

**CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 13, 2016**

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

Corrections to the Following Agenda Items:

Item #5 CONS 16-417

Item #8 CONS 16-514



CITY OF HAYWARD

Memorandum

DATE: September 13, 2016

TO: Mayor and City Council

THROUGH: City Manager

FROM: David Rizk, Development Services Director *D. Rizk*

CC: City Attorney and City Clerk

SUBJECT: Correction of Minor Typos Regarding Items #5 and #8 on Tonight's Agenda

Item No. 5

There is a typographical error at the top of page 2 in Attachment V to this report, which is the Scope of Services for the GHAD Legal Counsel. Attached is that page with corrected text, shown in tracked changes format.

Item No. 8

There is an incorrect street reference in the first "Whereas" in the resolution (Attachment II) for this item. The resolution should refer to Picea Court, versus Fairview Avenue. Attached is page 1 of that resolution showing that change in tracked changes format.

Any action for approval for these items should incorporate these changes, as shown in the attached.

Thank you.

Attachments

Additionally, the Legal counsel will consult with the GHAD Manager and GHAD Treasurer in assuring the plan of control is implemented and the GHAD Board is provided with all necessary documents to make informed decisions.

In working with the GHAD Manager and Treasurer, the GHAD Clerk/Legal Counsel shall provide the following to the GHAD Board:

1. Prior to the GHAD improvements being transferred to the GHAD in accordance with the applicable plan of control, an annual update summarizing the number of homes subject to the GHAD assessment, the amount collected from the assessment and any other information available on GHAD activities.

2. On or about the time the GHAD accepts the GHAD improvements and acquires monitoring and maintenance responsibilities as described in the transfer section of the adopted plan of control, and prior to April 30 of every subsequent year, the following shall be provided:

- A. A proposed budget explaining how the GHAD budget funds are to be expended.

- B. An update (either by written communication or at a GHAD Board meeting) explaining the operations of the GHAD including but not limited to (a) the tasks that have been undertaken by GHAD staff in accordance with the plan of control, (b) the number of units in the GHAD, (c) the current assessment amount being levied, and (d) the balance in the GHAD account.

The GHAD Legal Counsel only advises the GHAD Board, GHAD Manager, GHAD Treasurer and other GHAD staff or officers that may be appointed by the GHAD Board in the future. The Attorney will attend all GHAD Board meetings.

Hourly rate for the GHAD Clerk/Legal Counsel is \$480/hour and is subject to annual adjustments. The developer/property owner shall be responsible for paying all fees and costs up and until an application from the developer/property owner for transfer of GHAD Improvements (to be defined in the Plan of Control) is filed with the GHAD Manager. Thereafter, the GHAD shall be responsible for the payment of the GHAD Clerk/Legal Counsel services.

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE ALAMEDA COUNTY LOCAL AGENCY FORMATION COMMISSION FOR APPROVAL TO ALLOW THE CITY TO PROVIDE SEWER SERVICE AND WATER SERVICE TO THE PROPERTY FRONTING PICEA COURT, BEARING ASSESSOR'S PARCEL NUMBER 425-0500-011-00, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE UTILITY SERVICE (USA 16-01) AND PUBLIC STREET IMPROVEMENTS AGREEMENTS

WHEREAS, water and sewer service from the City of Hayward (City) has been requested by the owner of the property fronting ~~Fairview Avenue~~Picea Court, bearing Assessor's Parcel No. 425-0500-011-00 (the Property); and

WHEREAS, the Property is located within the City of Hayward's Sphere of Influence; and

WHEREAS, pursuant to City policy, the Property owner has signed Public Street Improvement and Utility Service Agreements to install street improvements across the Property frontage at a future date and to agree to annexation of the Property into Hayward when requested by City; and

WHEREAS, the City is required to apply to the Alameda County Local Agency Formation Commission (LAFCO) for approval of out-of-service area agreements to allow the City of Hayward to provide water and/or sewer service to properties located outside the City limits; and

WHEREAS, the Property owner has agreed to pay the LAFCO application processing costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to direct staff to file an application with the Alameda County Local Agency Formation Commission requesting that the City of Hayward be allowed to provide water and sewer service for the Property.

BE IT FURTHER RESOLVED that, provided LAFCO approves an out-of-area service agreement pursuant to Government Code §56133, the City Manager is also authorized to execute a utility service agreement (Utility Service Agreement 16-01) and a public street improvement agreement in the form of the agreements on file in the office of the City Clerk, to which reference may be made for further particulars.

Responses to Agenda Questions for the Following Agenda Items:

Item #6 CONS 16-441

Item #7 CONS 16-483

Item #10 CONS 16-522

Item #11 CONS 16-525

Item #13 CONS 16-546

Item #16 LB 16-092

From: Kelly McAdoo

Sent: Tuesday, September 13, 2016 4:52 PM

To: Al Mendall <Al.Mendall@hayward-ca.gov>; Barbara Halliday <Barbara.Halliday@hayward-ca.gov>; Elisa Marquez <Elisa.Marquez@hayward-ca.gov>; Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov>; Mark Salinas <Mark.Salinas@hayward-ca.gov>; Marvin Peixoto <Marvin.Peixoto@hayward-ca.gov>; Sara Lamnin <Sara.Lamnin@hayward-ca.gov>

Cc: Michael Lawson <Michael.Lawson@hayward-ca.gov>; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Angel Groves <Angel.Groves@hayward-ca.gov>

Subject: FW: Responses to Agenda Questions 9/13/2016

Good afternoon Mayor and Council-

Please see responses below to a series of questions on tonight's agenda.

Thank you-
Kelly

Kelly McAdoo

City Manager

City of Hayward | 777 B Street | Hayward, CA 94541

☎ Phone: 510.583.4305 | Fax: 510-583-3601 | * Email: kelly.mcadoo@hayward-ca.gov



| ITEM 6: | Item 6 - Response from Development Services: |
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| For Consent Item 6 (Final Map for KB Homes on Eden Ave): The map and documents were submitted in February and we are reviewing in September. Is this timeframe standard? | The landscaping plans were not submitted until late June/early July. Additionally, the first Improvement Plan submittal and engineers estimate, which was submitted in mid-August, did not include the costs for landscaping; so the bonds and Subdivision Agreement had to be modified once those costs were known. Based on the submittals timing, the time frame of getting to the Council in early September is appropriate. |
| Also, for future reports can Staff please examine the use of the phrase “assuming” council approval and instead consider “if” council approves this item or something similar? | Director Rizk will work with Planning staff regarding language (“assuming” versus “if”). |

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| ITEM 7: | Item 7 - Response from Public Works: |
| For item 7 (Mission/Blanche Gading/Huntwood Street Improvements), where are the additional required project funds anticipated to come from? | Depending on the actual additional funds needed, and with Council approval, we could use available funds in the CIP. However, there is the possibility that no additional funds will be needed based on bids received next month. The project includes an "Add Alternate" comprising of all the concrete curb, gutter, sidewalk, pavement and striping work, which the City may decide to exclude and have performed by others. The concrete ramp upgrades and sidewalk work may be performed with the Sidewalk Repair program; and the striping and pavement work can be done by Maintenance Services. There is also the expected savings from using equipment in the City's inventory. The bid package has been structured to allow all these possibilities, and to allow flexibility in funding – assuming bids still come in high. |
| ITEM 10: | Item 10 - Response from Economic Development: |
| For the Small Business revolving Loan item (#10), as I understand it, the funds must help create jobs for low income Hayward residents. Am I correct in thinking that those residents are eligible for any job in the business if they have the appropriate skills, etc. like any other applicant, not just lower wage positions? | There are 25 jobs being created with the proposed business. At a minimum, six jobs are required to be created meeting the Low/Moderate Income (LMI) requirements to fulfill the loan obligations. There will be likely more jobs created for the LMI, but six would be the minimum requirement that would meet the CDBG guidelines and City requirements for the loan. If approved, the loan agreement would require LMI certification and working with the Alameda County Workforce Investment Board for filling the required jobs. The loan agreement would not specify the job type, just that the jobs created would meet the LMI requirements. If a qualified applicant meets the LMI, they could be hired at any position. The goal of the program is job creation for the LMI eligible workforce. |
| "If the loan amount is approved by Council, the project would be able to move forward and the borrower would begin operations by hiring fifteen low to moderate-income employees to fill positions such as waiter, waitress, cashier, dishwasher, and janitorial service provider. An additional ten, higher paid individuals would be hired as chefs, bartenders, and managers." | |
| ITEM 11: | Item 11 - Response from Public Works: |
| For Item 11, the Aviation site lease at the Airport: What happens to Flying Vikings if this contract is approved? | Flying Vikings was Aviation Training's tenant for many years and they enjoyed a good working relationship. Aviation Training has indicated they would like Flying Vikings to |

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| | | remain since it's easier to retain a good tenant than to find a new one. Flying Vikings has stated they would like to remain at Hayward. |
| Am I reading correctly that Aviation Training would be responsible for the proposed improvements during their next 30 year tenancy? | | The term of Aviation Training's lease is thirty years, but the proposed improvements would be completed in much less time. And, they'll be responsible for ongoing maintenance of their facilities for the entire term of the lease. |
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| ITEM 13: | | <u>Item 13 - Response from Fire:</u> |
| For Item 13, Motorola radios: Is the proposal that \$2.6 million in one-time cost and \$300,000 in annual costs will replace our existing radio system (i.e.: used daily as well as for emergency situations)? | | Yes, with the addition of radios for non-public safety field staff for use in both daily and emergency operations as needed. |
| If so, is the City Manager's office connected to that system as well? | | No. The CM doesn't need a radio for daily operations, and in the event of an emergency, the CM will receive information through Operations staff and others in the Emergency Operations Center. Appropriate EOC staff members will be outfitted with radios, and will provide vetted, summarized information to the CM and deploy field resources via radio communications. Additionally, in considering emergency preparedness and EOC operations, staff will continue to explore all emergency communications options in order to best prepare the City for a major emergency. |
| Is there a proposed source for these costs? | | The \$2.6 million one-time cost may end up coming from General Fund revenues (including Measure C) or future CIP budgets – we are pursuing the three-year financing option in order to have some flexibility in making this decision, but the deadline for taking advantage of this financing option is imminent. The recurring \$300,000 will come from department budgets (HPD, DSD, MSD, PWE&T, UES, and IT) based on the number of radios for which they will pay fees. The vast majority will be paid by HPD. |
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| ITEM 16: | | <u>Item 13 - Response from City Attorney's Office:</u> |
| Lastly, for Item 16, I thought we discussed reviewing the language in the Municipal Code regarding "video" services and other potentially outdated technical terminology if the measure passed. Has this review been completed? | | The City Attorney's Office is continuing to evaluate the possible amendment of certain definitions contained in the Utility Users Tax(UUT). It has been suggested that certain terms defined in the UUT ordinance such as "Video Services" and "video programming" have become outdated since the 2009 adoption of the UUT. The definitions in question do show their age due to the rapid transformation of the audio/visual industry. However, the definitions do offer a level of generality which provides the interpretive space necessary to accommodate both the rapidly |

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| | <p>developing industry as well as developing state and federal law. We have been monitoring cases dealing with the imposition of similar taxes on new video technologies in several jurisdictions as they work their way through the various court systems. At this time, it would be premature to alter the definitions as significant legal determinations will be made over the short-term. Therefore, we recommend that staff continue to monitor the legal developments in this area to ensure that the UUT is interpreted in line with both state and federal law. We further recommend that should the definitions in question become legally problematic that staff prepare revisions for Council's review that are consistent with Proposition 218.</p> |
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Correspondence from Joseph Alvarez

City of Hayward
Mayor and City Council Members
City Hall
Hayward, CA 9451

September 13, 2016

Subject: Street Sweeping

Dear Mayor and City Council Members:

I am a resident of Hayward for 11 years now and enjoy living here with its locale, weather, convenient transportation and access to freeways. The local government of the city is appreciated providing leadership for services and safety to its diverse population and looking to improve our city with upgrades and care and cleanliness of this beautiful East Bay city.

The cleanliness issue is why I'm bringing attention to you regarding the new street sweeping service. It is evident this new service has apparent flaws and some inequities I've experienced as well as all the other residents who are now receiving the service on their streets. Listed below are my points, questions, and suggestions I would like for you all to consider, investigate, and make corrections I believe are needed.

1. Apparently, the new signs were installed about a month ago with little or no notification. If one doesn't park near a sign it is not noticed. There was no formal notification of the new service by announcement through the mail, doorknob flyers, or otherwise. My first notification was a citation on my windshield with a fine of \$75.00.
2. It is my suggestion that ALL first citations be excused for those that were cited since there was no formal notification to the residents.
3. Regarding the \$75 fee, talking to neighbors we feel this penalty fee is too high as for many of us we have a small income living paycheck to paycheck.
4. This morning I passed Lion Street and decided to drive through the street looking for any citations on other cars. There were NONE. Why?? I stopped to ask a resident washing his car at the time. He said the sweeper comes down his street as was evident by the sweeping marks on the street left by the sweeper this morning. He said the sweeper just goes around the parked cars. He also pointed out to me there were no signs posted. So, in effect, no signs then no citation. This in my opinion is one grave inequity for one resident living on Myrtle Street subject to fine and residents on Lion Street, Kiwanis and Rotary Streets NOT subject to citation receiving street sweeping service. These streets branch off Myrtle Street. This brings to question how many other streets in Hayward have this privilege. This needs to be investigated. What is the justification for some streets to be exempt from citations. I did notice there were MANY cars parked on these streets. Could this be the reason knowing these residents would have no place to park their cars on street sweeping day?
5. My own citation was issued at 706am, Monday, 9/12/16. The sweeper serviced my location

at 1041am. This proves the sweeper's route begins on another part of town but, yet, the parking officer began his route towards the end of the route issuing citations at the mark of 700am which the sign denotes (700-1130am). It appears the officer wants to tag as many cars on the route beginning near the end and working his/her way backwards, I presume. This is truly an unfair procedure for Myrtle Street has many cars unable to park on the other side of the street. IF there IS a spot available it may be at the other end of the street. The point I'm making is if the sweeper doesn't arrive til after 1000am and peoples' cars are no longer obstructing the sweeper by the time sweeper arrives since resident has already driven off to work, OR, resident NOW is able to park on other side of street since other residents have gone to work, in effect, vacating and freeing up space.

6. But, the current procedure appears to be NO single car shall be parked from the posted hours otherwise subject to citation and fine. I talked to a friend in Oceanside, CA. He said their service began about two years ago but, the way their citations are issued are with the Officer following the sweeper, THEN issuing citation. Oceansides's system is much more reasonable, fair and equitable. I would recommend Hayward also adopt Oceanside's policy. Maybe even a Hayward Official can talk to an Oceanside Official and can learn from their 2 year old system.

7. In this day and age of high technology I would suggest as another option looking into attaching cameras to the street sweepers to then record any violations. Of course, this may cost more than paying a parking officer with acquiring name, address from DMV and mailing citations. Just another thought to consider.

8. Another problem with the sweeping system is it conflicts with Waste Management's pick up trash days which is our Tuesday, today. I noticed since the other side was being swept those cars were now parked on our side causing blockage/access to trash cans for WM drivers. This, in turn, means they have to dismount, move trash cans in position, mount truck, and continue with this process for each stop. This causes extra work, time, driver energy and possible Overtime schedule and money. Another kink in the process.

9. Another situation for consideration is what happens when a resident goes out of town for extended periods of time. Vacation, holidays, visits, etc. How would residents be able to avoid citation if cars cannot be moved while away from town? This for me is a huge consideration since I'm out of town three to four times per year.

In summary, I would suggest the street sweeping system be adjusted, codes amended, and the process looked at in a deeper review considering the points I've listed above. I'm sure the City of Hayward wants to do right by its citizens and have a fair and equitable service. I understand the service is new on our streets and there are bound to be problems which may have not been considered. I hope my input is helpful. I appreciate your time and consideration.

Sincerely,

Joseph Alvarez