



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Schaaf & Wheeler for Engineering Design Services in the Amount of \$120,000 for a Not-to-Exceed Amount of \$320,000 to Complete the Arf Avenue Trash Capture Project No. 07746

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to amend the Professional Services Agreement with Schaaf & Wheeler for engineering services related to the installation of a Trash Capture Device on Arf Avenue not to exceed \$120,000 to be funded by Caltrans.

SUMMARY

To comply with the trash reduction requirements of the Municipal Regional Stormwater Permit (MRP), the City is collaborating with Caltrans to fund, design, and construct a large trash capture device within the City's storm drain system to capture trash before the waters flow to the San Francisco Bay. The device will be located at Arf Avenue near Hesperian Boulevard and will be funded by Caltrans. The project mutually benefits the City and Caltrans as the area treated by the large trash capture device includes city and Caltrans right of way (ROW). The Arf Avenue project will be the second of two trash capture projects funded by Caltrans. The first was installed on Tennyson Road earlier this summer. The Arf Avenue project requires additional time and funds from Caltrans to meet the approval requirements by the Alameda County Flood Control and Water Conservation District.

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

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 Municipal Regional Permit (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 MRP is renewed about every five years and is currently on its third cycle (MRP 3.0).

Provision C.10 of the MRP includes the trash reduction requirements for Permittees to reduce all trash from stormwater systems to waters of the state by 90% by July 2023, and by 100% by July 2025.

On April 20, 2021¹, Council authorized a cooperative agreement with Caltrans to design and implement mutually beneficial trash reduction opportunities. The cooperative agreement allowed Caltrans to fund the design and installation of full trash capture devices. The first device, located within the Tennyson Road/880 freeway interchange, was installed in July 2023.

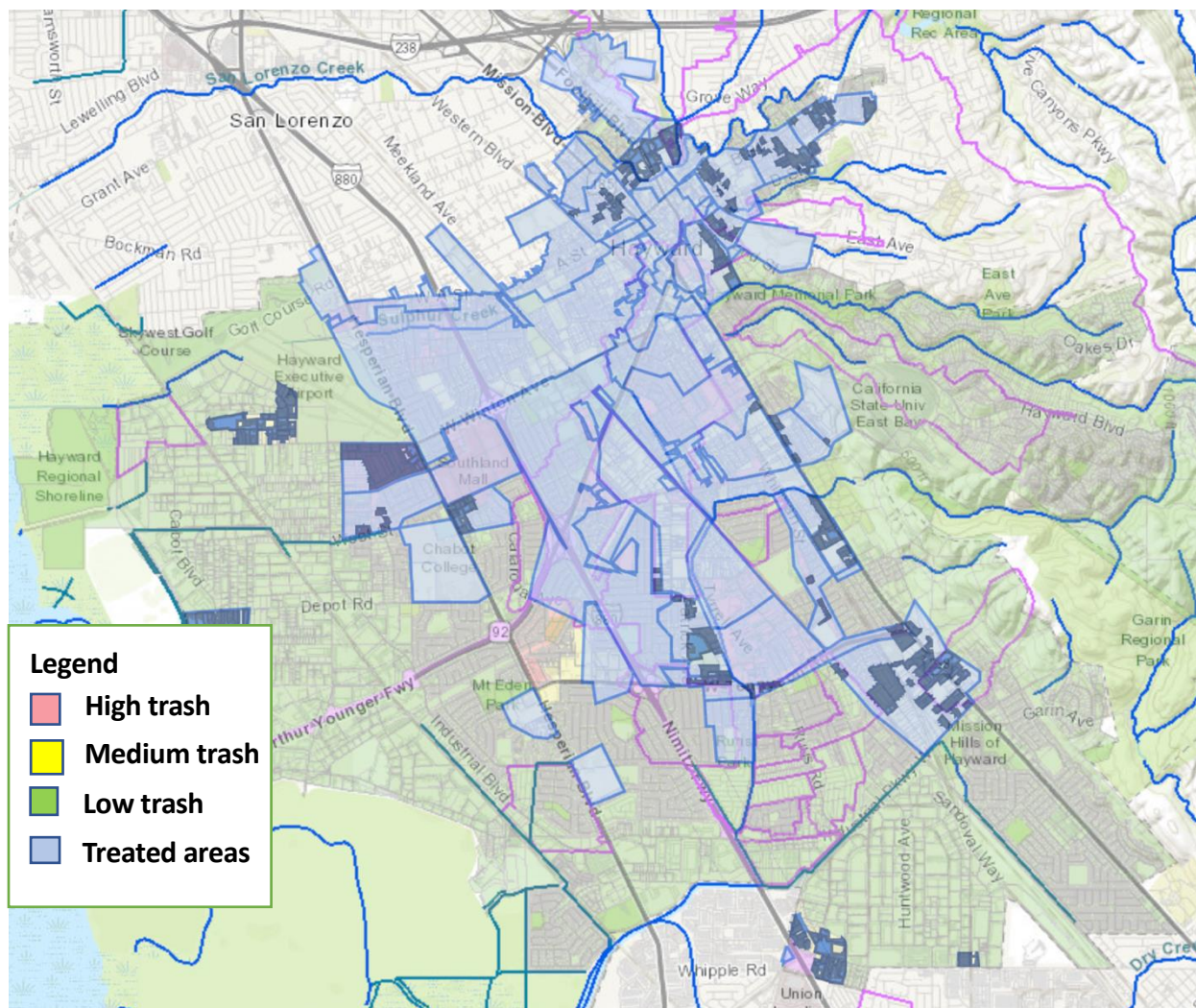
In addition to the Tennyson Road project, the City currently has 629 small trash capture devices installed in storm drain catch basins and five large underground trash capture devices installed in storm drainpipes located at Tyrrell and Tennyson, Patrick Avenue and Cotter Way.

Altogether, the City currently has 90% credit for trash reduction, which meets the MRP deadline of July 2023.

Areas currently treated areas for trash using trash capture devices are highlighted in blue in Figure 1 below.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4916428&GUID=5A8A9657-693A-48B0-9D7F-7E207950AC98&Options=&Search=>

Figure 1. Areas of Trash Generation and Current Treatment



The yellow and pink highlighted areas are the remaining areas to treat for trash (yellow is medium generating trash areas and pink are high generating trash areas).

The MRP currently allows for trash reduction credits for product bans such as the City's plastic bag and polystyrene bans. The MRP 3.0 removes the credits for product bans effective in 2025. The remaining credits for compliance will be achieved with the Arf Avenue trash capture device and addressing private landowners with direct connections to the City's storm sewer where City-owned devices cannot treat the stormwater. On April 11, 2023², Council adopted amendments to the stormwater ordinance allowing staff to work with property owners to further reduce trash. Table 1 below shows staff's plan to meet the mandate by 2025.

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6124946&GUID=265D462B-7AAA-4BFA-87FD-AF3B6BA89FD1&Options=&Search=>

Table 1. Plan to Meet 100% Trash Reduction Requirement by 2025.

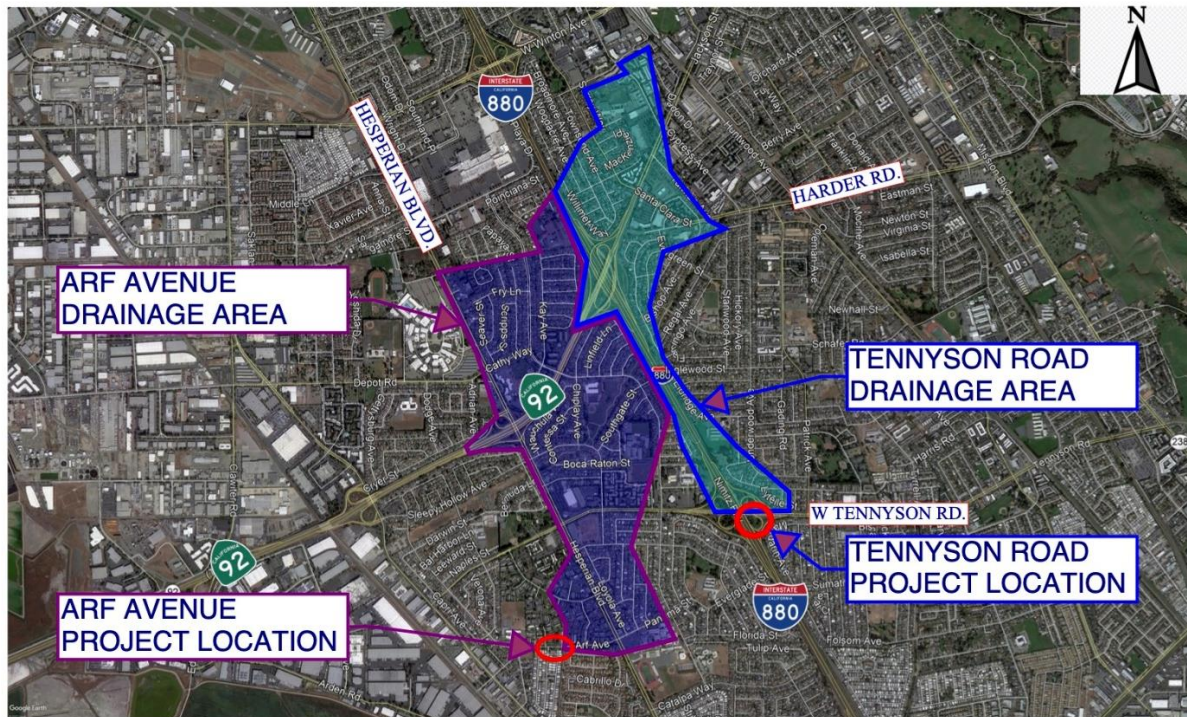
Year	Compliance Action	Credit
2011-2013	City enacted bans on polystyrene and plastic bags	10%
2015-2020	200 small devices in catch basins, 2 large trash capture devices (Tyrrell and Tennyson and Patrick Avenue), 4 large screens in creeks	54%
2020-2022	429 small trash capture devices installed throughout the City and large device installed on Cotter Way	20%
2023	Large Trash Capture Project at Tennyson Road (Collaboration with Caltrans)	6%
	Total Reduction as of July 1, 2023	90%
2023-2025	Inspection program with increased enforcement for private landowners who have direct stormwater pipe connections that bypass City treatment	16%
2024	Large Trash Capture Project at Arf Avenue (Collaboration with Caltrans)	4%
2025	Credit for product bans discontinued per MRP 3.0	-10%
	Total	100%

DISCUSSION

Like the City, Caltrans also has a mandate to eliminate trash from stormwater from rights-of-way. Similar to the City, Caltrans has a trash reduction plan, which includes installing trash capture devices to remove trash from stormwater flowing on their ROW. Throughout Caltrans ROW there are very few opportunities to install large trash capture devices due to space needed for installation and the direction of stormwater flow along freeways. Caltrans and several cities have looked to collaborative projects to install trash capture devices downstream of Caltrans ROW, within city jurisdictions to capture trash in areas required to be treated for trash. A collaborative trash capture project between Hayward and Caltrans would help achieve stormwater compliance for both agencies and would include funding from Caltrans to help carry out Hayward's plan for compliance.

After review of Hayward's remaining areas to treat for trash and Caltrans ROW that overlaps with those areas, staff proposed, and Caltrans agreed to fund two projects that will benefit both agencies. Figure 2 below shows the two project areas.

Figure 2. Arf Avenue and Tennyson Road Trash Capture Project Areas with Caltrans



The Tennyson project was installed in July 2023. The remaining large trash capture device is proposed for Arf Avenue near Hesperian Boulevard. The City will receive approximately 10% trash reduction credit with these two projects. The Arf Avenue project needs additional engineering work to meet the Alameda County Flood Control's requirements, which are intended to prevent flooding in the storm drainpipe. The engineering design services for Arf Avenue, to be provided by Schaaf & Wheeler.

Environmental Review

The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities) of the CEQA Guidelines.

ECONOMIC IMPACT

There will be some benefit to the local economy as installation of the Arf Avenue project will create short-duration construction jobs. Because the project exceeds \$1 million, staff will complete a project labor agreement per City policy.

FISCAL IMPACT

The approximate areas treated and the original budget for each project is provided in Table 2 below.

Table 2. Budget and Area Treated for Arf Avenue and Tennyson Road Projects

Project	Total Area (acres)	Total Caltrans Area (acres)	Credit for MRP Trash Reduction	Estimated Cost for device and installation
Arf Avenue	446	35	5%	\$1,400,000
Tennyson Road	436	84	5%	\$1,400,000
Consultant Services				\$200,000
Total Cost (as of 2021)				\$3,000,000
Proposed Additional Consultant Services				\$120,000
Proposed New Total Cost				\$3,120,000

The budget and contract with Schaaf & Wheeler were approved by Council in summer of 2021. The additional design to meet Flood Control requirements placed the Arf Avenue project on hold while Tennyson Road was being constructed. The additional time, design, and cost for Arf Avenue has been incorporated into an amended implementation agreement, which has been approved by Caltrans. The engineering design services for Arf Avenue, to be provided by Schaaf & Wheeler, are estimated to not exceed \$120,000. Council adoption of the attached resolution (Attachment II) would authorize the City Manager to amend the current agreement with Schaaf & Wheeler to incorporate the additional cost.

The City will be responsible for maintaining the Arf Avenue device including cleaning the device periodically as with the other trash capture devices the City owns. The annual cost to maintain each device is approximately \$2,000. Maintenance of the devices will be paid for from the Stormwater Fund and will not impact the General Fund. The cooperative agreement with Caltrans states that Caltrans will fund the design and construction of the project including the cost of engineering services to be provided by Schaaf & Wheeler. Since Caltrans will fund the project and the consulting services, the cost of the project will not impact the City's funds. In addition to the maintenance, the City's financial contribution includes staff time associated with management of the design and installation of the devices.

STRATEGIC ROADMAP

This agenda item does not relate to a specific project identified in the Council-adopted Strategic Roadmap, but it supports the priority of *Invest in Infrastructure*.

SUSTAINABILITY FEATURES

Preventing pollution including trash from entering the waters of the state will benefit aquatic ecosystems and the health of the San Francisco Bay.

PUBLIC CONTACT

No public contact has been made regarding this agenda item. Public notices will be released prior to construction for the neighboring communities and businesses surrounding the project areas. Public notices will address any transportation or other modifications needed during construction to assist to public services.

NEXT STEPS

If Council approves, staff will amend the agreement with Schaaf & Wheeler and complete the design of the Arf Avenue trash capture device. Staff will work with the consultant to finalize the device design, acquire all permits and approvals for the project, and install the device on Arf Avenue by July 2024.

Prepared by: Elisa Wilfong, Water Pollution Control Administrator
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager