be of greater or less value than any Party now expects or anticipates. Each Party assumes this risk, and the release included in this A&R Agreement shall apply to all unknown, undiscovered, or unanticipated results, as well as those that are known, discovered, and anticipated. The Parties expressly waive and relinquish all rights and benefits afforded by section 1542 of the California Civil Code with respect to all Released Claims, and they do so understanding and acknowledging the significance and consequence of such specific waiver of section 1542. Section 1542 of the California Civil Code states as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

Each Party has read and understands California Civil Code section 1542 and acknowledges and agrees that, although it may later discover facts other than or different from those that it knows or believes to be true with respect to the Released Claims, it hereby expressly waives the benefits of California Civil Code section 1542 and any similar statutory provision or common law rule under California law or the law of any other applicable jurisdiction.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, each Party has executed this A&R Agreement as of the Execution Date.

City of Hayward

Russell City Energy Company, LLC

By: _____

By: _____

Printed Name: Kelly McAdoo

Printed Name: Charlie Gates

Title: City Manager

Title: Vice President

Attest: _____

Printed Name: Miriam Lens

Title: City Clerk

Approved as to form:

By: _____

Printed Name: Michael Lawson

Title: City Attorney

Exhibit A

Cooperation with the Hayward Fire Department and RCEC

- Notify the HFD in advance (two weeks' notice) of any planned emergency drills or tabletop exercises performed in compliance with its EAP.
- Coordinate with the HFD on at least two general emergency drills and one mock rescue drill annually
- Invite the HFD to participate in any roundtable discussions that take place following the drills
- Provide notice to the HFD of any plant management changes within RCEC and making the appropriate introductions to HFD
- Meet annually with HFD and City Manager to review information for the Knox Box (non-destructive emergency Fire Department key access to the property) and providing any necessary updates



CITY OF HAYWARD

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

File #: WS 23-022

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

FY 2024 City Budget: Proposed Fiscal Year 2024 Operating Budget Work Session #2

RECOMMENDATION

That the Council continues to review and provide direction to staff on the City's proposed FY 2024 Operating Budget.

SUMMARY

The proposed FY 2024 Operating Budget Council Work Session #2 is a continuation of the budget conversation following the Saturday, May 13, 2023, budget work session. Budget Work Session #2 will include department presentations that were not completed during the Saturday budget work session and will include follow-up discussions on any specific items requiring Council direction in advance of the adoption of the FY 2024 Operating Budget on June 6, 2023.

ATTACHMENTS

Attachment I Staff Report



DATE: May 16, 2023
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT FY 2024 City Budget: Proposed Fiscal Year 2024 Operating Budget Work Session #2

RECOMMENDATION

That the Council continues to review and provide direction to staff on the City's proposed FY 2024 Operating Budget.

SUMMARY

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BACKGROUND

The FY 2024 Operating Budget process began in January of 2023. Over the last several months, Finance staff and the various departments have met to review the respective FY 2024 department budget proposals before presenting them to the City Manager. On April 28, 2023, the proposed FY 2024 Operating Budget was provided to the Council ahead of the Saturday budget work session on May 13, 2023.

DISCUSSION

The proposed FY 2024 Operating Budget document was provided to the Council on April 28, 2023, in advance of the May 13, 2023, Saturday work session. Over the upcoming weeks, Council will consider the annual budget prior to the planned adoption on June 6, 2023. During the Saturday work session, Council receives and discusses department budgets, where Council has an opportunity to ask questions as well as discuss and provide feedback to each department. The Saturday budget work session also includes a review of the City's Five-Year Plan.

Budget Work Session #2 includes department presentations that were not completed during the Saturday budget work session and includes follow-up discussions on any specific items requiring Council direction in advance of the adoption of the FY 2024 Operating Budget on June 6, 2023.

The proposed FY 2024 Operating Budget provided to Council on April 28, 2023, reflects projected General Fund revenues of \$199.9 million, and proposed General Fund expenditures of \$204.6 million. The proposed FY 2024 Operating Budget is balanced with a projected use of \$4.7 million in General Fund reserves.

FISCAL IMPACT

The fiscal impacts of the information presented are dependent on the direction of Council. Changes resulting from Council direction will be included in the FY 2024 Operating Budget presented for the public hearing and adoption at the regularly scheduled Council meeting on June 6, 2023.

STRATEGIC ROADMAP

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

NEXT STEPS

The proposed FY 2024 Operating Budget and Capital Improvement Program budgets will be presented to the Council for consideration at a public hearing and adoption on June 6, 2023.

Prepared & Recommended by: Nicole Gonzales, Director of Finance

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: WS 23-017

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Capital Improvement Program Work Session: Review of Recommended Capital Improvement Program for FY 2024 - FY 2033

RECOMMENDATION

That the Council reviews and comments on the Recommended Capital Improvement Program (CIP) for FY24 through FY33.

SUMMARY

The CIP is a planning document intended to guide the City's capital project expenditures for the upcoming ten-year period. The proposed CIP budget includes approximately \$115 million in FY24 and an estimated \$905 million in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; wastewater, recycled water, storm water, and water system upgrades; groundwater projects; construction of public buildings; airport projects; replacement of major equipment; clean and renewable energy generation; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$511 million.

The Recommended FY24 - FY33 CIP can be found on the City's website and features a new online format. More information about navigating the new format can be found at the provided link.

Planning Commission Review

State law requires that the Planning Commission review the Recommended CIP to ensure conformance with the City's adopted General Plan. The Recommended FY24 - FY33 CIP was presented to the Planning Commission at their April 13, 2023, meeting, and the Commission unanimously found that the Recommended FY24 - FY33 CIP is consistent with the City's 2040 General Plan.

Council Infrastructure Committee Review

On April 26, 2023, the Council Infrastructure Committee (CIC) discussed the proposed CIP budget, the

File #: WS 23-017

improvements made to the CIP online platform, the need to highlight existing bike and pedestrian projects, and funding gaps for the Stack Youth and Family Center.

ATTACHMENTS

Attachment I Staff Report



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Capital Improvement Program Work Session: Review of Recommended Capital Improvement Program for FY 2024 – FY 2033

RECOMMENDATION

That the Council reviews and comments on the Recommended Capital Improvement Program (CIP) for FY24 through FY33.

SUMMARY

The CIP is a planning document intended to guide the City's capital project expenditures for the upcoming ten-year period. The proposed CIP budget includes approximately \$115 million in FY24 and an estimated \$905 million in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; wastewater, recycled water, storm water, and water system upgrades; groundwater projects; construction of public buildings; airport projects; replacement of major equipment; clean and renewable energy generation; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$511 million.

The Recommended FY24 – FY33 CIP can be found [here](#)¹ on the City's website and features a new online format. More information about navigating the new format can be found at the provided link.

Planning Commission Review

State law requires that the Planning Commission review the Recommended CIP to ensure conformance with the City's adopted General Plan. The Recommended FY24 – FY33 CIP was presented to the Planning Commission at their April 13, 2023, meeting², and the Commission unanimously found that the Recommended FY24 – FY33 CIP is consistent with the City's 2040 General Plan.

¹ <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>

² [CITY OF HAYWARD - File #: PH 23-018 \(legistar.com\)](#)

Council Infrastructure Committee Review

On April 26, 2023³, the Council Infrastructure Committee (CIC) discussed the proposed CIP budget, the improvements made to the CIP online platform, the need to highlight existing bike and pedestrian projects, and funding gaps for the Stack Youth and Family Center.

BACKGROUND

The CIP process begins with staff's preparation of projects and related cost estimates, which are framed by the guidance provided by Council, as well as the needs of the community. Capital projects are identified and prioritized with an emphasis on eliminating geographic inequities in the distribution of City services and infrastructure. Highest priority is given to areas in the community which have experienced a disproportionate level of improvements in past years, as well as those communities with the current highest need.

The projects in the Recommended FY24 – FY33 CIP have also been identified and prioritized based on their relevancy to the Strategic Roadmap. The CIP, by its nature, predominantly supports the Invest in Infrastructure Priority, but it also includes a number of projects which support the Confront Climate Crisis & Champion Environmental Justice, Enhance Community Safety & Quality of Life, Grow the Economy, and Strengthen Organizational Health Priorities.

The projects ultimately identified for inclusion in the CIP are designed to meet the requirements of the City's General Plan, specific plans, and master plans. The capital project funding requests are then submitted for evaluation to an internal capital projects review committee. Once the review committee's feedback is incorporated, the Recommended Ten-Year CIP is compiled and presented to the Planning Commission for determination of conformance with the General Plan, as well as the Council Infrastructure Committee for review and input. In May, the Recommended Ten-Year CIP will be reviewed by Council at a work session. The public has the opportunity to provide comments at each of these meetings, as well as at the last public hearing, which is tentatively planned to take place on June 6, 2023. It is at this final public hearing that the capital spending plan for the upcoming year will be considered by Council for adoption.

DISCUSSION

The CIP is a planning document intended to guide the City's capital project expenditures for the upcoming ten-year period. The proposed CIP budget includes approximately \$115 million in FY24 and an estimated \$905 million in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; wastewater, recycled water, storm water, and water system upgrades; groundwater projects; construction of public buildings; airport projects; replacement of major equipment; clean and renewable energy generation; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$511 million.

³ [CITY OF HAYWARD - File #: ACT 23-027 \(legistar.com\)](#)

Below is a discussion of major projects in each category for which work will begin or continue into FY24. Please note that not all of the projects featured in this report are being recommended to receive new FY24 funding.

Livable Neighborhoods Projects

Projects categorized as “Livable Neighborhoods” include street lighting projects, pedestrian traffic signal improvements, parks, buildings, public art and engagement, transportation equity projects, and traffic calming measures, as well as sidewalk and wheelchair ramp improvements throughout the City. Some examples of Livable Neighborhoods Projects in the Recommended FY24 – FY33 CIP include the Campus Drive Improvements, through which the City is implementing pedestrian, bicycle, and traffic calming improvements to address safety concerns and mobility needs in the 0.78 mile-stretch of Campus Drive between 2nd Street and Hayward Boulevard.

Another ongoing Livable Neighborhoods Project is La Vista Park, the 50-acre destination park located a quarter mile east of the intersection of Tennyson Road and Mission Boulevard in South Hayward. In FY22, the California Environmental Quality Act (CEQA) report was updated to include the park expansion area, and staff are currently working with consultants to finalize the design. Construction bid documents are anticipated to be completed by Spring 2023, and construction is planned to commence in late Spring or early Summer 2023.

The Safe Routes to School (SR2S) and Safe Routes for Seniors (SR4S) projects are two additional projects included in the Livable Neighborhoods category. The City's first SR4S effort is currently underway in four downtown Hayward intersections, including Foothill Blvd/Hazel Ave-City Center Dr, Montgomery Ave/A St, Montgomery Ave/B St, and Watkins Ave/D St. Improvements include increased pedestrian crossing times, installation of high-visibility ADA ramps, repositioning of cross walks and pedestrian push buttons to align with ADA improvements, and widening medians for pedestrian refuge, and more.

The City's first SR2S project is planned to begin construction in Summer 2023 near Cesar Chavez Middle School, and it includes installation of curb and median extensions, advanced stop and yield marking, yellow high-visibility crosswalks, rectangular rapid flashing beacons (RRFB), and more.

Road and Streets Projects

Projects in the “Road and Streets” category range from curb and gutter repair to major gateway corridor improvements and are primarily funded through non-discretionary funding including Measures B (Fund 215 and 216) and Measure BB (Fund 212, 213, and 219), Gas Tax (Fund 210), Vehicle Registration Fee (VRF) (Fund 218), Road 238 Corridor Improvement (Fund 410), Streets Improvement (Fund 450), Transportation System Improvement (Fund 460), and grants such as LATIP and the Alameda County Transportation Commission (Alameda CTC) funds.

A key project in this category is Phase 3 of the Mission Boulevard Corridor Improvement Project, located from A Street to the northern City limit at Rose Street. This is the last phase

of the three-phase Mission Blvd Corridor Improvement Project and, like the phases before it, includes undergrounding of overhead utilities, electrical service conversions of private properties, construction of bicycle cycle track, sidewalk, curb and gutter, rehabilitation of pavement, installation of traffic signals and streetlights, installation of traffic striping, pavement marking and signage, improvements to storm drains systems, installation of irrigation system and landscaping, as well as City of Hayward monument signs. The construction bids received in 2021 to implement this project were significantly higher than expected and subsequently rejected, delaying the project timeline. Staff also applied for grant opportunities to help close the funding gap. The call for bids was reinitiated in March 2023 and construction is anticipated to start in Summer 2023.

Pavement Rehabilitation

Pavement Rehabilitation projects are a subsection of the Road and Streets projects which are typically discussed separately because they represent a relatively large part of the annual CIP. Approximately \$16.5 million in Pavement Rehabilitation programming is recommended for FY24.

Street selection for pavement rehabilitation projects is based on several criteria. First, the Pavement Management Program (PMP) is used to evaluate current roadway conditions and future condition predictions. The PMP provides a logical and efficient method for identifying street rehabilitation needs and determining a path for implementation. Staff also refers to the Metropolitan Transportation Commission's (MTC) guidelines, Maintenance Services staff's reports on streets in need of repair, especially after a severe rainy season, and public requests for street rehabilitation. The PMP is updated every two years and is a prerequisite for certain funding sources. The industry standard practice recommended by MTC is that a minimum of 15% of funding be spent on preventive maintenance and a maximum of 85% on pavement rehabilitation. The City improves on this standard with a minimum of 20% spent on preventive maintenance and 80% on pavement rehabilitation. Additionally, in 2014, Council approved the Economic Development Strategic Plan, which recommended additional improvements be made to streets in the Industrial area. Approximately 15% to 20% of the overall paving budget is allocated to improvements in that area. Staff also has an internal policy to allocate at least 10% of the overall paving budget to roads with a pavement condition index (PCI) of less than 30.

Municipal Facility Improvements

The "Municipal Facility Improvements" category includes projects that involve improvements to existing municipal buildings and construction of new municipal buildings. One major project included in this category is the Fire Station No. 6 & Fire Training Center Project, which is currently budgeted at \$76.5 million. The project includes deconstruction of the existing buildings and construction of nine new buildings and structures. These new structures include the Fire Station 6/Classroom Building; Apparatus Building; Burn Building; Training Tower; Storage Building; Hangar Building; Outdoor Classroom Building; Urban Search & Rescue/BART Training Structure; and the Entry Structure. Construction, which began in August 2020, is well underway and is anticipated to be completed by the end of 2023.

Sewer System Projects

The “Sewer Systems” category includes projects which are Enterprise Fund-supported, and which are related to the improvement of our sewer system, water re-use efforts, and Water Pollution Control Facility (WPCF).

The City’s sewer line replacement projects are examples of key projects in this category. They typically involve the replacement of pipelines that are showing signs of age, or the upsizing of undersized mains to increase their conveyance capacity to handle current and future flows. With an ambitious goal of replacing an average of three miles of sewer mains annually, the proposed CIP recommends \$6 million in funding for the FY24 Sewer Line Replacement Program.

Other projects in this category include those related to the WPCF Phase II Facilities Improvements, which have been established following the recent development of a Facilities Plan Update, which is intended to guide the plant’s infrastructure and technology needs for the next twenty years. The Phase II Facilities Plan addresses future regulatory requirements restricting discharge of nutrients to the Bay. Although the San Francisco Bay has not been adversely impacted by nutrient loading, discharge of nutrients is a growing concern and, as a result, recent requirements have been developed regulating their discharge into the Bay.

The final plan update was completed in June 2020 and in Spring 2022, staff began the process of identifying a consultant to recommend to Council for completion of the design work to implement the identified improvements. In addition to the design and construction of the Phase II WPCF Upgrade, the project includes a new administration building and laboratory, as well as other related improvement needs. Design and construction of the improvements is currently estimated to cost \$258 million. Staff plan to apply for both a State Revolving Fund (SRF) and USEPA Water Infrastructure Finance and Innovation Act (WIFIA) loan to help fund the estimated construction costs.

Recycled Water Project

The Recycled Water Projects are also included in the Sewer Systems category. These projects are intended to improve the City’s overall water supply reliability and conserve drinking water supplies through the delivery of tertiary treated recycled water to sites near the WPCF for landscape irrigation and industrial uses. Construction of the storage tank, pump station, and distribution pipelines for the system was completed in FY20. Construction of the treatment facility was completed in Summer 2020, and recycled water deliveries to the first phase of customers began in March 2022. In FY24, staff will initiate development of a Master Plan to guide design and construction efforts for Phase II of the Recycled Water Program. Phase II will involve increasing the recycled water customer base, which will require designing and constructing an expanded treatment facility to meet the increased demand.

Water Systems Projects

“Water System Projects” are Enterprise Fund-supported and are related to the improvement of our water system, as well as projects which promote water conservation. One key program in this category is the Cast Iron Water Pipeline Replacement Program. Over the next ten years, the City will annually replace existing cast iron and asbestos

cement pipes that are either reaching the end of their practical useful life, as evidenced by the frequency of the main and service connection breaks and leaks, or they are hydraulically undersized. The Recommended CIP includes \$500,000 in annual programming to support this effort.

The FY24 Water Line Replacement Program is another key Water Systems project, which involves the replacement of existing water mains to provide adequate capacity for fire flow and to maintain the operability of the water distribution system. Water mains are selected for a variety of reasons including having exceeded service life, frequency of breaks, and/or upgrades needed for supply reliability. With a goal of replacing an average of three miles of water pipeline annually, the proposed CIP includes \$5.5 million in funding for the FY24 Water Line Replacement Program.

Fleet Management

The "Fleet Management" category is comprised of projects involving the replacement of fleet units in various departments, divisions, and work groups. Fleet purchases benefitting the Fire and Police departments are predominantly funded by transfers from the General Fund, while fleet purchases benefitting the Airport, Stormwater, Sewer, and Water divisions are predominantly supported by Enterprise funding. Approximately \$6.8 million in FY24 Fleet Management category projects are included in the proposed CIP, and involve projects supporting General Fund fleet replacement efforts, Enterprise Fund-supported fleet replacement efforts, and Electric Vehicle Infrastructure efforts.

The City maintains a fleet of approximately 450 vehicles and equipment units, and the useful life of these fleet units is maximized and managed via the 10 Year Fleet Capital Replacement Plan. The plan identifies replacement timelines based on age, mileage, maintenance, and safety. When it comes time to retire a unit, carbon emissions are a key consideration. This is in alignment with the City's Strategic Roadmap "Confront Climate Crisis & Champion Environmental Justice" Priority Project to transition 15% of total City fleet to EV/hybrid models.

Following a successful pilot program in FY21, Fleet Management adopted a new standard for Hayward Police Patrol Vehicles in which all replacement purchases will be hybrid-powered models. In FY22, a total of ten hybrid patrol cars were ordered to replace vehicles that have reached the end of their useful life, and an additional nine were ordered in FY23. Once received and placed into service, the fleet vehicle matrix will consist of 18% EV/hybrid units.

The Citywide EV Charging Projects are another key group of projects in this category. A recent report by East Bay Community Energy (EBCE) provided an analysis of the charging infrastructure that will be needed to electrify the City's 129 light duty, non-emergency, fleet vehicles. The report concluded the City will need three Level 1 chargers (15-20 Amps each), fifty-four Level 2 chargers (40 Amps each) and four Direct Current Fast Chargers (80 Amps or more) installed across eleven City facilities. Staff is currently preparing an assessment of charging needs for City employees. Installation of charging infrastructure for the City's fleet and employees will begin after the assessment is completed.

Staff are also working with EBCE to install one to three fast charging hubs for electric vehicle charging. Hubs would serve the general public but would be sited to also serve residents of multi-family properties, many of which are older buildings that lack the infrastructure needed to support EV charging. Implementation of these projects will be contingent on receiving funding through the Federal Infrastructure Investment and Jobs Act, which staff plan to apply for.

Equipment and Software

The “Equipment and Software” category is predominantly comprised of equipment-related purchases supporting the Fire, Police, Maintenance Services, Public Works & Utilities, and Information Technology Departments, such as the purchase of Fire Department radios, purchase of fleet cameras, and replacement of aging fiber optic lines between City facilities. The recommended FY24 CIP includes programming of approximately \$4.7 million in this category.

Airport

This category encompasses all projects related to the improvement of the Hayward Executive Airport (HEA), the City’s self-supporting general aviation reliever airport which encompasses nearly 500 acres. One key project in this category is the Sulphur Creek Safety Enhancement – Design and Construction Project, which involves the installation of box culvert to place portions of Sulphur Creek underground adjacent to airport runways. These areas were identified by the local Runway Safety Action Team as a safety hazard. The project is designed to eliminate open ditches and create a flat surface near the runways. This will prevent damage to aircraft that veer off the runway pavement. Implementation of this project has been delayed due to the issues related to inter-agency agreement related to location of a suitable environmental mitigation site, and the project is anticipated to begin after Fiscal Year 2025. The project includes a total budget of \$8.3 million, which is being provided by the Federal Aviation Administration (FAA), Caltrans Division of Aeronautics, and the City’s Airport Enterprise fund.

Miscellaneous

The “Miscellaneous” category includes projects which do not neatly fit into the other categories. Projects include the Comprehensive General Plan Update, Property Acquisition Management, Route 238 Property Projects, and Parcel Group Projects. The Parcel Group projects, which are currently budgeted at \$451,000 combined in FY24, are used to facilitate the new cohesive development of former Caltrans 238 property parcels with the goals of eliminating blight, creating public benefits for the community, and generating excess land value to the City.

Identified and Unfunded Capital Needs

The last section of the Recommended FY24 – FY33 CIP is the Identified and Unfunded Capital Needs section. This list was last significantly modified for the FY16 CIP to remove projects that were funded with Measure C and Measure BB funds, like improvements to Fire Stations 1-6, construction of a new 21st Century Library and Community Learning Center, and \$1 million per year for paving improvements. A significant reduction occurred with street and transportation-related projects, due to the passage of Measure C, Measure BB, and the Road Repair and Accountability Act (RRAA) (SB1).

While the approval of Measure C allowed the City to address many critical facility needs (e.g., the new Library, upgrades to Fire Stations, and the new Fire Training Center), significant needs still exist. The facility update to the City’s Corporation Yard (Corp Yard) is one such capital need that remains unfunded. The Corp Yard is comprised of six buildings on Soto Road which were originally constructed in the early 1980s and are in need of major improvements. The necessary improvements to the Corp Yard were estimated several years ago to amount to more than \$50 million. The Recommended CIP includes a “Corporation Needs Assessment” Project, which would fund the development of a revised assessment to determine the current improvement needs and updated costs.

Another significant need included in the Unfunded Capital Needs list as part of the Recommended CIP is the South Hayward Youth and Family Center, which currently has an unfunded need of an estimated \$27,000,000 for the construction phase of the project.

Unfunded Capital Needs are generally broken down into the following categories:

Information Technology:	\$967,000
Street Improvement:	\$6,420,000
Airport:	\$18,000,000
Alternate Modes:	\$41,982,000
Interchange:	\$68,100,000
Pavement Maintenance:	\$90,000,000
<u>Facilities and Improvement:</u>	<u>\$285,600,000</u>
Total:	\$511,069,000

It is important to reiterate that this list identifies critical needs that have, as of now, no identified funding sources. The number of projects will continue to grow over time, as will the amounts needed to fund these extremely important upgrades and repairs to infrastructure and equipment.

ECONOMIC IMPACT

The direct economic impact of these projects is not quantifiable. However, maintaining and improving the City’s infrastructure, fleet, and equipment will have an unquestionable impact on maintaining and improving economic health and vitality of the City. It is also important to note that capital projects are identified and prioritized with an emphasis on eliminating geographic inequities in the distribution of City services and infrastructure. Highest priority is given to areas in the community which have experienced a disproportionate level of improvements in past years, as well as those communities with the current highest need.

FISCAL IMPACT

The capital budget for FY24 totals approximately \$115 million, with a total of approximately \$905 million tentatively programmed for the entire ten-year period from FY24 through FY33. An additional \$511 million of unfunded needs have been identified for the same period.

Five of the twenty-three CIP funds rely on transfers from the General Fund for project expenses. The following table reflects the proposed General Fund transfers to these five funds when compared to FY23.

CIP Fund	Adopted FY 2023 GF Transfer	Proposed FY 2024 GF Transfer	Increase /(Decrease) from FY 2023
405/Capital Projects (General)	\$1,539,000	\$1,200,000	(\$339,000)
460/Transportation System Improvement	\$500,000	\$500,000	\$0
726/Facilities Management Capital	\$757,000	\$360,000	(\$397,000)
731/Information Technology Capital	\$1,125,000	\$300,000	(\$825,000)
736/Fleet Replacement	\$161,000	\$0	(\$161,000)
Total Cost to General Fund	\$4,082,000	\$2,360,000	(\$1,722,000)

Four of the CIP funds are also Internal Service Funds, meaning they use Internal Service Fees (ISF) to finance project expenses. Internal Service Fees are collected when one City department provides a service to another, drawing those service expenses from the operating budget of the benefiting department. Although some departments are funded by Enterprise funds, many are part of the General Fund. The Internal Service Fees paid by General Fund-supported departments have an impact on the General Fund. The total proposed Internal Service Fees for FY24 are shown below.

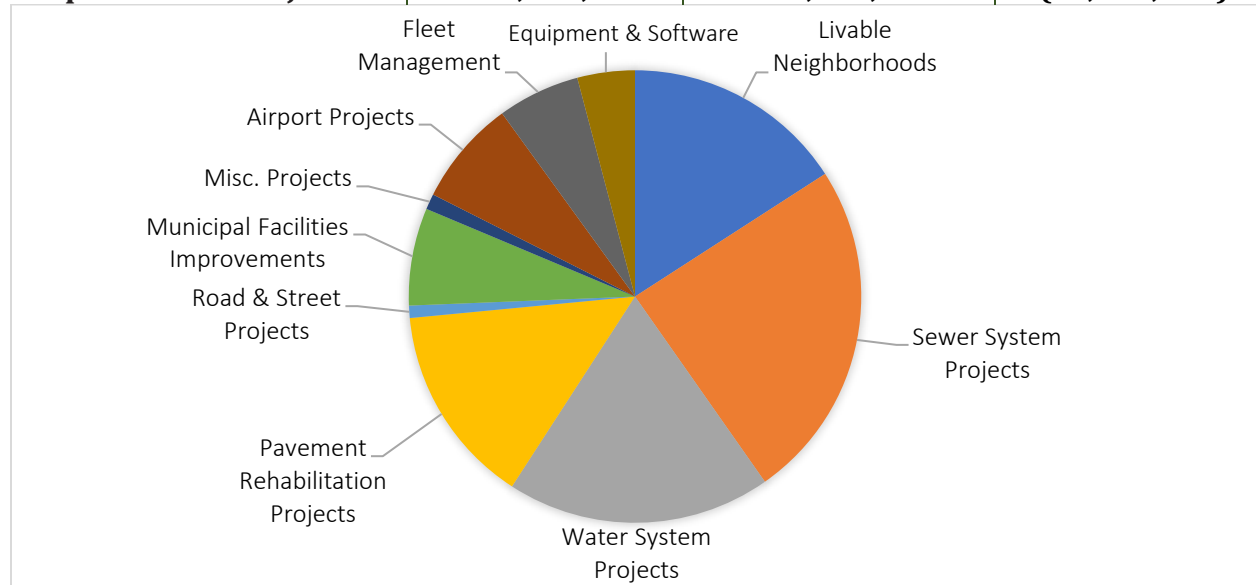
CIP Fund	Adopted FY 2023 ISF	Proposed FY 2024 ISF	Increase /(Decrease) from FY 2023
726/Facilities Management Capital	\$350,000	\$350,000	\$0
731/Information Technology Capital	\$855,000	\$810,000	(\$45,000)
736/Fleet Management Capital (General Fund)	\$3,000,000	\$4,000,000	\$1,000,000
737/Fleet Replacement (Enterprise Funds)	\$606,000	\$156,000	(\$450,000)
Total ISF	\$4,811,000	\$5,316,000	\$505,000

As displayed in the tables above, there is an overall decrease of \$1,722,000 in proposed FY24 General Fund transfers when compared to FY23, and an increase of \$505,000 in proposed FY24 ISF. It is important to note that some of the ISF referenced above have General Fund impacts, as many Departments paying ISF are funded by the General Fund. Fund 736 for General Fund Fleet Replacement, for instance, supports fleet replacement efforts for the Fire Department, Police Department, and other General Fund-funded departments, and therefore has a direct General Fund Impact.

Project Cost by CIP Category

The proposed project costs by CIP category are as follows:

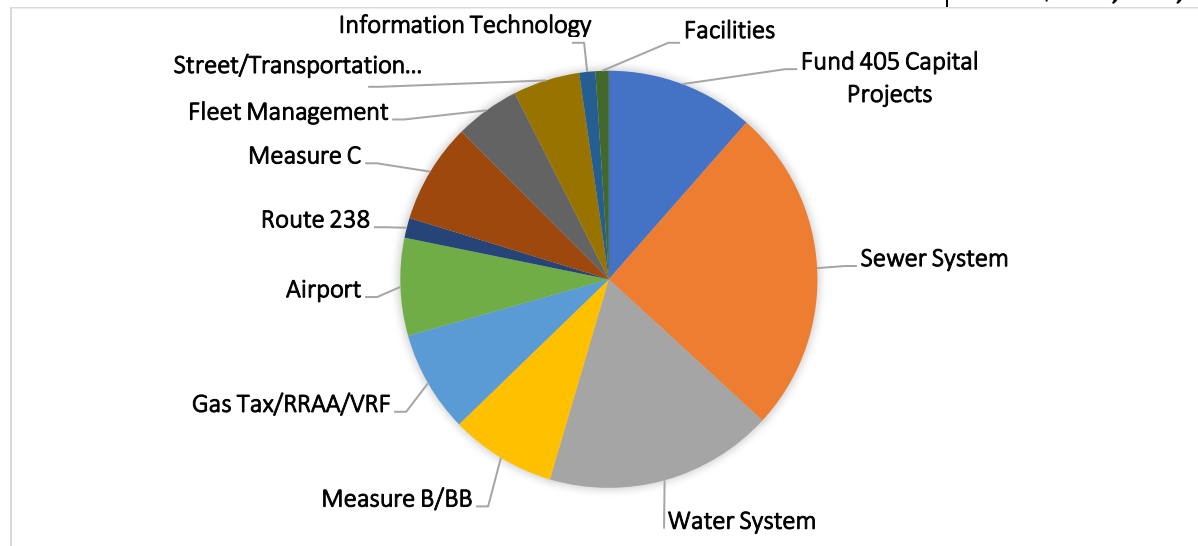
Project Category	FY 2023 Adopted	FY 2024 Recommended	Increase/ (Decrease) from FY 2023 CIP
Livable Neighborhoods	\$37,307,000	\$18,327,000	(\$18,980,000)
Sewer System Projects	\$21,124,000	\$28,135,390	\$7,011,390
Water System Projects	\$19,500,000	\$21,789,265	\$2,289,265
Pavement Rehabilitation Projects	\$10,888,000	\$16,539,000	\$5,651,000
Road & Street Projects	\$6,455,000	\$1,015,000	(\$5,440,000)
Municipal Facilities	\$6,000,000	\$8,040,000	\$2,040,000
Misc. Projects	\$912,000	\$1,286,000	\$374,000
Airport Projects	\$5,900,000	\$8,727,000	\$2,827,000
Fleet Management	\$5,380,000	\$6,789,000	\$1,409,000
Equipment & Software	\$4,656,302	\$4,742,000	\$85,698
Total Capital Improvement Projects	\$118,122,302	\$115,389,655	(\$2,732,647)



Project Cost by CIP Fund

The proposed project costs in each CIP Fund are as follows:

CIP Fund	FY24 Recommended
(210) Special Gas Tax	\$4,192,000
(211) RRAA (SB1)	\$4,000,000
(212) Measure BB - Local Transportation	\$6,455,000
(213) Measure BB - Ped & Bike	\$2,019,000
(215) Measure B - Local Transportation	\$226,000
(216) Measure B - Ped & Bike	\$15,000
(218) Vehicle Registration Fund	\$900,000
(219) Measure BB - Paratransit	\$750,000
(405) Capital Projects	\$13,228,000
(406) Measure C Capital	\$8,971,000
(410) Rte. 238 Corridor Improvement	\$1,010,000
(411) Rte. 238 Settlement Admin	\$771,000
(450) Street System Improvements	\$5,356,000
(460) Transportation System Improvements	\$615,000
(603) Water Replacement	\$10,551,265
(604) Water Improvement	\$9,902,000
(611) Sewer Replacement	\$9,953,390
(612) Sewer Improvement	\$19,318,000
(621) Airport Capital	\$8,727,000
(726) Facilities Capital	\$1,190,000
(731) Information Tech Capital	\$1,440,000
(736) Fleet Management Capital	\$5,270,000
(737) Fleet Management Enterprise	\$530,000
Total	\$115,389,655



STRATEGIC ROADMAP

The 2024 Vision and Strategic Roadmap adopted in 2020 are at the forefront of the City's capital project planning efforts, and each CIP project is evaluated for consistency with the City's Strategic Priorities.

CIP Projects touch the Confront Climate Crisis & Champion Environmental Justice, Enhance Community Safety & Quality of Life, Grow the Economy, and Strengthen Organizational Health Priorities, but predominantly support the Invest in Infrastructure Priority.

Equity

Consideration of social, environmental, and economic equity has been an important element of selecting projects, such as roadway improvements, sidewalk improvements, traffic calming, complete streets, and landscaping.

SUSTAINABILITY FEATURES

While the proposed projects are aligned with and advance the Council's Sustainability goals and policies, the action taken for this agenda report will not result in a physical development, purchase or service, or a new policy or legislation. Any physical work will depend upon a future Council action. Sustainability features for individual CIP projects are listed in each staff report.

PUBLIC CONTACT

The public has the opportunity to review and comment on the CIP at this evening's Council Work Session and will again at the Council Public Adoption Hearing, which has been tentatively scheduled for June 6, 2023.

Staff previously presented the Recommended FY24 – FY33 CIP to the Planning Commission at their April 13, 2023 meeting, at which the Commission unanimously found that the CIP was in conformance with the Hayward 2040 General Plan, A notice advising residents about the Planning Commission Public Hearing on the CIP was published on March 31, 2023 in *The Daily Review* newspaper. On April 26, 2023⁴, staff presented the Recommended FY24 – FY33 CIP to the CIC for review and input. Another Public Notice will be published in the *Daily Review* newspaper at least ten days in advance of the Council Public Adoption Hearing on June 6. A copy of the Recommended CIP is made available online at www.hayward-ca.gov/CIP, and printed copies are available at the Public Works & Utilities' Department office, at the City Clerk's office, and at both [Libraries](#)⁵. Additionally, individual projects receive Council approval and public input as appropriate.

NEXT STEPS

Once Council has reviewed and offered comments on the Recommended CIP, the appropriate updates will be made to the CIP. The Council Public Hearing for the adoption of

⁴ [CITY OF HAYWARD - File #: ACT 23-027 \(legistar.com\)](#)

⁵ <https://www.hayward-ca.gov/public-library/using-library/locations-hours>

the CIP budget is currently scheduled to take place on June 6, 2023.

Prepared by: Elli Lo, Senior Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager



File #: WS 23-018

DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Climate Action Plan: Considerations for New General Plan Policies and Programs Related to the City's Climate Action Plan

RECOMMENDATION

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

SUMMARY

The City is in the process of updating its Climate Action Plan (CAP) to establish policies and programs needed to meet greenhouse gas (GHG) reduction targets adopted by Council. The CAP, part of the Hayward 2040 General Plan, is being updated along with revisions to the Housing and Safety/Hazards Elements and a new Environmental Justice Element of the General Plan. This report provides an update on the project, draft measures, and Council's responses to a survey on the draft measures. Staff is working with Rincon Consultants to develop a list of draft measures that will help reduce community-wide emissions and seeking community feedback. The measures, to be included in the updated CAP, are intended to enable the Hayward community to meet its 2030 goal of reducing emissions by 55% below 2005 levels. This goal will not be easy to achieve. To be successful, the entire community will need to participate by making investments and reducing emissions in all sectors of the local economy.

Staff will continue engaging with community stakeholders to ensure that all policies in the CAP are equitable and align with community needs. Staff is seeking direction and ideas from the Council regarding the draft measures and any additional potential GHG-reducing measures to be considered for the draft CAP.

ATTACHMENTS

Attachment I Staff Report

File #: WS 23-018



DATE: May 16, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Climate Action Plan: Considerations for New General Plan Policies and Programs Related to the City's Climate Action Plan

RECOMMENDATION

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SUMMARY

The City is in the process of updating its Climate Action Plan (CAP) to establish policies and programs needed to meet greenhouse gas (GHG) reduction targets adopted by Council. The CAP, part of the Hayward 2040 General Plan, is being updated along with revisions to the Housing and Safety/Hazards Elements and a new Environmental Justice Element of the General Plan. This report provides an update on the project, draft measures, and Council's responses to a survey on the draft measures. Staff is working with Rincon Consultants to develop a list of draft measures that will help reduce community-wide emissions and seeking community feedback. The measures, to be included in the updated CAP, are intended to enable the Hayward community to meet its 2030 goal of reducing emissions by 55% below 2005 levels. This goal will not be easy to achieve. To be successful, the entire community will need to participate by making investments and reducing emissions in all sectors of the local economy.

Staff will continue engaging with community stakeholders to ensure that all policies in the CAP are equitable and align with community needs. Staff is seeking direction and ideas from the Council regarding the draft measures and any additional potential GHG-reducing measures to be considered for the draft CAP.

BACKGROUND

In July 2009, Hayward adopted its first CAP, which included aggressive goals for reducing GHG emissions. The CAP was amended and incorporated into the General Plan¹ in 2014 and includes actions necessary to meet Hayward's 2020 GHG reduction target (20% below 2005 levels by 2020). This target was achieved two years early, with Hayward's 2018 emissions inventory showing that community-wide emissions were reduced by 21.6%

¹https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf

from 2005 to 2018. In January 2021, staff presented to the Council Sustainability Committee (CSC) Hayward's 2019 GHG inventory² showing that emissions had been reduced by 25.7% since 2005.

On June 16, 2020³, Council introduced and on June 23, 2020⁴, Council adopted an ordinance amending Hayward's Climate Action Plan and General Plan to include the following goals:

- reduce emissions by 30% below 2005 levels by 2025
- reduce emissions by 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.

On July 20, 2021⁵, Council adopted a resolution authorizing the City Manager to execute an agreement with Rincon Consultants to prepare General Plan amendments related to the Housing Element, Climate Action Plan, Environmental Justice Element, and the Safety Element.

On May 24, 2022⁶, Council held a work session to review the GHG emission gap analysis, which identified the total GHG emissions needed to meet the 2030 and 2045 goals, and initial feedback from staff's public outreach efforts.

On October 6, 2022⁷, staff presented to the CSC a draft list of CAP measures and actions and the CSC offered comments including the following:

- The significant community outreach – especially the surveys completed by students is appreciated.
- More information on the timing of each recommended action would be helpful.
- Prioritize the actions that will have the largest impact on GHG emissions.
- Resiliency policies suggested by Save the Bay should be addressed.
- We need to have more schools involved.
- The full list is overwhelming.
- Buy-in from the full Council is needed. A survey may be appropriate.

On March 13, 2023⁸, staff presented to the CSC a draft survey, featuring 19 actions. In late March, staff sent to the full City Council the survey, which was revised to incorporate CSC comments.

On March 30, 2023⁹, the International Panel on Climate Change (IPCC) released its sixth assessment report, which highlights the state of scientific, technical, and socio-economic knowledge on climate change, its impacts and future risks, and options for reducing the

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4747797&GUID=2B1F0C6F-B961-4AA3-9553-240ACE74B4B1&Options=&Search=>

³ Amending the 2040 General Plan and Adoption of Ordinance to Comply with State Law Changes to Establish Vehicle Miles Traveled (VMT) Thresholds & Updates Greenhouse Gas Emissions (GHG) Reduction Targets. June 16, 2020 City Council Meeting.
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4568609&GUID=46FF5863-9294-4217-9119-9631D7A2BB6F&Options=&Search=>

⁴ Second Reading of VMT Thresholds and GHG Emission Reduction Targets Ordinance. June 23, 2020 City Council Meeting.
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4576651&GUID=4E2F5527-D216-4472-BB79-5D9A37A41AE8&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5034289&GUID=A1DD2D35-7B4A-42C8-9284-7DEB78AAD470&Options=&Search=>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5659884&GUID=5AF582D6-E7A0-4DB1-95EB-2F51C8FE0B50&Options=&Search=>
⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5860957&GUID=64D86CA2-B9AA-4EBB-8236-1D2362C48DB6&Options=&Search=>

⁸ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6058176&GUID=42713090-8BC0-44FF-8852-4B58DE142895&Options=&Search=>

⁹ <https://www.ipcc.ch/report/ar6/svr/>

rate at which climate change is taking place. The sixth report states that continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5 degrees Celsius in the near term, with every increment of global warming intensifying multiple and concurrent hazards. As stated in the report, deep, rapid, and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades.

DISCUSSION

The CAP update is needed to identify the policies and programs necessary to achieve the Council-adopted 2030 GHG reduction target (aligned with the State's 2030 goal, per SB 32) and put Hayward on a path to achieve carbon neutrality by 2045. Hayward's current General Plan identifies goals, policies and programs. For the updated CAP, *measures* and *actions* are identified. A measure identifies a specific, quantifiable goal (i.e., increase active transportation mode share to 15% by 2030). Each measure has several supporting actions intended to help ensure the measure is accomplished. Many actions may be policies or programs.

Once the City has identified the measures with which to move forward, the consultant will conduct an analysis of GHG emission reduction quantification of such strategies and policies. This will be used to prepare a "qualified CAP", meaning that it can be used for future GHG emissions analysis streamlining related to the California Environmental Quality Act. To be a qualified CAP, the measures identified must be aligned with SB32 and meet a 55% reduction by 2030.

Draft Measures

The draft measures cover five sectors:

- Building Energy
- Transportation
- Waste
- Water and Wastewater
- Carbon Sequestration

The measures focus on sectors that have quantifiable GHG reductions associated with them. Therefore, measures and actions related to embodied carbon or consumption have been excluded. Additionally, the CAP focuses on mitigation measures, not adaptation and resiliency. Adaptation and resiliency measures will be incorporated into the Safety/Hazards Element update. Many measures will be challenging to accomplish and will require expanding current regional collaborations, outside funding from state and federal sources and increases in staff resources.

The full list of draft measures and actions can be found in Attachment II. All the actions identified in Attachment II will be necessary to reach the City's 2030 goal. Staff recognizes that reaching the 2030 goal will be difficult, which is why many measures include feasibility studies as the first step of implementation. With feasibility studies, staff will be better equipped to minimize unintended consequences, especially to our most vulnerable communities, and create policies, programs, and ordinances that are best suited for Hayward.

In response to CSC comments made during the meetings on October 6, 2022, and March 13, 2023, staff prepared a survey to solicit Council feedback on the draft measures and actions. Five City Council members completed the survey. More detail will be presented at the Council meeting, but in general, the following trends appeared:

- A staff position should be created to pursue funding and implement sustainable transportation actions.
- Conducting an urban tree canopy study should be a priority.
- Regarding electrification of existing homes, exemptions should be created where necessary to protect low-income residents.
- Bans on problem solid waste materials should be prioritized over fees, eliminating materials from being released into the environment first.
- Taxes are not a preferred method of implementation and staff should explore other methods to fund actions.

ECONOMIC IMPACT

Climate crisis is expected to negatively impact national and local economies. The updated CAP will seek to help make Hayward's economy more resilient to climate change. Many of the programs identified above would create increased costs for Hayward community members and businesses, but also have the potential co-benefits such as better health outcomes and job creation. As the measures are refined, staff will review each for potential economic impacts such as job creation/job retention and Hayward's desirability for developers and businesses to locate in Hayward. Once the measures list is revised per Council and community input, the consultant team will create a funding and financing strategy to implement four key measures.

FISCAL IMPACT

Council approved a total budget of \$720,000 for the General Plan updates. Preparing the updates will not impact the City's General Fund. The project is funded by a Local Early Action Planning (LEAP) Grant from the California Department of Housing and Community Development (HCD), the Development Services Department's Planning Policy Fund, and the Public Works & Utilities Department's Recycling, Water, and Sewer Funds.

Several of the proposed CAP actions would have a significant fiscal impact and would require an increase in staff resources. A more detailed assessment of the fiscal impacts associated with implementing the new CAP will be presented in a future report.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to Confront Climate Crisis & Champion Environmental Justice. Specifically, this item is related to implementation of the following project:

Project C5: Adopt & Implement 2030 GHG Goal and Roadmap along with other General Plan Elements

SUSTAINABILITY FEATURES

Meeting GHG reduction goals is the primary objective of the City's CAP. Meeting the goals will require reducing emissions in every sector of Hayward's economy and will entail improving energy efficiency in buildings, decarbonizing existing buildings, increasing the use of renewable energy, and reducing vehicle-related emissions. All these actions will result in cleaner air for Hayward residents and for the region.

PUBLIC CONTACT

Equitable Outreach Plan

There is considerable overlap between the issues addressed in the Climate Action Plan, Housing Element and Environmental Justice Element. As a result, staff is conducting public outreach for all three projects simultaneously, with an emphasis on equity and extensive community involvement.

Prior to the Environmental Justice and CAP community workshops, staff reached out to over 100 community-based organizations and groups in Hayward to gauge interest in collaborating on the General Plan updates. Staff members have also visited various locations around Hayward (grocery stores, laundromats, farmers market, BART stations, etc.) to pass out flyers with information on the General Plan Updates and how residents can be involved. Collectively, Environmental Services and Planning staff visited nineteen different locations across the City. Housing outreach has included standard surveys and interviews and an interactive housing simulation that allows people to identify sites and areas for future development.

Additionally, staff organized a Gallery Walk Event, featuring large poster boards with information on the Climate Action Plan, Housing Element, Environmental Justice Element, Hazards Element, and the History of Hayward. The posters were printed in both English and Spanish and were displayed in City Hall, the Downtown Hayward Library, BART, the Farmers Market and at Chabot and Hayward NAACP Branch offices in conjunction with outreach events. Additionally, staff offered the posters to various organizations and Alameda County Transit Authority requested the posters to display in their Hayward facility where approximately 400 Hayward residents are employed. Community members were invited to learn about the General Plan updates by walking through the gallery and engage with the posters through QR codes.

Another avenue of community engagement has been through surveys and interviews conducted by college students in Hayward. Chabot College students have helped the City by surveying residents about parks, housing, and climate action. In Spring 2021, Chabot College students interviewed 252 residents about their experience, concerns, and ideas for parks in Hayward. Chabot students also interviewed approximately 550 residents online in Fall 2021 and Spring 2022 about housing, discrimination, pollution, and community amenities. In Summer 2022, Chabot students interviewed approximately 350 residents about their experience, concerns, and thoughts on initiatives regarding general climate change and climate action. Additionally, students in a public health capstone class at California State University East Bay (CSUEB) conducted surveys, receiving over 250

responses, around park access, pollution, access to healthy food, and safe and sanitary housing.

Staff hosted various focus groups and meetings with stakeholders since the May CSC meeting. The City hosted a focus group with members from Tennyson High School's Green Team – eight students and two teachers participated. In July, staff hosted four focus groups with Eden Housing tenants at Alta Mira, Tennyson Gardens, Montgomery Plaza, and Hayward Senior, with 48 participants total. Staff also met with Eden Housing staff, Save the Bay staff, the Sierra Club, and the Starr King Unitarian Universalist Church. Staff has been in communication with the Bay East Association of Realtors, who have informed staff they will oppose any requirements that are triggered by the sale of a home. Staff tabled at the Hayward Community Family Fair on June 17, the Juneteenth Wellness Festival on June 18, and the Downtown Street Party on August 18. Staff hosted a second community public workshop on July 19, where residents had the opportunity to discuss and provide input on the draft measures.

In October 2022, Council received a letter from non-profit organization Save the Bay, urging the City to incorporate policies centered on equitable climate resilience to the General Plan Update. The letter and staff's responses with the proposed policies from the draft Hazards Element and Climate Action Plan corresponding to their comments are included with the Hazards Element report, which is part of this meeting packet.

NEXT STEPS

Based on community input, Council direction, and analysis by the consultant team, staff will finalize the list of measures and actions. The consultant team will then quantify the emissions associated with each measure. Staff will continue to engage with the Hayward community to ensure that the CAP responds to community needs and does so in an equitable way. Staff anticipates bringing a draft Climate Action Plan to Council in fall 2023, as well as hosting another community workshop at that time.

Prepared by: Nicole Grucky, Sustainability Specialist
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Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager