

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
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CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Monday, March 9, 2020**

**4:30 PM**

**Conference Room 2A**

## **Council Sustainability Committee**

**CALL TO ORDER****ROLL CALL****PUBLIC COMMENTS:**

(The Public Comment section provides an opportunity to address the City Council Committee on items not listed on the agenda as well as items on the agenda. The Committee welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Committee is prohibited by State law from discussing items not listed on the agenda, any comments on items not on the agenda will be taken under consideration without Committee discussion and may be referred to staff.)

**APPROVAL OF MINUTES**

1. [MIN 20-029](#) Approve the January 13, 2020 Council Sustainability Committee Meeting Minutes

**Attachments:** [Attachment I Meeting Minutes](#)

**REPORTS/ACTION ITEMS**

2. [ACT 20-026](#) Renewal of the Municipal Regional Stormwater Permit: Review Stormwater Permit and Provide Direction to Staff

**Attachments:** [Attachment I Staff Report](#)

3. [ACT 20-027](#) Franchise Agreement: Discuss Possible Approaches to a New Solid Waste Franchise Agreement and Provide Direction to Staff

**Attachments:** [Attachment I Staff Report](#)

4. [ACT 20-028](#) Sustainability Goals for 2025 and 2030: Review and Provide Direction to Staff

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Sustainability Goals for 2025 and 2030](#)

5.     [ACT 20-029](#)     Greenhouse Gas Emission Reduction Goals: Review and Recommend to Council the Proposed Greenhouse Gas Reduction Goals to be Included in the General Plan
- Attachments:**     [Attachment I Staff Report](#)  
                                  [Attachment II StopWaste Letter of Support](#)
6.     [ACT 20-030](#)     Single-Use Food Service Ware: Consider Coordination with StopWaste to Develop and Implement a Countywide Ordinance to Regulate Single-Use Food Service Ware
- Attachments:**     [Attachment I Staff Report](#)
7.     [RPT 20-032](#)     Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program: Review and Comment on the Customer Portal Pilot Program Informational Report
- Attachments:**     [Attachment I Staff Report](#)
8.     [ACT 20-031](#)     Review and Comment on the Proposed 2020 Agenda Planning Calendar
- Attachments:**     [Attachment I Proposed 2020 Agenda Planning Calendar](#)

**ORAL UPDATES****COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS****ADJOURNMENT**



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**File #:** MIN 20-029

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Approve the January 13, 2020 Council Sustainability Committee Meeting Minutes

**RECOMMENDATION**

That the Council Sustainability Committee reviews and approves the January 13, 2020 Council Sustainability Committee meeting minutes.

**SUMMARY**

The Council Sustainability Committee (CSC) held a meeting on January 13, 2020, and the draft minutes are attached for the Committee's review and approval.

**ATTACHMENTS**

Attachment I          CSC 1/13/20 Meeting Minutes

CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING  
Hayward Downtown Library – Meeting Room  
888 C Street, Hayward, CA 94541  
January 13, 2020  
4:30 p.m. – 6:29 p.m.  
**MEETING MINUTES**

**CALL TO ORDER:** Meeting called to order at 4:30 p.m. by Chair Mendall.

**ROLL CALL:**

**Members:**

- Al Mendall, City Council Member/CSC Chair
- Elisa Márquez, City Council Member
- Francisco Zermeño, City Council Member

**Staff:**

- Alex Ameri, Director of Public Works
- Alyse Lui Lightfoot, Hayward Animal Services
- Crissy Mello, Senior Secretary
- Damon Golubics, Senior Planner
- Erik Pearson, Environmental Services Manager
- Jack Steinman, Climate Corps Fellow, Environmental Services
- Jeff Krump, Solid Waste Program Manager
- Maria Hurtado, Assistant City Manager
- Nicole Grucky, Sustainability Specialist
- Taylor Richard, Climate Corps Fellow, Hayward Area Shoreline Planning Agency

**Others:**

- Brad Cea, Area Director of Public Affairs, Waste Management
- Jonathan Kevles, Senior Business Development Manager, Ameresco
- Jillian Buckholz, Sustainability Director, California State University East Bay
- Jonathan Tonel, Climate Corps Fellow, California State University East Bay
- Kali Klotz, Municipal Coordinator, Waste Management of Alameda County
- Stacy Lee, Hayward Resident, Alameda County Office of Sustainability
- Bonnie Ruf, Hayward Resident 1
- Hayward Resident 2

**PUBLIC COMMENTS**

No public comments were made.

**1. Approval of Minutes of Council Sustainability Meeting October 30, 2019**

The item was moved by Council Member Zermeño, seconded by Council Member Márquez, and approved unanimously.

## **2. Review and Comment on the Proposed Sustainability Goals to be Included in the Draft Three-Year Strategic Roadmap**

Erik Pearson, Environmental Services Manager, presented to the Committee the proposed sustainability-related goals to be included in the Draft Three-Year Strategic Roadmap for Council consideration. He provided three titles for the climate change priority, and the Committee preferred the title, "Lead in Climate and Environmental Stewardship."

Council Member Mendall felt the differences between the three and ten-year plan were appropriate and asked staff revisit the twenty and thirty year plan goals at the next CSC meeting on March 9, 2020. Council Member Zermeño asked that more emphasis be placed on reusable objects. He also questioned the reduction of trees to be planted. Mr. Pearson explained that City workers would plant 500 trees and private developers would plant 300 trees. Council Member Zermeño requested staff to research building of a recycling facility. Director Ameri responded that this request would be best handled by StopWaste.

Council Member Márquez requested staff to promote the SunShares program to encourage more residents to go solar and purchase electric vehicles (EV). Staff was also requested to work with the Alameda County Transportation Commission (ACTC) to encourage the use public transportation. The City should also partner with California State University East Bay (CSUEB), Chabot College and other schools to help reach the City's sustainability goals.

Council Mendall expressed his disappointment in the reduction of trees for planting and asked that staff utilize other sources to reach the original goal of 1,000. He also directed staff to label the electrification goals on the Strategic Roadmap to fifteen percent. He asked staff increase the five bike lane miles per year to ten. In addition, he asked that a line be added for the Shoreline Master Plan EIR.

Ms. Buckholz commented that CSUEB wishes to align with the City on its sustainability goals. She suggested having students studying abroad assist with the tree planting as they seek to offset carbon emissions from air travel.

The item was moved by Council Member Mendall, seconded by Council Member Zermeño, and approved unanimously.

## **3. Informational Report of the City's Waste Reduction and Recycling Programs**

Jeff Krump, Solid Waste Program Manager, provided the Committee the twice a year update on the solid waste, recycling, and organic materials services Waste Management of Alameda County (WMAC) provides Hayward residents and businesses under the City's franchise agreement.

Council Member Mendall directed staff to research additional services that should be included in the new franchise agreement with WMAC. Council Member Márquez expressed satisfaction with the outreach efforts of increasing residential use of bulk pick-ups. She was also pleased with the increased response to illegal dumping. Council Member Zermeño asked staff to research why businesses are opting out of recycling services and focus on outreach to increase recycling participation to 100%. Council Member Mendall agreed and noted that recyclables from businesses tend to be higher quality recyclable material.

#### **4. Review and Comment on the CY 2017 Greenhouse Gas Emissions Inventory Report**

Nicole Grucky, Sustainability Specialist, presented a report with results from the 2017 greenhouse gas (GHG) inventory.

Miss Grucky announced that the City reduced emissions by 14.6%, and the City is on track to meet its 2020 goal with the assistance of East Bay Community Energy (EBCE). In addition, residential electricity emissions have also decreased due to PG&E's use of cleaner energy. She noted that the figures don't include recent work with EBCE which began in 2018, nor emissions from food.

Council Member Mendall reflected when the Committee was created in 2009 and commended fellow Committee members and staff on the progress made over the years. Miss Grucky added that staff will continue to work with StopWaste and regional agencies to identify potential opportunities to streamline GHG inventories.

Council Member Márquez asked staff to research what incentives other cities are offering for switching to electric vehicles. Council Member Mendall requested staff to separate future inventories of energy into electricity and natural gas. The two main focuses for reduction should be transportation and natural gas in buildings. He added that it is more likely for individuals to move towards a more energy efficient vehicle than public transportation.

The Committee expressed interest in a yearly report, especially since the collaboration with EBCE.

#### **5. Discuss the Adaptation Strategies Identified in the Shoreline Master Plan**

Erik Pearson, Environmental Services Manager, presented the report on the Hayward Area Shoreline Planning Agency (HAPSA) and the preparation of a Shoreline Master Plan to make the shoreline more resilient to the effects of sea level rise.

He explained that HASPA has completed two vulnerability assessments for the shoreline and presented various adaptation strategies for review. Mr. Pearson noted that one option being considered is possible near-shore discharge of treated wastewater.

Council Member Márquez inquired how neighboring cities are developing their shoreline master plans. Damon Golubics, Senior Planner, answered that Hayward has been leading the efforts on a shoreline master plan and some cities have begun to follow. He added there is currently no regional effort on a master plan. The City is looking for sources of revenue for completion of the plan and have asked the consultant to include the cost of the adaptation options.

Taylor Richard informed the Committee that staff has been attending meetings of the Coastal Hazards Adaptation Resiliency Group (CHARG) to collect information on how other agencies are addressing sea level rise.

Council Member Mendall asked for clarification on the shared cost on Phase II of the master plan between the three agencies for California Environmental Quality Act (CEQA). He

expressed the importance of having \$80,000 in the CIP budget for Year 21 to cover the costs of CEQA. Mr. Golubics confirmed that funds are available. Council Member Mendall requested a meeting with staff to discuss the possibility of reclaiming Skywest Golf Course as marshland. He also suggested the next round of industrial corridor zoning changes include the requirement of additional fill.

He instructed staff to research additional cost analysis and alternatives and present to the Committee when completed.

## **6. Discuss a Proposed Countywide Food Service Ware Ordinance for the Reduction of Single-Use Food Service Ware**

Jeff Krump, Solid Waste Program Manager, presented the report on working with StopWaste to develop a Countywide food service ware ordinance.

Ms. Buckholz shared that CSUEB is working on offering reusable flatware and disposable flatware for a nominal cost.

Council Member Márquez supported staff's recommendations but was hesitant about the proposed fee on single-use service ware. Council Member Zermeño expressed full support for all staff recommendations, and it was inquired when the ordinance would take effect. Miss Grucky answered January 2021.

Council Member Mendall agreed that the proposed single use fee was not practical and suggested that single-use fees be kept by the merchants. He also inquired if the City could go beyond the Countywide ordinance and asked staff to research the option.

The Committee agreed that StopWaste should lead with the development of the ordinance and that Council Member Zermeño should relay comments from the Committee to the StopWaste Board.

## **7. Consider Elimination of the Environmental Awards**

Nicole Grucky, Sustainability Specialist, touched on the decline in nominations for the Environmental Awards and how resources could instead be reallocated to nominate businesses for regional awards programs. In addition, staff time could also be reallocated to assisting merchants in becoming a certified green business.

Council Member Mendall had noticed the decline and was in support with staff's recommendation. Council Member Márquez also commented on the decline and directed staff to confer with the Chamber of Commerce prior to presenting the report to Council. She also suggested that staff create a metric that ties into sustainability goals when working with businesses on their green certification.

Council Member Zermeño expressed concerns with the recommendation and felt the City should have its own awards program.

The item was moved by Council Member Mendall, seconded by Council Member Márquez. The vote passed 2 – 1 with Council Member Zermeño dissenting.



## 8. Discuss Recommendations from the Public Litter Can Assessment

Jeff Krump, Solid Waste Program Manager, presented the report and recommended purchasing twenty-five Big Belly public litter cans for areas throughout the City most affected by litter.

Council Member Márquez expressed support for the recommendation. Council Member Zermeño asked staff to continue working on having 400 litter cans throughout the City. Council Mendall stated staff should have a more aggressive goal of increasing the number of litter cans from twenty-five to fifty a year.

The Committee directed staff to provide an updated proposal and cost analysis for new cans and to educate the public about littering in the Stack and Leaflet.

## 9. Proposed 2020 Agenda Planning Calendar

Erik Pearson, Environmental Services Manager, listed the upcoming agenda items. Council Member Mendall asked staff to keep the March 9, 2020 CSC meeting's focus on Sustainability Goals for 2025/2030 and Greenhouse Gas Emissions.

Bonnie Ruf gave a brief presentation in favor of banning gas-powered leaf blowers. Director Ameri explained that the State of California is currently working on a Statewide gas-powered landscape equipment ban. Council Member Mendall instructed staff to draft a letter of support on his behalf and revisit the ordinance once the State enacts it.

Director Ameri announced new bike lanes have been completed on portions of Mission and Hesperian Boulevard. There will also be two electric vehicle 101 presentations for residents in February and March that will be available in English and Spanish. Lastly, Phase II of the solar project at the treatment plant is almost complete.

## COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:

No announcements or referrals were made.

### ADJOURNMENT: 6:29 p.m.

Attendance	MEETINGS			
	Present 01/13/20 Meeting	Present to Date This Fiscal Year	Excused to Date This Fiscal Year	Absent to Date This Fiscal Year
Elisa Márquez	✓	4	0	0
Al Mendall	✓	4	0	0
Francisco Zermeño	✓	4	0	0



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**File #:** ACT 20-026

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Renewal of the Municipal Regional Stormwater Permit: Review Stormwater Permit and Provide Direction to Staff

**RECOMMENDATION**

That the Council Sustainability Committee reviews this report and provides direction to staff.

**SUMMARY**

This report provides a summary of the pending revision and third permit cycle for the Municipal Regional Permit (MRP 3.0), which is expected to be adopted in the Spring of 2021 by the San Francisco Bay Regional Water Quality Control Board. The MRP 3.0 contains stormwater regulatory requirements related to stormwater pollution prevention control measures for both public and private properties and activities including municipal operations, development, inspections, response to illicit discharges, education and outreach, water quality monitoring, and specific controls for pollutants of concern identified by the Water Board.

**ATTACHMENTS**

Attachment I      Staff Report



**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Renewal of the Municipal Regional Stormwater Permit: Review Stormwater Permit and Provide Direction to Staff

## **RECOMMENDATION**

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## **SUMMARY**

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## **BACKGROUND**

The National Pollution Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). The NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. From 1990 to 2009 each municipality in the Bay Area was regulated under countywide stormwater permits with individual requirements specific to each county. On October 14, 2009 the first regional stormwater permit, the MRP, was adopted by the San Francisco Bay Regional Water Quality Control Board. The MRP regulated municipalities within the counties of Alameda, Contra Costa, Santa Clara, San Mateo as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. Municipalities and local agencies included in the MRP are referred to as 'Permittees'.

The first MRP, was adopted on October 14, 2009 as a five-year permit and administratively extended through December of 2015. The permit was revised and MRP 2.0 was adopted on November 19, 2015 and became effective on January 1, 2016. MRP 2.0 will expire on June 30, 2021. The San Francisco Regional Water Quality Control staff and the Bay Area Stormwater

Management Agencies Association (BASMAA), a consortium of all Bay Area Stormwater programs, have conducted meetings since October 2019 to discuss the next permit (commonly called MRP 3.0) and the implications of any proposed changes.

## **DISCUSSION**

The MRP 3.0, as with the first and second MRP, will include provisions prescribing best management practices (BMPs) that each municipality must implement to comply with stormwater pollution prevention requirements. The MRP 3.0 provisions are listed below:

- C.1. Prohibitions and Limitations
- C.2. Municipal Operations
- C.3. New Development and Redevelopment
- C.4. Industrial and Commercial Site Controls
- C.5. Illicit Discharge Detection and Elimination
- C.6. Construction Site Control
- C.7. Public Information and Outreach
- C.8. Water Quality Monitoring
- C.9. Pesticides Toxicity Control
- C.10. Trash Load Reduction
- C.11. Mercury Controls
- C.12. Polychlorinated Biphenyls (PCBs) Controls
- C.13. Copper Controls
- C.14. Bacteria Controls (applicable to the City of Pacifica and San Mateo County only)
- C.15. Exempted and Conditionally Exempted Discharges

The MRP 3.0 also requires annual reporting on all stormwater management and control measures and all Permittees are subject to audits at any time by the Water Board during which all current implementation programs and efforts can be assessed to determine a Permittee's compliance status.

At this time, BASMAA and Water Board staff are discussing the proposed changes to the MRP 3.0 and are working on a draft permit. The most significant and most controversial provision is C.10, Trash Load Reduction. Preliminary discussions amongst BASMAA and Water Board staff have included:

- Terminology change for trash reduction compliance from "100% reduction" to something more consistent with the Statewide Trash Amendments involving full capture of trash from municipal storm drain systems. This would provide a defined road to compliance using trash capture and other methods of trash reduction;
- Continuous opportunity to revise/improve a Permittee's baseline map based on new information. For example, if an area has been redeveloped and has no contribution to trash generation, it can be eliminated from the municipalities overall area where trash reduction has to be implemented;
- Remove Caltrans right of ways that are currently included on Permittee maps;

- Allow for partial trash capture credit when Permittees use trash booms, sea curtains, trash racks and similar capture systems;
- Include a consistent methodology and frequency for visual assessments;
- Retain the existing source control credits (such as plastic bag and polystyrene bans);
- Remove trash monitoring from C.10 and move it to Provision C.8 (Water Quality Monitoring), where the countywide clean water programs can assume a cost sharing;
- Expand credits for creek and shoreline cleanups.

The majority of the Permittees were able to reach the required 80% reduction during MRP 2.0; however, the majority of Permittees are struggling to reach the mandated 100% reduction by the year 2022. Hayward is currently at 69% trash reduction. Future trash capture installation projects will increase the City's percentage in the next 2-3 years. Many Permittees are experimenting with on-land pick up methods, combating illegal dumping, and inspection tactics to increase enforcement against property owners who do not take responsibility for trash generated on their property, to reach the 100% reduction goal. These methods require a trash assessment verification to prove credit for trash reduction and require additional staff and equipment resources to complete. To meet the 100% reduction goal, staff intends to increase stormwater inspections and enforcement, which will include asking businesses to clean up their properties and take an active role in managing trash from their establishments.

Other provisions in the MRP 3.0 that might increase requirements for permittees are controls for polychlorinated bisphenols (PCBs), mercury, and greener infrastructure development. Requirements may include more stormwater treatment during development, monitoring, and control of PCBs during development and demolition.

## **ECONOMIC IMPACT**

Compliance with the MRP 3.0 may result in costs to some Hayward businesses as regulation of pollutants of concern result in increased monitoring and disposal fees. Enhanced regulations speculated in the MRP 3.0 may include an increase in stormwater inspections with a strong emphasis on trash, PCBs, and mercury controls, which may impact local businesses. The development community will share in any proposed green infrastructure requirements as well as the planned implementation of the City's adopted Green Infrastructure Plan.

## **FISCAL IMPACT**

The fiscal impacts of implementing the MRP 3.0 are unknown including the staff resources it will require to implement the new requirements described above. Funding for MRP-related activities is currently provided from the City's stormwater enterprise fund, which is funded by property tax revenue. However, expenditures have been and are expected to increase every year. Staff is challenged with finding innovative tools and other resources to comply with the MRP but will continue to participate in the Alameda Countywide Clean Water Program's committees and receive regional support from these efforts.

## **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 17: Meet regulatory requirements for zero trash in stormwater by installing trash capture devices

## **SUSTAINABILITY FEATURES**

Preventing pollution from entering the storm drain system will benefit Haywards aquatic ecosystems and the health of the San Francisco Bay. The requirements to eliminate trash from the storm drain system (Provision C.10) is a priority project (Infrastructure project 17) in the Citywide Strategic Roadmap adopted by Council on January 28, 2020.

## **PUBLIC CONTACT**

No public contact has been made regarding this agenda item. Water Board Staff will be hosting hearings with the Water Board in the future and city staff will participate in those proceedings.

## **NEXT STEPS**

Water Board staff have indicated that the effective date of MRP 3.0 is likely to be July 1, 2021. An administrative draft is expected to be released in mid-2020, followed by a formal draft Tentative Order in late 2020. After receiving direction from the Committee, staff will relay comments to BASMAA and continue to update the Committee with future developments regarding the draft MRP 3.0.

*Prepared by:* Elisa Wilfong, Water Pollution Control Administrator

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*



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Kelly McAdoo, City Manager



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**File #:** ACT 20-027

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Franchise Agreement: Discuss Possible Approaches to a New Solid Waste Franchise Agreement and Provide Direction to Staff

**RECOMMENDATION**

That the Council Sustainability Committee discusses two main options regarding the Franchise Agreement and provides direction to staff.

**SUMMARY**

The City holds a franchise agreement with Waste Management of Alameda County (WMAC) to provide solid waste, recycling, and organic materials, collection, and processing services. The current agreement commenced March 1, 2015 and is scheduled to expire March 1, 2022. The agreement includes the option to extend it for three 12-month periods, so if the City decided to extend the contract the maximum numbers of times, the agreement would expire March 1, 2025. This report presents two main options regarding the City's decision to either enter into exclusive negotiations with WMAC or prepare and release a request for proposals (RFP). This report provides a list of advantages and disadvantages associated with extending the current agreement or releasing an RFP, as well as suggested services and performance requirements that may be included in the next solid waste franchise agreement.

**ATTACHMENTS**

Attachment I      Staff Report



**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT** Franchise Agreement: Discuss Possible Approaches to a New Solid Waste Franchise Agreement and Provide Direction to Staff

## **RECOMMENDATION**

That the Council Sustainability Committee discusses two main options regarding the Franchise Agreement and provides direction to staff.

## **SUMMARY**

The City holds a franchise agreement with Waste Management of Alameda County (WMAC) to provide solid waste, recycling, and organic materials, collection, and processing services. The current agreement commenced March 1, 2015 and is scheduled to expire March 1, 2022. The agreement includes the option to extend it for three 12-month periods, so if the City decided to extend the contract the maximum numbers of times, the agreement would expire March 1, 2025. This report presents two main options regarding the City's decision to either enter into exclusive negotiations with WMAC or prepare and release a request for proposals (RFP). This report provides a list of advantages and disadvantages associated with extending the current agreement or releasing an RFP, as well as suggested services and performance requirements that may be included in the next solid waste franchise agreement.

## **BACKGROUND**

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

The City has wide discretion with respect to awarding franchises. The Charter, Sec. 1503, allows for non-competitive negotiations with a single provider if Council determines that it is in the City's best interests. Consistent with the Charter, Municipal Code Sec. 11-1.12 authorizes the Council to exercise broad discretion in awarding franchises, including engaging in exclusive negotiations with an existing franchisee.



The 2015 franchise agreement included several new services for Hayward businesses and residents as well as elements intended to increase diversion from landfill. Regardless of whether conducting negotiations with the current service provider or receiving proposals from all interested service providers, the City can request that the new contract include new service and diversion elements.

## **DISCUSSION**

The City has two main options regarding the franchise agreement. The first is to consider a negotiated agreement with WMAC, in order to continue the current franchise agreement beyond its initial, intermediate, or eventual expiration date. The second option is to prepare and issue a request for proposals (RFP), before or after any discussions with WMAC, and call for new proposals from any qualified and interested service provider, including WMAC. If the City pursues the first option and begins negotiating exclusively with WMAC, the City could still issue an RFP if negotiations are not successful so long as the decision to stop negotiations and issue an RFP is made in a timely manner. Regardless of whether conducting negotiations or requesting proposals, an overarching goal of any new agreement is to preserve and enhance the services that the community is currently receiving under the franchise agreement.

### **Enhancing Services for the Hayward Community and Complying with New Laws**

Staff developed the following set of potential elements for consideration in a new franchise agreement. This list provides current and emerging issues, and predominant on this list are issues related to the upcoming implementation of Senate Bill 1383, Short-lived climate pollutants (SLCP)<sup>1</sup>, of which the service provider will be a key partner. A top goal of SB 1383 is reducing statewide methane emissions through reduced landfilling of organic waste (yard trimmings, food scraps, paper, wood, and more). The regulations require that by 2022 jurisdictions provide organics recycling programs, create mandatory participation policies, increase edible food recovery efforts, and enforce organics recycling program participation by residents and businesses.

- SB 1383
  - Requires container color coding by stream type: Recycling (Blue), Organics (Green), Trash (Black or Grey). Generally, replacing the entire bin, rather than just the lid (as required by SB 1383 regulations), will be more effective for public education. Changing over the entire cart inventory can cost more than \$10 million, so scheduling and costs should be considered.
  - Requires edible food recovery - consider whether there should be a sub-contract to collect donated food/food recovery services.

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<sup>1</sup> [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1383](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383)

- Requires procurement of compost, mulch, renewable gas and/or electricity from biomass conversion. Consider switching truck fuel to RNG and adjusting compost giveaways and City mulch allotments to help fulfill these requirements.
- Requires monitoring for contamination- Consider including cameras in organics bins, hiring auditors, and cameras in trucks.
- Contamination is an increasing concern in both the recycling and organics streams as it causes significant cost issues in post-collection processing, impacting rates. Consider allowing the hauler to assess financial penalties on generators for contamination.
- Schools – Schools can be covered by franchises but are not required. Asking customers to follow the same recycling rules at school and home would be an advantage for public education. Staff could explore including the Hayward Unified School District, California State University East Bay and Chabot College in the next franchise agreement.
- Public Litter Cans – Consider increasing the number of litter cans that can be serviced by the hauler.
- Low-to-Zero Emission Trucks – Consider requiring the service provider to implement the use of low-emission collection vehicles, should technology evolve to make implementation feasible during the life of the contract.
- Local Processing of and Marketing for Plastics and Paper – The new contract could incentivize the development and use of local processing facilities and markets for recyclables.
- Organics Diversion - The new contract could incentivize reaching new levels of organics diversion by sending Hayward organics to WMAC's organics material recovery facility.
- Illegal Dumping Collections - A new service included in the 2015 Franchise Agreement was that WMAC collect up to six occurrences of illegal dumping per week in Hayward. The new contract could consider increasing the number of occurrences of illegal dumping WMAC collects.
- Residential Recycling Collection – WMAC currently subcontracts with Tri-CED to collect most residential recycling. Tri-CED has been facing significant challenges. Council should consider conditions under which the new franchise agreement would continue to use Tri-CED for residential recycling services.

## **Negotiating an extension of current franchise vs. issuing new RFP**

The advantages and disadvantages of conducting negotiations with the current service provider or going out to bid are listed below.

### **Enter into an initial period of negotiations with current franchisee:**

Advantages include:

- A new franchise agreement with enhanced services to the community can be in place and commence more quickly.
- WMAC has historically provided the City with reasonable rates; staff expects rates to remain reasonable under any extension of the current franchise.
- WMAC has been providing reasonably good service and has been responsive to City needs when they are asked to respond; staff expects this to continue in the future.
- WMAC has served the City for decades and knows the City well; there is no learning curve.
- In the past 30 years, WMAC has been affected by only one employee action work stoppage; the company worked very hard to reduce the impact to Hayward residents and businesses.
- Consistent with the City priorities, WMAC has incorporated several green practices in its operation, including extracting bio-gas from its landfill to fuel a fleet of its collection trucks.
- WMAC has a regional transfer station, which is located only eight miles from downtown Hayward, and which has adequate capacity to meet its current needs and plans for substantial improvements in the future.
- WMAC owns and operates an in-County disposal site at Altamont Landfill with sufficient capacity for the next several decades. Incidentally, Measure D “waste disposal” funds are more easily assessed, collected, and remitted to the City since waste is disposed at an in-County landfill.

Disadvantages include:

- There is no objective way of knowing the rates that other service providers might propose for the same service levels.
- Given the opportunity, other service providers might be able to offer services, including customer service, that are more innovative, efficient, and effective than those provided by WMAC.

**Prepare a RFP for a potential new franchisee:**

Advantages include:

- Provides a level playing field for other service providers to submit proposals.
- City might get a lower-cost proposal through such a process.
- As a general rule, it is sometimes a good idea to contract with new service providers as a tool to discourage complacency and encourage innovation and competition.

Disadvantages include:

- Most items that are enumerated as “Advantages” under negotiating with WMAC.
- While there is sufficient time before the expiration of the initial terms, and there are three one-year extensions of the current contract, issuing a request for proposals and selecting a contractor can be a lengthy and labor-intensive process.
- There is a possibility the City may not obtain a lower-cost proposal compared with a negotiated extension of the current franchise.
- While it is not possible to predict what could happen in the future, a new service provider offering services at untested rates might not be able to keep its commitments and remain financially viable, resulting in unexpected rate hike requests, or the prospect of financial insolvency.

**Residential recycling services:**

Since inception of the residential recycling thirty years ago, the service has been provided by Tri-CED Community Recycling as a subcontractor to WMAC. In recent years due to reluctance of China and some other countries in accepting recyclables from the US, Tri-CED has experienced financial and operational challenges. For any new or extension of the existing

franchise and in consultation with Tri-CED, a decision would have to be made regarding contamination of the services by Tri-CED.

### **Timeline:**

The estimated schedule for completing the negotiations is summarized as follows:

#### *Negotiated Agreement Successful:*

Request Council Authorization to Begin Negotiating with WMAC	September 2020
Begin Negotiating Period	October 1, 2020
End Negotiating Period and Report to Council	October 1, 2021
Complete New Franchise Agreement and Schedule Council Action	By June 2022

#### *Negotiated Agreement Unsuccessful:*

Request Council Authorization to Begin Negotiating with WMAC	September 2020
Begin Initial Negotiating Period	October 1, 2020
Conclude Initial Negotiating Period and Report to Council	June 1, 2021
Prepare RFP for Consultant Services for Assistance with Selecting the Franchisee	Winter 2021
Council Action for Entering into an Agreement with Selected Consultant	Winter 2021
Prepare RFP (with consultant's help) for Council issuance	Summer/Fall 2022
Receive Proposals	Winter 2022
Select a Franchisee and Negotiate a Contract	Spring 2023
Council Approval of New Franchise Agreement	Summer 2023
New Service Provider to Order Carts, Bins, Vehicles, etc.	Summer 2023
Receive equipment and distribute new collection carts	Summer 2024
Begin New Service	January 1, 2025

### **FISCAL/ECONOMIC IMPACTS**

Maintaining reasonable solid waste and recycling service fees and improving service levels would have a positive impact on the community. Regardless of the path chosen, the negotiation of a new franchise agreement is likely to require significant staff time, however, such staff time will be absorbed by already budgeted positions. If rates are increased, Franchise Fees will also increase, which will benefit the City's General Fund, Recycling Fund, Stormwater Fund, and Street System Improvement Fund.

### **STRATEGIC ROADMAP**

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

Project 7:                      Implement targeted illegal dumping prevention program

Project 7, Part 7a: Pilot programs and analysis  
Project 7, Part 7b: Roll out permanent program

## **SUSTAINABILITY FEATURES**

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

## **PUBLIC CONTACT**

No public contact has been conducted.

## **NEXT STEPS**

Upon direction from the Committee, City staff will draft a franchise agreement report for Council and prioritize potential elements of a new agreement.

*Prepared by:* Jeff Krump, Solid Waste Program Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Kelly McAdoo, City Manager



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** ACT 20-028

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Sustainability Goals for 2025 and 2030: Review and Provide Direction to Staff

**RECOMMENDATION**

That the Council Sustainability Committee reviews and comments on this report and provides direction to staff regarding the recommended sustainability goals for 2025 and 2030.

**SUMMARY**

Staff seeks the Committee's comments on the proposed sustainability-related goals for 2025 and 2030.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Sustainability Goals for 2025 and 2030



**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Sustainability Goals for 2025 and 2030: Review and Provide Direction to Staff

### **RECOMMENDATION**

That the Council Sustainability Committee reviews and comments on this report and provides direction to staff regarding the recommended sustainability goals for 2025 and 2030.

### **SUMMARY**

Staff seeks the Committee's comments on the proposed sustainability-related goals for 2025 and 2030.

### **BACKGROUND**

On September 17, 2019<sup>1</sup>, staff presented to the Committee a range of sustainability topics for which goals may be developed. The Committee expressed a desire to collect input from the rest of the Council and to have the goals adopted in the first half of calendar year 2020. The Committee also suggested prioritizing goals by those that are most effective in reducing greenhouse gas (GHG) emissions.

On October 7, 2019<sup>2</sup>, the City Council and Executive Team held a Joint Strategic Planning work session to discuss the vision, priorities, and projects for the City of Hayward over the next three years, which is being called the Strategic Roadmap. During the work session, "Combat Climate Change" was an agreed-upon priority and the following projects were identified to support the priority:

- Ban natural gas in new buildings (year 1)
- Ban single use plastics (year 1)
- Create 2030 GHG goal and roadmap (years 1-3)
- Plant 1000 trees a year (years 1-3)

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4135838&GUID=65F6D449-A3CC-41EA-99BC-BAD8654FA2ED&Options=&Search=>

<sup>2</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=723878&GUID=63FC68FC-4836-4730-AC3C-E0B0F0A14506&Options=&Search=>



- Transition citywide energy use to 100% renewable (by year 3)
- Transition city operations to 100% renewable energy (by year 3)
- Transition 15% of city fleet to electric (by year 3)
- Complete Shoreline Master Plan & EIR (by year 3)

On December 17, 2019<sup>3</sup>, Council held a work session to review a revised draft of the Strategic Roadmap and on January 13, 2020<sup>4</sup>, staff presented an updated list of sustainability projects and topics showing how many of the sustainability topics presented to the Committee on September 17, 2019, had been incorporated into the draft Strategic Roadmap. On January 28, 2020<sup>5</sup>, Council adopted the *City of Hayward Three-Year Strategic Roadmap* for FY21 through FY23.

## DISCUSSION

Attachment II lists the sustainability-related projects contained in the Strategic Roadmap adopted by Council on January 28, 2020. Additional topics discussed with the Committee on September 17, 2019 and January 13, 2020 are also included.

The table presented at the Committee’s January meeting included several projects with yellow highlighting to indicate that goals for 2025 and 2030 were yet to be determined. The updated table now has numeric percentage-based goals for the previously identified projects. Many projects identified in the Strategic Roadmap are expected to be completed prior to 2025 or do not lend themselves to the identification of goals for 2025 and 2030. Those projects are noted with “NA” (not applicable) in the 2025 and 2030 columns. Some projects or topics will require further study or in some cases, collaboration with outside agencies to determine appropriate goals for 2025 and 2030. Those projects are noted with “TBD” (to be determined) in the 2025 and 2030 columns. Staff is seeking the Committee’s comments on the revised goals for 2025 and 2030 for each of the projects and topics.

## ECONOMIC IMPACT

Climate Change is expected to negatively impact national and local economies. Updating Hayward’s climate action and sustainability goals and programs could help make Hayward’s economy somewhat more resilient to climate change.

## FISCAL IMPACT

Work on the development of new sustainability goals and the Strategic Roadmap is requiring significant staff time but is currently being absorbed by budgeted staff positions. Updating the

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<sup>3</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=749675&GUID=C8E0E807-654B-4C0B-BC89-FD602C9BB8D5&Options=&Search=>

<sup>4</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4300973&GUID=624F809A-E187-45C4-8C41-48C8BCB92014&Options=&Search=>

<sup>5</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4315589&GUID=1F328D58-C3FC-41E5-8BF7-A17E4E09DDCB&Options=&Search=>

City's Climate Action Plan and General Plan, scheduled to begin in 2020, will require additional staff resources and funding.

## **STRATEGIC ROADMAP**

While the Strategic Roadmap guides the City's efforts for the next three years, this agenda item recommends goals for 2025 and 2030 and includes more sustainability-related projects and topics that are not included in the Roadmap. The recommended goals in this report will be further refined during the update of the Climate Action Plan, which is the following project:

Project # 4, Part 4: Adopt & Implement 2030 GHG Goal & Roadmap

## **SUSTAINABILITY FEATURES**

The new sustainability goals for 2025 and 2030 will help Hayward meet its longer term GHG reduction goals. Meeting these goals will improve energy efficiency, increase the use of renewable energy, and reduce vehicle-related emissions; all of which will result in cleaner air for Hayward residents and for the region.

## **PUBLIC CONTACT**

As noted in the January report to the Committee, the development of the Strategic Roadmap included a community engagement process led by CivicMakers. No public outreach has been conducted specifically for the goals for 2025 and 2030. The update of the Climate Action Plan will include significant public outreach and engagement.

## **NEXT STEPS**

Upon direction from Committee, staff will revise the list of projects and goals and present them to Council for adoption. Council's consideration could coincide with the General Plan Amendment to incorporate the new GHG targets.

*Prepared by:* Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*



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Kelly McAdoo, City Manager

SUSTABILITY GOALS FOR 2025 AND 2030

ATTACHMENT II

Topics Presented to Committee on Sept. 17, 2019	Topics/Projects in Draft Strategic Roadmap										Notes
	No.	Lead Dpt.	Supporting Depts.	Projects * = needs funding    ** = statutory requirement <span style="color: red;">Red text</span> = not in Strategic Roadmap	Year 1 20/21	Year 2 21/22	Year 3 22/23	Year 3+	2025	2030	
	Combat Climate Change										
-	1			Reduce Dependency on Fossil Fuels							
All-electric design for new buildings	1a	PW&U	DSD	Ban Natural Gas in New Residential Buildings					NA	NA	<i>Scheduled for March 3 Council Meeting</i>
Electric vehicle charging infrastructure	1b	PW&U	DSD	Require EV Charging Infrastructure in New Construction (Reach Code)					NA	NA	<i>Scheduled for March 3 Council Meeting</i>
-	1c	PW&U	DSD, ED	Explore Feasibility of Banning Natural Gas in Non-residential (commercial) Buildings (for next code update)					NA	NA	Could be included in a reach code that could be adopted in 2022. Staff expects to begin researching in 2021.
	1d	MS	PW&U	Prepare a plan to facilitate transition of natural gas appliances to electric in City Facilities.					NA	NA	Once the plan is prepared, then goals for 2025 and 2030 can be established.
Electrification of existing buildings (in the community)	NA			<span style="color: red;">Electrification of existing buildings (in the community)</span>					20%	63%	<p>To meet the 2025 GHG reduction goal, 20% (approximately 10,000) of existing residential homes will need to be retrofitted to be all electric.</p> <p>To meet the 2030 GHG reduction goal, 63% (an additional 22,000) of existing residential homes will need to be retrofitted to be all electric.</p> <p>(This is in addition to other actions that will be necessary to meet the overall GHG reduction goals such as increasing the number of Hayward customers receiving carbon free electricity and increasing the number of electric vehicles.)</p>
Renewable Energy: Solar for the community	NA			<span style="color: red;">Renewable Energy: Solar for the community</span>					TBD	TBD	Given that most Hayward customers are already receiving 100% carbon free electricity, adding solar photovoltaics to existing buildings may not significantly reduce community-wide GHG emissions. Staff intends to work with EBCE during the update of the CAP to develop goals for increasing resiliency with installation of solar systems coupled with batteries.

Topics Presented to Committee on Sept. 17, 2019		Topics/Projects in Draft Strategic Roadmap										Notes
		No.	Lead Dpt.	Supporting Depts.	Projects * = needs funding    ** = statutory requirement Red text = not in Strategic Roadmap	Year 1 20/21	Year 2 21/22	Year 3 22/23	Year 3+	2025	2030	
	East Bay Community Energy (increase the use of renewable energy)	2	PW&U	MSD	Work with EBCE to Transition Citywide Electricity Use to 100% Carbon Free					100%	NA	As noted in the Strategic Roadmap, this will require working with income-qualified and medical baseline customers and direct access commercial/industrial customers. (Income-qualified customers are those who qualify for PG&E's California Alternative Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) programs. Direct Access customers are those who purchase their electricity directly from third-party service providers.
	-	3	PW&U	MSD	Transition Electricity Use in City Operations to 100% Renewable Energy					100%	NA	
	GHG Reduction: Goals for 2030 and beyond Support California's goal of carbon neutrality by 2045	4	PW&U	DSD	Adopt and Implement 2030 GHG Goal & Roadmap *					30%	55%	Percentages are the recommended targets for reductions in community-wide GHG emissions. Staff expects to issue an RFP for the CAP update in late 2020.
	Product bans	5	PW&U	DSD	Work with StopWaste to promote a Circular Economy and Explore Regulation of Single Use Products.							
	-	5a	PW&U	DSD	Conduct Outreach regarding single-use disposables					NA	NA	
	-	5b	PW&U	DSD	Develop ordinance regulating single-use food ware in restaurants and coordinate with county- wide efforts					NA	NA	
	Tree planting/Urban canopy	6	MSD		Plant 1,000 trees annually (500 per year by City staff, 500 additional trees by other partners (HARD, HUSD, CSU, Chabot, and private developers)					NA	NA	
	Electrification of the City's vehicle fleet	7	MSD	PW	Reduce Carbon Emissions – transition 15% of City fleet to EV/hybrid models.					20%	32.5%	Assumes conversion of 2.5% of fleet each year.
	-	8	PW	DSD	Adopt and Implement the 2019 Building Code & Fire Code					NA	NA	Codes were adopted in November 2019.
	Preparation for sea level rise	9	DSD	PW	Complete Shoreline Master Plan					NA	NA	
		9a			Complete EIR for Shoreline Master Plan					NA	NA	
	Tree planting/Urban canopy	10	MSD	DSD & PW	Update Tree Preservation Ordinance							

Topics Presented to Committee on Sept. 17, 2019		Topics/Projects in Draft Strategic Roadmap										
		No.	Lead Dpt.	Supporting Depts.	Projects * = needs funding    ** = statutory requirement		Year 1 20/21	Year 2 21/22	Year 3 22/23	Year 3+ 2025	2030	
	Improve Infrastructure											
	Public transportation improvements (efficiency, reliability, accessibility, increase in ridership)	4			Increase Transit options and ridership							
		4a	PW&U	CSD	Work with AC Transit Interagency Liaison Committee to make bus transit more convenient and reliable					NA	NA	
		4b	PW&U	DSD	Work with Alameda County Transportation Commission (ACTC) to develop a rapid bus project along Mission Blvd.					NA	NA	
		4c	PW&U	DSD	Work with Alameda County Transportation Commission (ACTC) to implement a rapid bus project along Mission Blvd.					NA	NA	
		4d			Continue to require new development adopt transportation demand management strategies to reduce the use of single-occupancy vehicles and encourage the use of alternative modes of travel					NA	NA	
		4e			Continue to work with BART to encourage transit-oriented development ton BART-owned property in Hayward.					NA	NA	
	Active transportation (bicycle & pedestrian infrastructure)	8			Implement Bike and Ped Master Plan							
	-	8a	PW&U		Add 2 miles of sidewalks per year *					NA	NA	
	-	8b	PW&U		Add 10 lane miles of bike lanes per year					NA	NA	
	-	8c	PW&U		Assess Safe Routes to School					NA	NA	
	-	8d	PW&U		Implement Safe Routes to School *					NA	NA	
	-	8e	PW&U		Assess Safe Route for Seniors in the Downtown Area					NA	NA	
	-	8f	PW&U		Implement Safe Route for Seniors in the Downtown Area					NA	NA	
		8g	PW&U		Conduct a feasibility study of Jackson Street improvements*					NA	NA	

Topics Presented to Committee on Sept. 17, 2019		Topics/Projects in Draft Strategic Roadmap										
		No.	Lead Dpt.	Supporting Depts.	Projects * = needs funding    ** = statutory requirement	Year 1 20/21	Year 2 21/22	Year 3 22/23	Year 3+	2025	2030	
	NA	NA			Reduce use of existing gasoline/diesel vehicles (in the community)					15%	45%	Staff determined that to meet the community-wide GHG reduction targets, these are the percentages of gasoline vehicles that need to be taken off the road. This could be achieved by conversion to electric or by a community member opting for car-free lifestyle.
	Reduce vehicle miles traveled by single-occupant vehicles	NA			Reduce vehicle miles traveled by single-occupant vehicles					TBD	TBD	A reduction in vehicle miles traveled will be a component of the above percentages.
	Electric vehicle charging infrastructure	9			Expand EV Charging Infrastructure for City Fleet and Employees*							
	-	9a	MSD	PW&U	Conduct analysis of future demand					NA	NA	
	-	9b	MSD	PW&U	Construct additional EV charging facilities					TBD	TBD	To be determined upon completion of the analysis (Project 9a).
	Solar for City Facilities	16	PW&U		Implement Phase 2 of solar project and investigate interim uses of additional energy					NA	NA	
	Stormwater quality	17			Meet regulatory requirements for zero trash in stormwater by installing trash capture devices							
	-	17a	PW&U		Install trash capture devices					NA	NA	
	-	17b	PW&U		Perform related trash reduction activities					NA	NA	
	Water conservation	18			Expand Recycled Water Facilities							
	-	18a	PW&U		Complete RW project construction (initial phase)					NA	NA	
	-	18b	PW&U		Develop Recycled Water Master Plan					NA	NA	
	Water conservation: Bay-Friendly landscaping	NA			Bay-Friendly landscaping					TBD	TBD	

Topics Presented to Committee on Sept. 17, 2019		Topics/Projects in Draft Strategic Roadmap										
		No.	Lead Dpt.	Supporting Depts.	Projects * = needs funding    ** = statutory requirement	Year 1 20/21	Year 2 21/22	Year 3 22/23	Year 3+ 2025	2030		
Waste & Recycling												
	Composting  Landfill diversion	NA			Increase percentage of waste sent to composting.					25%	50%	SB 1383 requires the state to reduce disposal of organic waste by 50% by 2020 and 75% by 2025. Hayward sends less organic waste to landfill compared to the state average.
	Compliance with SB 1383 (organics management and food rescue)	NA			Compliance with SB 1383 (organics management and food rescue)					20%	TBD	SB 1383 sets a statewide target to increase recovery of currently disposed edible food by 20% by 2025.  SB 1383 regulations do not include targets beyond 2025
	Consumption Reduction	NA			Reduce consumption of resources in City operations (paper, water, etc.)					TBD	TBD	
	Carbon lifecycle of materials and products	NA			Encourage the community to reduce consumption as a means to reduce material sent to landfill and to reduce GHG emissions.					TBD	TBD	
	Quality of Life											
	Wildfire and air quality impacts from wildfires	NA								TBD	TBD	Determine goals during update of Climate Action Plan and/or Local Hazard Mitigation Plan.
	Community vulnerability to extreme heat	NA								TBD	TBD	Determine goals during update of Climate Action Plan and/or Local Hazard Mitigation Plan.



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** ACT 20-029

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works  
Development Services Director

**SUBJECT**

Greenhouse Gas Emission Reduction Goals: Review and Recommend to Council the Proposed Greenhouse Gas Reduction Goals to be Included in the General Plan

**RECOMMENDATION**

That the Council Sustainability Committee reviews the Proposed Greenhouse Gas Reduction Goals to be included in the General Plan and makes a recommendation to Council.

**SUMMARY**

Hayward currently has goals for reducing GHG emissions with specific targets for 2020, 2040, and 2050. This report provides recommended GHG reduction goals for 2025 and 2030 and a carbon neutrality goal for 2045, revised based on input from the Planning Commission. This report also presents some of the actions that will be necessary to achieve the new goals as well as potential challenges related to review of new development projects.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	StopWaste Letter of Support





**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works  
Development Services Director

**SUBJECT:** Greenhouse Gas Emission Reduction Goals: Review and Recommend to Council the Proposed Greenhouse Gas Reduction Goals to be Included in the General Plan

## **RECOMMENDATION**

That the Council Sustainability Committee reviews the Proposed Greenhouse Gas Reduction Goals to be included in the General Plan and makes a recommendation to Council.

## **SUMMARY**

Hayward currently has goals for reducing GHG emissions with specific targets for 2020, 2040, and 2050. This report provides recommended GHG reduction goals for 2025 and 2030 and a carbon neutrality goal for 2045, revised based on input from the Planning Commission. This report also presents some of the actions that will be necessary to achieve the new goals as well as potential challenges related to review of new development projects.

## **BACKGROUND**

Hayward's original Climate Action Plan (CAP), adopted in 2009, included the following goals for reducing GHG emissions in both the community and municipal operations:

- 6% below 2005 levels by 2013
- 12.5% below 2005 levels by 2020
- 82.5% below 2005 levels by 2050

The above goals were established to mirror those identified in the California Global Warming Solutions Act of 2006 (AB 32), which set a statewide GHG emissions limit equivalent to the statewide GHG emissions level in 1990 to be achieved by 2020 and the Governor's Executive Order # S-03-05, which set a target of an 80% reduction by 2050. The City's goals were adjusted due to the use of a different baseline year. When the CAP was

incorporated into the General Plan in 2014, the following goals for both the community and municipal operations were included:

- reduce emissions by 20% below 2005 baseline levels by 2020
- strive to reduce emissions by 61.7% by 2040
- strive to reduce emissions 82.5% by 2050

On September 8, 2016, SB 32 was signed into law and requires that California's statewide GHG emissions are reduced to 40% below the 1990 level by 2030.

On July 16, 2018,<sup>1</sup> the Council Sustainability Committee (CSC) recommended that Council adopt an interim goal, which would be to reduce emissions by 40% below 2005 baseline levels by 2030. On September 17, 2019,<sup>2</sup> during discussion of a broader set of new sustainability goals for 2025 and 2030, the Committee acknowledged California's goal<sup>3</sup> of achieving economy-wide carbon neutrality by 2045, and asked staff to consider incorporating the 2045 carbon neutrality goal and re-evaluate the 2030 goal.

On October 30, 2019,<sup>4</sup> staff proposed GHG emission reduction goals as follows:

- 27% below 2005 levels by 2025
- 50% below 2005 levels by 2030
- 100% below 2005 levels (i.e., carbon neutrality) by 2045

The Committee voted unanimously to round up the 2025 figure and recommend the following GHG emission reduction goals:

- 30% below 2005 levels by 2025
- 50% below 2005 levels by 2030
- 100% below 2005 levels (i.e., carbon neutrality) by 2045

While acknowledging that the 30% reduction goal by 2025 may be challenging to reach, the Committee chose this as an aspirational target.

*Planning Commission's Review & Recommendation* – Prior to the Planning Commission meeting, staff consulted with an environmental consulting firm regarding the proposed GHG emission reduction goals and how they may affect the City's review of planning applications in regard to compliance with the California Environmental Quality Act (CEQA). Considering the City's use of 2005 as the baseline year, it was determined that Hayward's

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<sup>1</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=6359386&GUID=70A23070-7298-43DD-BFE8-C5F20A1838FA>

<sup>2</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=7706750&GUID=857C8FDB-84A9-4D43-A0F6-F69031B25ABF>

<sup>3</sup> In September 2018, Governor Brown signed Executive Order #B-55-18, committing California to economy-wide carbon neutrality by 2045.

<sup>4</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=7831513&GUID=CD4CAE5E-6391-4862-A2FA-6961E502C8EF>

2030 goal should be 55% to be consistent with SB 32.<sup>5</sup> Having a local goal that is not as stringent as state law can complicate the analysis of development applications. Staff also found that a carbon neutrality goal, if adopted as policy in the City's General Plan, could be very difficult for developers to provide emissions analyses showing that projects will be consistent with the General Plan. Staff presented this information to the Planning Commission on December 12, 2019,<sup>6</sup> and the Planning Commission voted unanimously to recommend that Council amend the General Plan to include the following GHG emission reduction goals.

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

In addition, the Commission briefly discussed some of the actions that will be necessary to achieve the new targets – specifically electrification of buildings and vehicles. The Commission recommended staff research the consequences of hazardous waste disposal of batteries for both homes and electric vehicles, including what other communities are doing to mitigate this risk and to maintain the commitment that the City's energy provider be as carbon neutral as possible.

## DISCUSSION

While the Planning Commission's recommended goal for 2030 is only 5% higher than that considered by the Sustainability Committee, the work that will be necessary to achieve the extra emissions reduction would be significant.

### *How the GHG Reduction Goals Could be Met –*

Electricity – To meet the proposed 2025 goal, 78% of Hayward customers would need to receive 100% carbon free electricity. By 2030, at least 93% of Hayward customers would need to receive 100% carbon free electricity. This assumes that no more than 5% of residential customers and no more than 10% of commercial customers opt-out of EBCE service. If PG&E's energy mix changes to a much cleaner mix by 2025 and 2030, that will allow for a larger opt-out rate.

Natural Gas – Hayward has seen a slow decline in residential natural gas emissions, but nonresidential natural gas use has been increasing. In order to meet the 2025 goal, if nonresidential natural gas use remains constant, 20% of residential homes (approximately 10,000 dwelling units) would need to be retrofitted to all-electric. For 2030, nonresidential natural gas use would need to decrease significantly and an additional 45% of residential homes (an additional 22,000 dwelling units) would need to be retrofitted to all-electric. With current resources available to residents, this will be very challenging to achieve.

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<sup>5</sup> While the state's goal is 40% below 1990 levels by 2030, guidance from the California Air Resources Board indicates that for cities using 2005 as a baseline, a reduction of 55% by 2040 is roughly equivalent.

<sup>6</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4274107&GUID=B4340074-1179-4CEB-B3EA-28B1BD1C6B5C&Options=&Search=>



Transportation – Hayward has seen a small decline in transportation emissions from 2005 to 2015. However, this reduction in emissions should be credited to increased vehicle efficiency as the vehicle miles traveled (VMT) have increased since 2010 as the economy recovered from the Great Recession. Meeting the 2025 and 2030 goals will rely on the City drastically reducing transportation related emissions, which accounted for 59% of Hayward's total emissions in 2017. Assuming the continuation of increased vehicle efficiency and that passenger vehicles and light trucks remain the prominent mode of transportation, 15% (around 21,000 vehicles) of the gasoline fleet would need to be replaced with electric vehicles (EVs) by 2025 and 45% (an additional 40,700 vehicles) by 2030. While very challenging, these goals can be helped with the fact that many automobile manufacturers are transitioning to production of all-electric vehicles with some planning to stop manufacturing gas-powered passenger vehicles altogether.

The following table summarizes in each column the actions that would enable Hayward to achieve the new goals.

	<b>2025</b>	<b>2030</b>	<b>2030</b>
<b>Sector</b>	<b>30%</b>	<b>50%</b>	<b>55%</b>
Electricity	78% of Hayward residents and business operate on carbon-free electricity	93% of Hayward residents and business operate on carbon-free electricity	93% of Hayward residents and business operate on carbon-free electricity
Natural Gas	10,016 housing units converted to all-electric	20,033 housing units converted to all-electric	32,554 housing units converted to all-electric
Transportation	21,030 gasoline vehicles taken off the road (converted to electric or resident opts for car-free lifestyle)	48,167 gasoline vehicles taken off the road (converted to electric or resident opts for car-free lifestyle)	61,735 gasoline vehicles taken off the road (converted to electric or resident opts for car-free lifestyle)

Considering the above potential actions, the following table shows how Hayward's emissions would need to decrease to achieve the 2025 and 2030 targets:

	<b>2005</b> in MT CO <sub>2</sub> e*	<b>2017</b> in MT CO <sub>2</sub> e*	<b>Change from</b> <b>2005 - 2017</b>	<b>2019**</b>	<b>2025</b>	<b>2030</b>
Electricity	185,890	75,118	-59.6%	-77.5%	-77.5%	-92.5%
Gas	189,995	186,111	-2.0%	0%	-11.7%	-43.3%
Transportation	664,366	624,640	-6.0%	0%	-18.2%	-45.7%
Solid Waste	42,641	38,712	+9.2%	0%	-30%	-60%
<b>Totals</b>	<b>1,082,892</b>	<b>924,581</b>	<b>-14.6%</b>	<b>-20%</b>	<b>-30%***</b>	<b>-55%***</b>
<p>*GHG emissions are reported in this table as metric tons of CO<sub>2</sub> equivalent (MT CO<sub>2</sub>e). CO<sub>2</sub>e represents an amount of a GHG whose atmospheric impact has been standardized to that of one mass of carbon dioxide, based on the global warming potential of the gas.</p> <p>**This is based on predicted reductions due to enrolling residents in EBCE Brilliant 100.</p> <p>***This is a predicted percentage change compared to 2005 GHG emissions.</p>						

## ENVIRONMENTAL REVIEW

The proposed General Plan Amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for the Protection of the Environment.

However, the adoption of policies with local GHG targets can affect how City staff conducts environmental reviews for development proposals to ensure they do not cause a significant impact to the environment. All projects subject to CEQA are required to include a GHG analysis showing the project will be consistent with SB 32. Because the proposed 2030 goal aligns with SB 32, adoption of the recommended goal will not increase the documentation or effort required of developers as they demonstrate consistency with the General Plan.

Following the Planning Commission hearing, staff continued to research the CEQA implications of adopting more stringent GHG reduction goals and how development projects will be evaluated in light of the new General Plan policies. Once the City has updated and adopted a 2030 Climate Action Plan (CAP), development projects will be able to streamline their GHG emission analysis by tiering from the CAP's CEQA document. However, until the 2030 CAP is adopted, developers may be required to prepare an analysis without the benefit of guidance or a methodology that is specific to Hayward. Staff contacted three CEQA consulting firms and all three recommended that Hayward prepare guidance for developers that would include thresholds of significance against which a project could be evaluated. Such thresholds would require formal adoption by Council. The thresholds could be numeric or could be in the form of a checklist of best management practices.

Staff also reached out to other local jurisdictions to see how development proposals are being evaluated in light of SB 32 and/or local GHG targets. A few jurisdictions, including the City of San Luis Obispo and the County of Santa Barbara have hired consultants to develop local GHG thresholds for new developments in conducting GHG emission analyses.

Staff received three quotes for preparation of thresholds that would be specific to Hayward's current GHG emissions, development regulations, and projected growth. The cost to the City to prepare the thresholds range from approximately \$10,000 to \$28,000. Once the thresholds are prepared, the cost for a developer to prepare a limited GHG analysis would range from \$3,000 to \$8,000 depending on the details of the project. Without local thresholds in place, the cost for a developer to prepare a more detailed GHG analysis would range from \$6,000 to \$12,000 and the time to prepare the analysis can be two to six weeks longer. Having established thresholds could streamline development review both for the developer and for staff; however, the time and cost to develop the thresholds and have them adopted by Council must be considered. On average, the cost for a developer to have a CEQA document prepared is approximately \$45,000 and ranges from \$14,000 to \$100,000. Given that this level of CEQA documentation is required for on average 12 projects per year, staff does not recommend development of thresholds at this time. Staff recommends that City resources be directed toward updating the CAP.

## **ECONOMIC IMPACT**

Meeting the ambitious GHG reduction goals outlined above will require significant investment throughout the community and has the potential to create new local jobs; however some necessary improvements are not currently cost-effective.

A 2016 study conducted by TRC for the City of Palo Alto estimates that retrofitting a single-family home to an all-electric package will cost the customer \$6,891 over 30 years compared to replacing their natural gas appliances (\$5,012 in up-front costs and \$1,880 in higher energy costs).<sup>7</sup>

There are currently no electrification rebates available to Hayward customers. BayREN and PG&E are both working to make rebates available in 2020. EBCE has made building electrification a priority and will likely offer existing building electrification rebates in the future; however how soon and to what extent is unclear.

Sacramento Municipal Utility District offers up to \$8,300 in rebates<sup>8</sup> for residents who switch cooktops, space heaters, and water heaters from gas to electric. SMUD's rebates are seen as a first test to learn how electrification rebates are working and whether they are effective.

## **FISCAL IMPACT**

The reductions in GHG emissions necessary to achieve the new goals will require significant leadership and coordination by the City, which will not be possible with existing staff resources. As new programs are developed to meet the City's sustainability goals, staff will identify specific resources needed.

## **STRATEGIC ROADMAP**

This agenda item relates to the Strategic Priority of Combat Climate Change. Specifically, this agenda item aligns with the implementation of the following project:

Project 4: Adopt & Implement 2030 GHG Goal & Roadmap

## **SUSTAINABILITY FEATURES**

Meeting GHG reduction goals is the primary objective of the City's Climate Action Plan. Meeting the goals will require reducing emissions in every sector and will entail improving energy efficiency in buildings, decarbonizing 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. Adoption of a 2030 GHG reduction target is a priority project (Climate Change project #4) in the Citywide Strategic Roadmap adopted by Council on

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<sup>7</sup> <https://www.cityofpaloalto.org/civicax/filebank/documents/55069>

<sup>8</sup> <https://www.smud.org/en/Rebates-and-Savings-Tips>

January 28, 2020.

## **PUBLIC CONTACT**

Prior to the Planning Commission hearing on December 12, 2019, a Notice of Public Hearing was posted at City Hall and published in the Daily Review newspaper. In addition, notice of the proposed General Plan Amendment was provided to the following agencies: Bay Area Air Quality Management District, , East Bay Community Energy, Alameda County Waste Management Authority and Energy Council, City of Fremont, City of Union City, City of San Leandro, Alameda County Community Development Agency, Hayward Area Recreation and Park District, Hayward Unified School District, California State University East Bay, Local Agencies Formation Commission, Metropolitan Transportation Commission, Association of Bay Area Governments, Bay Area Regional Energy Network, Office of Planning and Research, East Bay Municipal Utility District, the Native American Heritage Commission, and Alameda County Flood Control and Water Conservation District.

An article regarding the proposed GHG reduction goals was published on November 26<sup>th</sup> on the City of Hayward's website and through the City's Leaflet<sup>9</sup> newsletter, which has 3,500 subscribers. Staff received a letter of support from StopWaste (Attachment II).

## **NEXT STEPS**

Upon direction from the Committee, staff will present the General Plan Amendment to Council. If funded in the FY21 budget, staff will begin the process of updating the City's Climate Action Plan to establish a roadmap for meeting the new targets.

*Prepared by:* Nicole Grucky, Sustainability Specialist  
Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works  
Laura Simpson, Development Services Director

Approved by:



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Kelly McAdoo, City Manager

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<sup>9</sup> <https://www.hayward-ca.gov/your-environment/the-leaflet>



December 12, 2019

*StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.*

Mayor and City Council  
City of Hayward  
777 B Street  
Hayward, CA 94541

Dear Mayor and Council Members:

I write in support of your adoption of new greenhouse gas emissions reduction goals in the City of Hayward 2040 General Plan. Setting strong reduction targets sends an important signal to the community and city departments that you are taking the reduction of carbon dioxide and other greenhouse gas emissions seriously and plan to transform local energy systems.

Our staff have supported Alameda County jurisdictions with greenhouse gas reduction planning since 2008 and the proposed targets in the staff report align with the most rigorous targets being set by local jurisdictions to date. They reflect the latest scientific guidance.

Achieving these targets will require systemic transformations in how we meet community energy and resource needs. We are committed to supporting implementation towards these targets, specifically as they relate to our Energy Council activities and the greenhouse gas emissions reductions we can collectively achieve through responsible materials management.

We applaud your continued leadership in addressing the climate crisis through clean energy and resource conservation.

Sincerely,



Wendy Sommer, Executive Director

*Member Agencies:*

Alameda County  
Alameda  
Albany  
Berkeley  
Dublin  
Emeryville  
Fremont  
Hayward  
Livermore  
Newark  
Oakland  
Piedmont  
Pleasanton  
San Leandro  
Union City  
Castro Valley  
Sanitary District  
Oro Loma  
Sanitary District



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** ACT 20-030

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Single-Use Food Service Ware: Consider Coordination with StopWaste to Develop and Implement a Countywide Ordinance to Regulate Single-Use Food Service Ware

**RECOMMENDATION**

That the Council Sustainability Committee considers coordination with StopWaste to develop and implement a countywide ordinance to reduce single-use disposable food service ware consumption.

**SUMMARY**

The Council Sustainability Committee has discussed single-use disposable food service ware since March 2018, and at its January 13, 2020 meeting, the Committee expressed support for the Alameda County Waste Management Authority (ACWMA, aka StopWaste) to develop a Countywide ordinance to help reduce disposable food service ware consumption in all eating and drinking establishments in the County.

At the January 22, 2020 StopWaste meeting, the Board decided to postpone drafting a Countywide disposable food service ware ordinance until Authority staff conducted pilot projects as well as additional analysis of similar ordinances in place across the state. The additional work will likely delay the creation of a Countywide ordinance by more than a year. However, it will likely lead to a policy that reduces the chances of creating unintended consequences.

**ATTACHMENTS**

Attachment I      Staff Report



**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Single-Use Food Service Ware: Consider Coordination with StopWaste to Develop and Implement a Countywide Ordinance to Regulate Single-Use Food Service Ware

## **RECOMMENDATION**

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## **SUMMARY**

The Council Sustainability Committee has discussed single-use disposable food service ware since March 2018, and at its January 13, 2020 meeting, the Committee expressed support for the Alameda County Waste Management Authority (ACWMA, aka StopWaste) to develop a Countywide ordinance to help reduce disposable food service ware consumption in all eating and drinking establishments in the County.

At the January 22, 2020 StopWaste meeting, the Board decided to postpone drafting a Countywide disposable food service ware ordinance until Authority staff conducted pilot projects as well as additional analysis of similar ordinances in place across the state. The additional work will likely delay the creation of a Countywide ordinance by more than a year. However, it will likely lead to a policy that reduces the chances of creating unintended consequences.

## **BACKGROUND**

At its March 12, 2018 meeting<sup>1</sup>, the Committee expressed a desire for the City to move forward with its own ordinance to address the issue of pollution from single-use plastic

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3373001&GUID=09BC7D6F-B510-48FE-B23D-ADB462977C7E&Options=&Search=>

straws and utensils unless the Authority moved forward with a Countywide ordinance banning single-use plastics.

At the September 24, 2018<sup>2</sup> meeting, the Committee expressed support for an ordinance that would allow the distribution of single-use plastics food service ware only upon request. The Committee again encouraged staff to work with StopWaste to develop a Countywide ordinance.

On September 17, 2019<sup>3</sup>, the Committee reviewed a report with options for addressing litter and supported staff's suggestion to issue a request for proposals (RFP) to hire a consultant to provide technical assistance to help restaurants make the switch from disposable food service ware to reusables.

On November 14, 2019<sup>4</sup>, the Authority Board discussed concepts to develop an ordinance to address food service ware waste that could be provided either as a Countywide ordinance, or as a model ordinance for Alameda County jurisdictions to adjust to fit their own needs. The Board decided to collect additional feedback from member agencies before determining on the type of ordinance to pursue.

At its January 13, 2020 meeting, the Committee expressed support for the Authority to move forward with a Countywide disposable food service ware ordinance and Hayward staff relayed this input to StopWaste.

On January 22, 2020, the Authority Board decided to postpone drafting a Countywide or a model disposable food service ware ordinance. The Authority directed staff to conduct reusable food service ware pilot projects and additional analysis of food service ware ordinances being implemented across the state in order to build confidence that a Countywide ordinance would achieve intended environmental benefits without imposing overwhelming challenges to businesses and consumers. A Countywide disposable food service ware ordinance will likely not be brought back before the Authority for another year or more.<sup>5</sup>

## **DISCUSSION**

There are multiple benefits that can be realized through a policy addressing single-use disposable food ware, including reducing litter, plastic pollution, fossil fuel consumption, and compost contamination. A recent StopWaste staff report<sup>6</sup> shows that there are 27 ordinances in place or in development across California that restrict the use of disposable food service

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<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3683331&GUID=D38BDD40-113E-4D0B-8F3F-737FCBA7FF3C&Options=&Search=>

<sup>3</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=718642&GUID=E9B693C0-F070-4A0C-AA09-D959115F02F3&Options=&Search=>

<sup>4</sup> <http://www.stopwaste.org/sites/default/files/12-12-19%20pkt.pdf>

<sup>5</sup> [http://www.stopwaste.org/sites/default/files/meeting/Reusable%20Food%20Ware%20Ordinance\\_0.pdf](http://www.stopwaste.org/sites/default/files/meeting/Reusable%20Food%20Ware%20Ordinance_0.pdf)

<sup>6</sup> <http://www.stopwaste.org/sites/default/files/12-12-19%20pkt.pdf>

ware, including in the local cities of Alameda, San Francisco, Oakland, Richmond, and Berkeley.

A disposable food service ware ordinance has been discussed by the Committee on multiple occasions and the Committee has encouraged staff to work with StopWaste to develop a Countywide ordinance. The main advantage of uniform adoption of a Countywide ordinance is that it would establish one set of rules for all jurisdictions. A Countywide ordinance also simplifies compliance for businesses as well as reduces the likelihood of confusing consumers as they cross jurisdictional boundaries.

An ordinance requiring reusable dishware could be a burden on some Hayward businesses. Changing a business model designed around disposable food service ware to a model using reusable serving ware can present challenges, especially if dishwasher hook-ups, sinks, and sewer connections need to be created. If Hayward were to adopt its own ordinance requiring reusable dishware for dine-in establishments and offering exemptions for certain establishments, proper implementation of the ordinance would require significant staff resources. Staff would need to develop and conduct an outreach campaign, perform inspections, and track exemptions.

Staff recommends that the City work with StopWaste to develop and implement a Countywide ordinance.

However, if the Committee prefers to have an ordinance in place prior to StopWaste's development of a Countywide ordinance, staff could draft an ordinance that requires:

1. All single-use accessories (straws, utensils, condiment packets, etc.) be available only at the specific request of customers or at self-serve kiosks.
2. All disposable food service ware and food service ware accessories be BPI certified compostable fiber.

If the Committee prefers this option, staff recommends waiting for the results of the pilot projects to be completed in Hayward and around the County. Staff is not recommending adoption of an ordinance requiring use of reusable dishware ahead of a future Countywide ordinance.

While the majority of food service operators that responded to a City survey felt it was unnecessary, staff could also move forward with an RFP to hire a consultant to provide technical assistance to help restaurants replace their disposable food service ware with reusable dishware.

## **FISCAL/ECONOMIC IMPACTS**

Requiring restaurants to only offer disposable food ware accessory items on request would not have a significant fiscal impact to customers or businesses. Businesses might save money if fewer disposables are provided to customers. Requiring businesses to use reusable serving

ware would burden businesses with a fiscal impact of purchasing dishware and installing or arranging for washing infrastructure or services. Requiring businesses to use BPI certified compostable fiber could also have a fiscal impact as these products may be more expensive than traditional plastics. Enacting some level of enforcement would require staff time, and likely only be enforced in response to complaints. Contracting with a consultant to provide reusable technical assistance would require staff time and investments of solid waste funds.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of *Combat Climate Change*. Specifically, this item relates to the implementation of the following projects:

Project 5, Part 5a:	Conduct outreach regarding single-use disposables
Project 5, Part 5b:	Develop ordinance regulating single-use food ware in restaurants and coordinate with County-wide efforts

## **SUSTAINABILITY FEATURES**

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable. Reducing the amount of hard-to-manage solid waste also reduces the opportunity for material to enter waterways and the Bay.

## **PUBLIC CONTACT**

Staff mailed letters soliciting feedback from food-related businesses in 2015 and in 2017 regarding litter reduction efforts, including a ban on single-use food service ware. In the Fall of 2019, staff surveyed Hayward food establishments about their attitudes toward potential elements of a Countywide food service ware ordinance. The survey was disseminated through email, *The Leaflet*, Hayward's environmental newsletter, and emails from the Hayward Chamber of Commerce. In addition, the City's Climate Corps Fellow and a volunteer visited over 60 Hayward businesses to collect survey responses in person. In total, 24 businesses participated in the survey.

Sixty-one percent of respondents currently either use all disposable ware or use mostly disposable food service ware. Eighty-one percent of respondents were indifferent about, or supportive of an ordinance requiring disposable food service ware be offered only upon request. Fifty-five percent of respondents were opposed to an ordinance requiring businesses charge a fee on disposable cups. Twenty-four percent of respondents were interested in receiving technical assistance helping them replace disposable food service ware with reusable dishware, while fifty-two percent of respondents indicated they would be willing to replace disposable food service ware with reusable dishware if financial assistance were available to cover initial purchasing costs.

*Prepared by:* Jeff Krump, Solid Waste Program Manager  
Jack Steinmann, Climate Corps Fellow

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*

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

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Kelly McAdoo, City Manager



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** RPT 20-032

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program: Review and Comment on the Customer Portal Pilot Program Informational Report

That the Council Sustainability Committee reviews and comments on this informational report.

**SUMMARY**

In October 2019, the City solicited proposals via a competitive Request for Proposals (RFP) process for the implementation of an Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program (Pilot). AMI technology enables two-way communication over a fixed network between a utility system and its respective meters, thus allowing meters to be read, monitored, and managed from an online portal rather than relying on the physical read of a meter in-field by an employee.

Of the three responses received in November 2019, two vendors' proposed software solutions and were selected for the Pilot: "AquaHawk" (a product developed by American Conservation & Billing Solutions, Inc.), and "WaterSmart" (a product developed by WaterSmart Software). Both vendors will participate in the Pilot by developing a customer engagement portal that will be available to a select group of City staff (Pilot Staff) and Hayward water customers (Pilot Customers) for approximately four months, during which time feedback will be sought from both groups. This feedback will help inform staff's eventual recommendation to the City Council regarding which vendor, if either, the City should select to implement a City-wide customer portal.

**ATTACHMENTS**

Attachment I      Staff Report





**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program:  
Review and Comment on the Customer Portal Pilot Program Informational  
Report

## **RECOMMENDATION**

That the Council Sustainability Committee reviews and comments on this informational report.

## **SUMMARY**

In October 2019, the City solicited proposals via a competitive Request for Proposals (RFP) process for the implementation of an Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program (Pilot). AMI technology enables two-way communication over a fixed network between a utility system and its respective meters, thus allowing meters to be read, monitored, and managed from an online portal rather than relying on the physical read of a meter in-field by an employee.

Of the three responses received in November 2019, two vendors' proposed software solutions and were selected for the Pilot: "AquaHawk" (a product developed by American Conservation & Billing Solutions, Inc.), and "WaterSmart" (a product developed by WaterSmart Software). Both vendors will develop a customer engagement portal that will be available to a select group of City staff (Pilot Staff) and Hayward water customers (Pilot Customers) for approximately four months, during which time feedback will be sought from both groups. This feedback will help inform staff's eventual recommendation to the City Council regarding which vendor, if either, the City should select to implement a City-wide customer portal.

## **BACKGROUND**

In 2018, the City completed the replacement of its approximately 36,000 manual water meters with new AMI meters. Staff are currently able to access AMI-generated meter reads via a basic internal-facing portal provided by Aclara Technologies, LLC (Aclara), the vendor the City contracted with in 2016 to deploy the AMI system. However, maximizing the usefulness of AMI-generated data and providing customers access to the consumption metrics and other

information associated with their account requires the development of an online customer engagement portal.

At the March 12, 2018 Committee Meeting<sup>1</sup>, staff reported on their plans to conduct customer research to determine what features to include in a City-wide customer portal. Staff have since engaged with other Bay Area agencies on this topic, as well. Their insights have informed staff's decision to garner customer input via a Customer Portal Pilot Program. The Pilot will enable both City staff and customers the opportunity to test multiple vendors' platforms and provide feedback before City-wide implementation.

## **DISCUSSION**

To make the most informed decision regarding which customer portal vendor to select for long-term, City-wide implementation, staff released an RFP in October 2019, inviting vendors to submit proposals to implement a four-month Pilot. Of the three software solutions proposed during the process, two were selected: AquaHawk and WaterSmart. Both software solutions are in use by neighboring Bay Area agencies. Notably, AquaHawk is in use by Dublin San Ramon Services District (DSRSD), and WaterSmart is in use by East Bay Municipal Utilities District (EBMUD), Coastside County Water District, the Town of Hillsborough, and the City of Morgan Hill, among others.

For the Pilot, both vendors will develop a Hayward-specific customer portal platform, to which a select group of Pilot Staff and Pilot Customers will be provided access. Both groups will test the two platforms simultaneously over a four-month period. During this period, staff will seek feedback from the groups via periodic surveys regarding their preference between the two portals, the functions they like or dislike, ease of use, as well as other topics. This feedback will be used by staff to help inform their recommendation to the City Council regarding which vendor to contract with long-term for a City-wide portal. The feedback will also be used to determine which features should or shouldn't be included in the long-term portal.

Both portals will feature a customer-facing view, enabling customers to simply log-in via a computer or smart device, and manage their account from an online dashboard. The portals will include water use tracking, bill prediction and budgeting features, as well as leak alerts, which notify customers via text, email, or automated voice message in the event that their property shows signs of a leak.

The portals will also feature a utility-facing view, enabling City staff to provide enhanced customer service to water customers, in addition to streamlining several processes via comprehensive report libraries, improved account search functionality, GIS mapping capabilities, and more.

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3373000&GUID=C7A6E42B-95B0-4921-90F0-A5BB452CD7C2&Options=&Search=>

The four-month Pilot is anticipated to launch in June 2020, providing the vendors sufficient time to develop the platforms and ingest the necessary data to populate the system. Staff are currently working to seek approximately 100 Hayward water customers to volunteer as participants in the Pilot. More participants may be included depending on the interest expressed by the community. Outreach methods to identify these Pilot Customers include but are not limited to:

- Social media posts
- Messaging in water bills
- Messaging in leak notification letters
- Direct outreach to customers who recently received leak notification letters
- A message distributed to subscribers of The Leaflet
- Flyers and handouts at the Revenue Counter

## **ECONOMIC IMPACT**

The customer portal, once fully implemented, will provide customers greater control over their water consumption, as they will have on-demand access to their water use metrics, their estimated water spending at any point in a billing period, and prompt leak notification. The Portal will also likely aid the community in achieving greater water conservation over time.

## **FISCAL IMPACT**

As shown in the table below, the total anticipated cost to implement the Pilot Program is \$37,500<sup>2</sup>.

AquaHawk Pilot Program	\$	20,000
WaterSmart Pilot Program	\$	<u>17,500</u>
Total:	\$	37,500

The adopted FY20 Capital Improvement Program (CIP) includes \$13,833,923 in the Water Replacement Fund for implementation of the AMI Project (Project 07025). The Project has sufficient funds available to cover the cost of this customer portal Pilot Program.

Should one of these vendors be selected to implement the City-wide portal, staff anticipate that the cost to the City could range from approximately \$700,000 to \$1,000,000 over a 10-year period, with most fees paid on an annual basis. The price will vary depending on which features the City decides to include or not include during the City-wide implementation.

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<sup>2</sup> Additional fees may be involved in order to work with Aclara and Tyler Munis, the City's water account and financial management software, to export the necessary data to populate the two portals.

## **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 13, Part 13.a: Upgrade water system infrastructure; Develop and launch Advanced Metering Infrastructure (AMI) customer portal

## **SUSTAINABILITY FEATURES**

The AMI Customer Portal and larger AMI Project promotes efficient water use and water conservation. The water consumption data provided by AMI technology will aid in the City's efforts to measure the overall effectiveness of targeted conservation initiatives. This information will also be used to inform customers about potential leaks or overly-high consumption.

## **PUBLIC CONTACT**

Staff are currently working to seek approximately 100 Pilot Customer volunteers via a number of methods, including posts in social media, the City's environmental newsletter, The Leaflet, and physical handouts, as well as letters to targeted groups like those who have recently received a leak notification letter.

## **NEXT STEPS**

Based on the Committee's comments, staff will proceed with implementing the Customer Portal Pilot Program.

*Prepared by:* Kait Byrne, Management Analyst

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*



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Kelly McAdoo, City Manager



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** ACT 20-031

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**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Review and Comment on the Proposed 2020 Agenda Planning Calendar

**RECOMMENDATION**

That the Council Sustainability Committee reviews and comments on the proposed 2020 agenda planning calendar.

**SUMMARY**

The proposed 2020 Agenda Planning Calendar suggests agenda topics for the year for the Committee's consideration.

**ATTACHMENTS**

Attachment I      Proposed 2020 Agenda Planning Calendar



**DATE:** March 9, 2020

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Review and Comment on the Proposed 2020 Agenda Planning Calendar

### **RECOMMENDATION**

That the Council Sustainability Committee reviews and comments on the proposed 2020 agenda planning calendar.

### **SUMMARY**

The proposed 2020 Agenda Planning Calendar suggests agenda topics for the year for the Committee's consideration.

### **DISCUSSION**

For the Committee's consideration, staff suggests the following tentative agenda topics for 2020.

Underlined – Staff recommends item to be added to Approved Agenda Planning Calendar.

~~Strikeout~~ – Staff recommends item to be removed or rescheduled from previously Approved Agenda Planning Calendar

<b>Monday, March 9, 2020</b> (listed for reference)
Renewal of the Municipal Regional Stormwater Permit
Possible Approaches to a new Solid Waste Franchise Agreement
Sustainability Goals for 2025 and 2030
Greenhouse Gas Emission Reduction Goals for 2025, 2030, and 2040
<u>Single-Use Food Service Ware</u>
<u>Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program</u>

<b>Monday, May 11, 2020</b>
<a href="#">Update on Shoreline Master Plan</a>
<a href="#">Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program Update (if needed)</a>
<b>July 2020</b>
No Meeting – Council Recess
<b>Monday, September 14, 2020</b>
<a href="#">Five-Year performance of the Cogeneration Engine at the Water Pollution Control Facility</a>
<b>Unscheduled Items</b>
<del>Single Use Food ware – Draft Ordinance</del>
Sustainable Groundwater Plan
Long Term Water Conservation Framework
Regional Water Bill Savings Program
Multifamily Building Energy Efficiency
<a href="#">Low Carbon Concrete</a>
<a href="#">Roadmap to Meet 2030 GHG Target</a>

## NEXT STEPS

Upon direction from the Committee, staff will revise the above list and schedule items accordingly for 2020.

*Prepared by:* Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*



Kelly McAdoo, City Manager