



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA

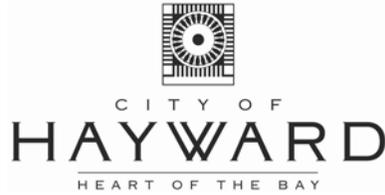
APRIL 5, 2011

**MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE FRANCISCO ZERMEÑO
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER OLDEN HENSON
COUNCIL MEMBER BILL QUIRK
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER MARK SALINAS**

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CITY COUNCIL MEETING FOR TUESDAY, APRIL 05, 2011

CLOSED SESSION
Closed Session Room 2B – 4:30 PM

1. **PUBLIC COMMENTS** (*Limited to items agendaized for Closed Session*)
 2. Real Property Negotiations
Pursuant to Government Code 54956.8
Negotiators: City Manager David, Assistant City Manager Morariu, City Attorney Lawson, and Economic Development Manager Brooks
 - 1027 A Street – Municipal Lot #2, APN 428-0061-039-01
 3. Pending Litigation
Pursuant to Government Code 54956.9
 - Mawlavizada v. City of Hayward, U.S.D.C. (N.D. CA), No. C-10-03253 (MEJ)
 4. Performance Evaluation
Pursuant to Government Code 54957
 - City Attorney
 5. Adjournment to Regular Meeting
-

CITY COUNCIL MEETING
Council Chambers - 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Quirk

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS Business Recognition Award - Arborwell, Inc

 National Volunteer Week - April 10-16, 2011

HAYWARD CITY COUNCIL, 777 B STREET, HAYWARD, CA 94541
[HTTP://WWW.HAYWARD-CA.GOV](http://www.hayward-ca.gov)

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

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

WORK SESSION (60-Minute Limit)

1. FY 2012 Community Development Block Grant (CDBG) Funding Recommendations
[Staff Report](#)
[Attachment I: FY 12 CDBG Resolution](#)
[Attachment II: FY 12 CDBG Funding Recommendations](#)
[Attachment III: Applications Supporting Council Priorities](#)
[Attachment IV: Application Summaries](#)
-

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

CONSENT CALENDAR

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 8, 2011
[Draft Minutes](#)
3. Approval of Minutes of the City Council Meeting on March 15, 2011
[Draft Minutes](#)
4. Approval of Minutes of the Special Joint City Council/Housing Authority Meeting on March 22, 2011
[Draft Minutes](#)



5. Measure B Pavement Reconstruction FY12: Approval of Plans and Specifications and Call for Bids

[Staff Report](#)

[Attachment I - Resolution](#)

[Attachment II - Project Location Maps](#)

[Attachment III - List of Streets](#)

6. Final Map Tract 7736, Application No. PL-2006-0069, Stonebrae Country Club Village B – Stonebrae, L.P. (Subdivider) – Request to Amend Condition of Approval No. 171 Related to the Size of the Second Water Storage Reservoir at the Highland 1530 Zone - The Project is Located Southeast of the Fairview Avenue/Hayward Boulevard Intersection

[Staff Report](#)

[Attachment I - Draft Resolution](#)

[Attachment II - Project Location Map](#)

[Attachment III - Draft Potable Water Use Restriction Covenant](#)

[Attachment IV - Letter from Stonebrae, dated August 10, 2010](#)

7. Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street: Approval of Plans and Specifications and Call for Bids

[Staff Report](#)

[Attachment I - Resolution](#)

[Attachment II - Project Location Map](#)

8. Resignation of Lucy Castillo from the Human Services Commission

[Staff Report](#)

[Attachment I](#)

[Attachment II](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

PUBLIC COMMENT RULES: The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

APRIL 5, 2011



****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

**NEXT SPECIAL MEETING – CLOSED SESSION ONLY
6:00 PM, TUESDAY, APRIL 12, 2011**

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, APRIL 19, 2011

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.



DATE: April 5, 2011
TO: Mayor and City Council
FROM: Library and Community Services Director
SUBJECT: FY 2012 Community Development Block Grant (CDBG) Funding Recommendations

RECOMMENDATION

That Council reads and comments on this report.

SUMMARY

FY 2012 Community Development Block Grant (CDBG) Allocations: During FY 2012, the City will administer CDBG funds received from the U.S. Housing and Urban Development (HUD) Department. The City is an “Entitlement” CDBG grantee, and as such, funding is provided annually upon HUD’s approval of the Council’s CDBG allocations, which form the substantive portion of the City’s Annual One Year Action Plan.

These allocations are subject to available funding as approved by Congress. At present, the FY 2012 Federal budget has not been approved and it is not yet known how much the City’s CDBG allocation will be. For this report, it is projected that the City’s allocation will be reduced by ten percent (10%), resulting in \$1,593,830 available to allocate to eligible activities. This projection is based on the information that is known at this time. It is unlikely that the allocation will be increased; however, it is possible that the allocation could be reduced by an even greater percentage.

The Citizens Advisory Commission’s (CAC’s) and staff’s FY 2012 Funding Recommendations are included with this report as Attachment II. The amounts recommended for each applicant are intended to represent a percentage of available funding, so that when the actual amount of FY 2012 CDBG funding is known, those percentages may be applied to adjust the allocations proportionately. Application Summaries are included with this report as Attachment IV.

BACKGROUND

FY 2012 Community Development Block Grant (CDBG) Allocations: The City’s FY 2012 CDBG Funding Process was conducted in compliance with the City’s [Citizen Participation Plan](#), and generally consistent with prior years’ CDBG funding cycles.

*FY2012 CDBG Funding Recommendations
April 5, 2011 Work Session*

During the previous year's application process, in light of the magnitude of funding requested and to better align the CDBG program with the City's two-year budget cycle, Council identified a number of projects to receive funding consideration for FY 2012. These project applicants were not required to prepare an application to receive consideration for FY 2012 CDBG funding.

Eight new applications were received by the December 15, 2010 deadline, which, when combined with the previously identified applicants, brought the total number of FY 2012 applicants to twenty-nine, and total funds requested to \$2,362,080. There were no late applications submitted.

The application materials received by applicants included Council's *Priorities*, the *Neighborhood Services Initiative*, and a brief orientation to *Crime Prevention Through Environmental Design* (CPTED) principles. Applicants were asked to describe in their applications how the services proposed would support one or more of Council's Priorities and HUD's Performance Measures. The application materials required each applicant to provide its service delivery address so that program locations could factor into the Funding Recommendations.

In addition to receiving copies of the eight new applications, members of the Citizen's Advisory Commission (CAC) received a mid-year performance report for each of the currently-funded agencies to receive FY 2012 funding consideration. The CAC analyzed all the applications received, and appointed an Application Review Committee to interview representatives from all of the new applicant agencies.

On Tuesday, February 8, 2011, members of the Application Review Committee (Commissioners Moore, Leppert, Kersten, McManus, Bonilla, and Samuels) interviewed each of the applicants. Four staff members were also in attendance. The interviews provided an opportunity for Commissioners to review each of the newly proposed projects and to gain insight into each applicant's capacity for carrying out the proposed activities.

At its regular meeting on Wednesday, February 16, 2011, the CAC deliberated and established "draft" FY 2012 CDBG funding recommendations. The following month, on Wednesday, March 16, 2011, the public comment period ended, and the CAC finalized its funding recommendations and voted to forward them to City Council for consideration.

DISCUSSION

Attachment II provides the CAC and staff's FY 2012 CDBG funding recommendations, which are identical to each other. All of the applications submitted propose to support at least one City Council priority, and all propose to serve low-income Hayward residents. Attachment III presents the funding recommendations, sorted according to City Council priority.

Federal regulations allow up to 15% of available funds to be allocated in the Public Services category; projects recommended for funding in that category total \$300,500. As the Hayward community continues to be affected by the prolonged economic recession and uncertainties, and in consideration of Council's policy of utilizing funding in the Public Services category for exclusively housing-related services for low-income residents, priority was given to homeless shelters, fair housing activities, and foreclosure counseling and mitigation services.

Following are comments and analysis of the applications which are not being recommended for funding in FY 2012:

Application #1: Housing Rehabilitation Revolving Loan Program (City of Hayward): The City has operated the Housing Rehabilitation Loan Program for over twenty years, assisting 15 – 20 low-income households each year with low-interest, deferred loans to maintain the safety and accessibility of their housing.

Approximately half the clients assisted through this program have been seniors (62+), and approximately half the loans made through this program have been made to owners of mobile homes.

As Council is aware, local home values have dropped, negatively affecting homeowners' proportion of equity in their properties; in some cases, homeowners have no equity at all and owe their lenders more than the market value of their homes. Individuals' financial circumstances can be complex, and recovery - if achievable - can span years. In the past year, applicants to the City's loan program frequently faced multiple financial dilemmas including pending or underway foreclosures, missed mortgage payments, unpaid property taxes, maxed-out home equity lines of credit (HELOC), and monthly debt-service that approaches or exceeds their monthly incomes.

In the past year, there were three instances in which the City was forced to forgive loans stemming from two short sales and a health crisis, totaling \$85,665.84. Staff has been notified four others are "under water" and have requested forgiveness in order to facilitate loan modifications, totaling \$134,580. Two loan projects are pending, both of which pertain to homes that are in pre-foreclosure but whose owners are working with foreclosure mitigation specialists.

Although the program's focus has been to assist low-income homeowners, these economic circumstances, although temporary, call into question the practicality of making loans to households whose financial circumstances may be unsustainable. Rather, it may be more helpful to assist these homeowners, as appropriate, with grants through the Minor Home Repair Grant program. Consequently, it is recommended that the Housing Rehabilitation Loan Program *not* receive a FY 2012 allocation of CDBG funds, and that the loan program utilize its remaining current-year and CDBG-R allocations, along with program income, to make deferred loans as capacity allows, to homeowners whose individual financial circumstances reflect an ability to sustain their independence and eventually repay the loans.

Although this would reduce opportunities for financially struggling, low-income homeowners to *borrow* funds to maintain their housing, the *Minor Home Repair Grant* (Application #2) program's guidelines are being updated for FY 2012 to increase the maximum size of a grant from approximately \$5,000 to approximately \$10,000 or more so that low-income homeowners, including those who struggle with some of the challenges described above, could be assisted with accessibility, and urgent health and safety related repairs (e.g., water heaters, furnaces, roofing). The adjustment in grant size is further warranted by the costs associated with construction work and the relatively modest impacts that can be achieved within the previous \$5,000 limit. This is especially true of work performed on mobile homes, which must generally be performed by specialty trades, requires uniquely-sized appliances, and is approved by State rather than City inspectors. The grant program would also continue to partner with the City's Community Preservation Program, to assist eligible homeowners with the correction of code violations, and to address neighborhood appearance problems.

Application#3: Northern California Community Development (Faith Manor Apartments): The Faith Manor Apartments are located on Forselles Way at Tyrell Avenue. The project would replace the 62-unit

complex's roof and retrofit all single-paned windows with double-paned windows. Although this project serves a diverse and primarily low-income group of tenants, there were several concerns that ultimately culminated in a recommendation to not provide funding to this project.

First, although each tenant is required to provide documentation to verify their low-income status at application to Faith Manor, there seemed to be no formal system in place for monitoring the ongoing income-eligibility of tenants, which would be required if the program were to receive Federal CDBG funds. In general, the style of project management seemed informal, which is not to say that it seemed ineffective. However, the information provided in the application and the interview lacked sufficient specificity and detail (e.g., the age of the buildings, amounts of money expended annually to maintain the property, rent schedule, number of residents, demographics) to warrant a recommendation to provide funds to the project.

Application #9: Afghan and International Refugees Support Services (AIRSS) and Bay Area Immigrant and Refugee Services (BAIRS): This program would provide people who are immigrants and refugees with basic case management, referrals, translation/interpretation, and assistance with understanding variations in culture. Although not currently funded, this project has received grants in prior years through the City's Social Services Program.

Programs funded in the CDBG Public Services category are required to be housing-related services. In this instance, the applicant is not a housing provider, nor was the program's relationship to housing made clear, in the application or the interview. Therefore, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Application #20: Hope for the Heart (Public Services): Hope for the Heart is a food distribution site on Meekland Avenue in the unincorporated area of north Hayward. This application, which was determined to be ineligible, requested funding to purchase thirty palette racks for its food warehouse.

Although Hope for the Heart provides a much-needed service to local agencies and residents, the reason for this application's ineligibility is as follows: programs funded in the CDBG Public Services category are required by Council policy to be for housing-related services. In this instance, the applicant is not a housing provider, nor was the program's relationship to housing made clear, in the application or the interview. Therefore, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Application #21: Kidango: This application requested funds to support an existing child care program at the Eden Self-Sufficiency Center on Amador Street in Hayward. CDBG funding received would be combined with other sources of subsidy to further reduce the cost of childcare for the families whose children are enrolled at the program.

This application was determined to be ineligible, because although childcare, like transportation and employment, is a basic resource to support housing, the applicant is not a housing provider, nor was the program's relationship to housing made clear. Thus, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Application #28: Young Entrepreneurs Program: This proposal would "match" adolescents from families receiving assistance from the CalWorks' Welfare-to-Work program, with small business owners in Hayward

who would serve as mentors. The young people would receive exposure to entrepreneurship and gain employment skills, and the business owners, who might otherwise not be able to hire additional employees, would benefit from the young peoples' contributions and work efforts.

Although the model seemed compelling and there was general support for increasing employment opportunities and experience for Hayward's youth, the proposal is not recommended to receive funding for the following reason: HUD requires that for every \$35,000 invested in an economic development activity, one full-time job must be created, and although the program seemed worthwhile, due to the current economy, it was not clear that the program would actually create jobs and meet HUD job creation criteria.

FISCAL IMPACT

The CDBG Program does not have a negative impact on the City's General Fund, as a portion of CDBG funds (up to 20%) may be used to pay for administration of the grants by City staff, including Federal environmental review, contracting, Labor Standards monitoring, lead-based paint compliance, procurement of contractors, site inspections, financial management, and Federal reporting.

PUBLIC CONTACT

On October 30, 2010, a [Notice of Funding Availability](#) was published in the Daily Review newspaper. CDBG application materials were published on November 15, 2010 and a Funding Forum and Technical Assistance Workshop was conducted on December 8, 2010.

At the Funding Forum, applicants received an orientation to CDBG funding. The orientation included an explanation of the purpose and limitations of the CDBG program, advisories that up to 15% of CDBG funds may be used for Public Services, as defined by the CDBG Regulations and Council's Categories of Need, and that it is Council's policy to utilize Public Services funding to support exclusively *housing-related* social services for low-income Hayward residents. Applicants were informed about the City's [Social Services Program](#), which is funded by the City's General Fund, and provides grants to support other types of community services that are outside the parameters of the CDBG program.

A Public Notice was published on Saturday, October 30, 2010, announcing the availability of funds for CDBG projects. During that week, paper copies of the Public Notice were mailed and/or emailed to currently funded agencies, previously funded agencies, applicants from previous years, and everyone on the CDBG and Social Services mailing list (several hundred individuals and local agencies). The CDBG application package was available to the community electronically on the City's website beginning on November 15, 2010.

All funding deliberations took place at properly noticed Citizens Advisory Commission meetings that were open to the public. These meetings took place on February 16, 2011 and March 16, 2011. The weeks in between these meetings constituted a public comment period, during which members of the public, including applicants, could submit their comments regarding the funding process or the funding recommendations. At the March 16, 2011 Citizens Advisory Commission meeting, there were twelve community members in attendance who signed the visitors' sign-in sheet, and six comments were presented:

- Betty DeForest, representing the South Hayward Parish, was in attendance.

- Dave McKeown, representing the Eden Youth and Family Center, was in attendance.
- Cate Steane, representing the Family Emergency Shelter Coalition (FESCO), was in attendance.
- Vincent Cheng, representing the 4-C's of Alameda County, was in attendance.
- Ron Gillette, representing Women on the Way, was in attendance.
- Erin Scott, representing the Family Violence Law Center, was in attendance.
- Victoria Popejoy, representing Hope for the Heart, was in attendance. She expressed her appreciation to the Commission for its recommendation to provide funding to Hope for the Heart.
- Gabriel Hernandez, representing the Hayward Day Labor Center, was in attendance. He said the past year has been a difficult one for many people who have been seeking employment, and thanked the Commission for its recommendation to provide funding to the Day Labor Center.
- Margie Rocha, representing ECHO Housing, expressed her appreciation to the Commission for its work, and for its recommendation to provide funding to ECHO Housing's Landlord-Tenant, Fair Housing Counseling, Rental Assistance, and Foreclosure Mitigation programs. She said this has been a difficult year for nonprofit agencies, and that Hayward residents would be well-served by her agency's programs.
- Ralph Johnson, representing the Emergency Shelter Program, was in attendance, and expressed his agency's appreciation for the continued support from the City.
- Sara Lamnin, representing the Hayward Community Action Network (CAN), was in attendance. She thanked the Commission for its work and recommendation to provide funding to CAN. She also commended the CAC for its participation in this year's Strategic Planning Process.
- Karl Zabel, representing the Hayward Area Recreation and Park Department (HARD), was in attendance. He expressed his agency's appreciation for the funding recommendation for the Senior Center, and invited Commissioners to visit the Southgate Center project, which is nearing completion.

On Saturday, March 19, 2011, a notice was published in the Daily Review newspaper, to announce that City Council will conduct a Public Hearing on Tuesday, April 19, 2011, during which Council will make its FY 2012 CDBG allocations.

NEXT STEPS

Council will conduct a public hearing on Tuesday, April 19, 2011, at which it will make its final FY2012CDBG Allocations, which will form the substantive portion of the City's FY 2012 (HUD Program Year 2011) One Year Action Plan.

Prepared by:
Anne Culver, Social Services Planning Manager

Recommended by:
Sean Reinhart, Library and Community Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution Approving FY 2012 CDBG Allocations and One Year Action Plan
- Attachment II: CAC's and Staff's FY 2012 CDBG Funding Recommendations Chart
- Attachment III: Applications Supporting City Council Priorities
- Attachment IV: Application Summaries

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE ANNUAL PLAN AND AUTHORIZING AN APPLICATION FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2012.

WHEREAS the Housing and Community Development Act of 1974 makes funds available to qualified cities for certain community development activities; and

WHEREAS the City of Hayward is qualified to receive certain funds pursuant to said act; and

WHEREAS the City Council has considered public testimony and the Community Development Block Grant Program recommendations prepared by staff and the Citizens Advisory Commission, a copy of which is attached as Attachment A and hereby referred to for further particulars; and

WHEREAS the Council has considered the environmental impact of the program and hereby finds and determines that the program is composed of projects that are categorically excluded from the National Environmental Protection Act or will be subject to later environmental review and finds and determines that the activities funded by the program are either not subject to the California Environmental Quality Act or will be subject to later environmental review;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the aforesaid Community Development Block Grant Program and authorizes the City Manager on behalf of the City of Hayward to execute and submit the required application and all implementing documents in connection therewith.

IN COUNCIL, HAYWARD, CALIFORNIA, April 19, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES COUNCIL MEMBERS:

NOES COUNCIL MEMBERS:

ABSTAIN COUNCIL MEMBERS:

ABSENT COUNCIL MEMBERS:

MAYOR: Sweeney

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

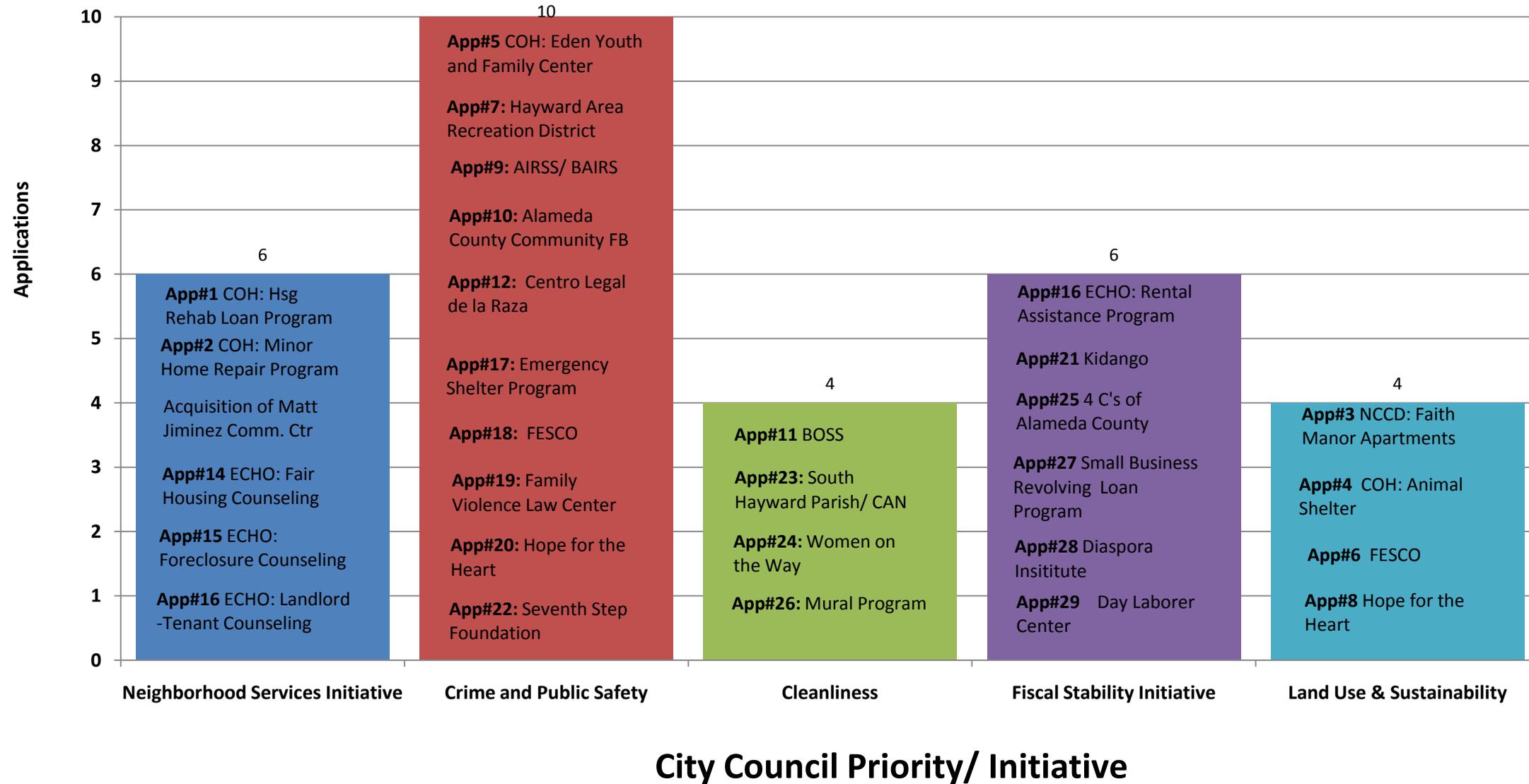
City Attorney of the City of Hayward

**Community Development Block Grant (CDBG)
FY 12 Funding Recommendations**

App. #:	CATEGORY	Amount Requested	FY 12 CDBG Funding Recommendations		%	App. #:
			CAC Recommendations	Staff Recommendations		
HOUSING & HOUSING REHABILITATION						
1	COH: Housing Rehab Loan Program	180,000	0	0	0.00%	1
2	COH: Minor Home Repair Program	268,000	268,000	268,000	16.81%	2
3	NCCD: Faith Manor Apartments	250,000	0	0	0.00%	3
	Subtotals:	698,000	268,000	268,000		
NEIGHBORHOOD FACILITIES & IMPROVEMENTS						
	Acquisition of Matt Jimenez Community Center	133,330	133,330	133,330	8.37%	
4	COH: Animal Shelter	200,000	200,000	200,000	12.55%	4
5	COH: Eden Youth and Family Center	300,000	125,000	125,000	7.84%	5
6	FESCO	12,000	12,000	12,000	0.75%	6
7	HARD	120,000	100,000	100,000	6.27%	7
8	Hope for the Heart	50,000	50,000	50,000	3.14%	8
	Subtotals:	815,330	620,330	620,330		
PUBLIC SERVICES						
9	AIRSS & BAIRS	35,000	Ineligible	Ineligible		9
10	Alameda County Community Food Bank	35,000	35,000	35,000	2.20%	10
11	BOSS/South County Homeless Shelter	15,000	15,000	15,000	0.94%	11
12	Centro Legal de la Raza	17,000	17,000	17,000	1.07%	12
13	ECHO:Fair Housing Counseling	20,000	20,000	20,000	1.25%	13
14	ECHO: Foreclosure Counseling	25,000	25,000	25,000	1.57%	14
15	ECHO: Landlord-Tenant Counseling	20,000	20,000	20,000	1.25%	15
16	ECHO: Rental Assistance Program	5,525	5,525	5,525	0.35%	16
17	Emergency Shelter Program	26,000	26,000	26,000	1.63%	17
18	FESCO	40,000	40,000	40,000	2.51%	18
19	Family Violence Law Center	50,000	50,000	50,000	3.14%	19
20	Hope for the Heart	32,000	Ineligible	Ineligible	0.00%	20
21	Kidango	25,000	Ineligible	Ineligible	0.00%	21
22	Seventh Step Foundation-Job Developer	16,975	16,975	16,975	1.07%	22
23	So. Hayward Parish/CAN	15,000	15,000	15,000	0.94%	23
24	Women on the Way	15,000	15,000	15,000	0.94%	24
	Subtotals:	392,500	300,500	300,500		
ECONOMIC DEVELOPMENT & COMMERCIAL REHABILITATION						
25	4 C's of Alameda County	35,000	35,000	35,000	2.20%	25
26	COH: Mural Program/Code Corrections	50,000	50,000	50,000	3.14%	26
27	COH: Small Business Revolving Loan Program	200,000	200,000	200,000	12.55%	27
28	Young Entrepreneurs Program	51,250	0	0	0.00%	28
29	Hayward Day Laborer Center	120,000	120,000	120,000	7.53%	29
	Subtotals:	456,250	405,000	405,000		
GRAND TOTALS:		2,362,080	1,593,830	1,593,830	100.00%	

Highlight = NEW applications.

Community Development Block Grant (CDBG) FY 11-12 Applications



City of Hayward
FY 12 CDBG Application
Summaries

#1

Housing Rehabilitation Loan Program

City of Hayward
Community Services Division

510-583-4238

Contact: Anne Culver, Soc. Svc. Planning Mgr.
Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 180,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: This program provides deferred, below-market rate loans to low-income Hayward homeowners, including seniors and people who have disabilities. Eligible types of work include code corrections, roof replacement, structural and mechanical repairs, and accessibility improvements. The program emphasizes energy-efficient utilities and environmentally-friendly materials. This program closely complements the City’s Minor Home Repair Program.

Proposed FY 11-12 Outcomes Include: FY 12 funding is not recommended for the Housing Rehabilitation Loan Program. A comprehensive rationale for this recommendation is provided in the staff report to Council.

Year of Project Inception: 1978

Previous City Funding? YES

#2

Minor Home Repair Program

City of Hayward
Community Services Division

510-583-4238

Contact: Anne Culver, Soc. Svc. Planning Mgr.
Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 268,000
FY 11-12 CAC Recommendation: \$ 268,000
FY 11-12 Staff Recommendation: \$ 268,000

Summary: This program provides grants for low-income Hayward homeowners, including seniors and people who have disabilities, to make accessibility modifications, correct code violations, and make health and safety related repairs. The program emphasizes energy-efficient options and environmentally-friendly materials. In FY 12 approximately 50 grants will be made to eligible homeowners.

Proposed FY 12 Outcomes Include: 12 incipient code compliance cases will be prevented from requiring enforcement proceedings. 10 outdated, energy-inefficient furnaces will be replaced with Energy-Star units. 10 mobile homes will have energy-efficient evaporative coolers installed. 15 Hayward residents who have disabilities will benefit from improved accessibility at home through the installation of ramps, grab bars, etc. 25 evergreen, drought-tolerant trees and bushes will be planted. 5 homes' single-paned windows will be retrofitted with energy-saving double-paned windows.

Year of Project Inception: 1978

Previous City Funding?

YES

#3

Northern California Community Development (NCCD)

907 W. Tennyson Road
Hayward, CA 94544

Faith Manor Apartments

510-714-4410
Contact: Landis Graden
Lgraden@dcgdev.com

FY 11-12 Funding Requested : \$ 250,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: The Northern California Community Development (NCCD) agency provides affordable housing at the Faith Manor Apartments located at 907 West Tennyson Road in Hayward. The project proposes to complete housing rehabilitation for all 62 units at this housing development. Approximately 186 low-income unduplicated Hayward individuals reside at the Faith Manor Apartments.

Proposed Outcomes Include: Funds would be used to remove old single pane windows and install dual-paned energy efficient windows. In addition, the agency is requesting funds to replace roofing on each apartment. The energy efficiency upgrades would produce energy savings and also lower tenants' utility bills.

Year of Project Inception: 2008 **Previous City Funding ?** NO

#4

Hayward Animal Shelter

City of Hayward
 16 Barnes Court
 Hayward, CA 94544

510-293-7200

Contact: Jennie Comstock
 jennie.comstock@hayward-ca.gov

FY 11-12 Funding Requested: \$ 200,000
FY 11-12 CAC Recommendation: \$ 200,000
FY 11-12 Staff Recommendation: \$ 200,000

Summary: The Animal Shelter provides care and shelter to lost, abandoned, or abused pets within the City of Hayward. Each year 3,800 animals are sheltered at the facility, supporting Council’s Crime and Public Safety Priority. The shelter serves the entire Hayward community, and is located at the junction of three low-income census tracts. The shelter is requesting funds to upgrade the facility for safe management and comfort of the animals and volunteers who work with the animals.

Proposed Outcomes Include: Subject to available funding, items to be addresses in order of priority include: installation of zoned, climate-control systems, improved lighting, improved acoustics to decrease stress and agitation, installation of a commercial-grade sanitizer for food storage containers and food bowls, on-demand hot water for sanitation of cages and the various animal wards, and improved street signage and exterior paint.

Year of Project Inception: 1982

Previous City Funding ?

NO

#5

Eden Youth & Family Center

City of Hayward Rehabilitation

680 West Tennyson Rd.
Hayward, CA 94544

510-583-4238

Contact: Anne Culver
Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 125,000
FY 11-12 CAC Recommendation: \$ 125,000
FY 11-12 Staff Recommendation: \$ 125,000

Summary: The facility is home to nine social services programs that serve the neighborhood, which is populated by predominantly low-income Hayward residents. Earlier this year, four classrooms were painted and re-carpeted, and the entire roof system is currently being replaced. Roofing materials selected will reflect light and heat to better insulate the interior spaces during the hot summer months.

Proposed Outcomes Include: This allocation would be the second of three planned phases to rehabilitate the facility’s highest priority items to sustain its existing uses for a period of five to ten years. Work to be undertaken in FY 11-12 would include an upgraded electrical system, landscaping/security, and signage.

Year of Project Inception: 1979

Previous City Funding ?

YES

#6

Family Emergency Shelter Coalition

Disaster Planning

22671 3rd Street
Hayward, CA 94541

510-886-5473

Contact: Rebecca Walden
rwalden@fescofamilyshelter.org

FY 11-12 Funding Requested: \$ 12,000
FY 11-12 CAC Recommendation: \$ 12,000
FY 11-12 Staff Recommendation: \$ 12,000

Summary: The FESCO Family Shelter is a twenty-four bed shelter for families. In addition to shelter, families receive meals, case management, counseling, and housing placement assistance. The shelter serves approximately 130 individuals, or 30 families, each year. The shelter reports a 25% housing placement rate.

FESCO’s proposal requests funds to perform a limited seismic retrofit of the shelter facility.

Proposed FY 11-12 Outcomes Include: Funding is requested for FESCO’s 3rd Street family shelter. The project would add bolts to the foundation and add shear-wall in the cripple-wall areas of the ground floor / basement.

Year of Project Inception: 1986

Previous City Funding ?

YES

#7

Hayward Area Recreation & Park District

Senior Center Kitchen Rehabilitation

22325 N. Third
Hayward, CA 94541

510-881-6714

Contact: Karl Zabel
zabk@haywardrec.org

FY 11-12 Funding Requested: \$ 120,000
FY 11-12 CAC Recommendation: \$ 100,000
FY 11-12 Staff Recommendation: \$ 100,000

Summary: The Senior Center, located on Third Street in Hayward, provides activities and services for Hayward seniors. Each year 30,000 – 35,000 seniors visit and use this facility. Ongoing activities include social services, special events, bingo, lunches, classes, pool tables, activities, day trips, tours, computer laboratories with internet access, and libraries. The on-site commercial kitchen is utilized to prepare 12,000 hot meals each year, for seniors, drop-ins, and take-home use. Over forty programs, in addition to the senior center, use the kitchen for events and classes.

Proposed FY 11-12 Outcomes Include: If allocated, funds would be used to upgrade the Senior Center’s outdated kitchen to meet the Health Department’s commercial standards and to meet ADA accessibility standards.

Year of Project Inception: 1975

Previous City Funding ?

YES

#8

Hope for the Heart

Solar Panels

22035 Meekland Ave.
Hayward, CA 94541

510-581-4673

Contact: Victoria Popejoy, Executive Director
victoria@hope4theheart.org

FY 11-12 Funding Requested: \$ 50,000
FY 11-12 CAC Recommendation: \$ 50,000
FY 11-12 Staff Recommendation: \$ 50,000

Summary: Hope for the Heart operates an all-volunteer food distribution warehouse in the unincorporated area of north Hayward. The agency works with over 120 organizations and approximately 10,800 unduplicated low-income Hayward residents on an annual basis. In addition to distributing perishable and non-perishable food items, the agency also distributes toiletries and baby diapers.

Proposed FY 11-12 Outcomes Include: The applicant has secured funding from other sources to rebuild its warehouse, which was destroyed in a fire in 2008.

If funding is allocated from the City of Hayward, the money would be used to install solar panels on the roof of the new warehouse. The solar panels would generate electricity which would effectively lower the agency’s operational expense.

Year of Project Inception: 2000

Previous City Funding ?

YES

#9

AIRSS & BAIRS

Immigrant and refugees program

27287 Patrick Ave.
Hayward, CA 94541

510-782-6001

Contact: Dr. Ali Mardanzai, Executive Director
ali.mardanza@yahoo.com

FY 11-12 Funding Requested: \$ 35,000
 FY 11-12 CAC Recommendation: \$ 0
 FY 11-12 Staff Recommendation: \$ 0

Summary: This program provides people who are immigrants and refugees with basic case management, referrals, translation/interpretation, and assistance with understanding variations in culture. Although not currently funded, this project has received grants in prior years through the City’s Social Services Program.

Proposed FY 11-12 Outcomes Include: Programs funded in the CDBG Public Services category must be housing-related services. In this instance, the applicant is not a housing provider, nor was the program’s relationship to housing made clear, in the application or the interview. Therefore, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Year of Project Inception: 1971

Previous City Funding ?

YES

#10

Alameda County Community Food Bank

7900 Edgewater Drive
Oakland, CA 94621

510-636-4903

Contact: Suzan Bateson, Executive Director
sbateson@accfb.org

FY 11-12 Funding Requested: \$ 35,000
FY 11-12 CAC Recommendations: \$ 35,000
FY 11-12 Staff Recommendations: \$ 35,000

Summary: The Alameda County Community Food Bank's Food Distribution-Food Purchase Program delivers high-nutrient food to Hayward homeless shelters, and provides on-site nutrition education and technical assistance to shelter staff and their clients to maximize limited food and financial resources.

Proposed FY 11-12 Outcomes Include: The Food Bank would purchase and deliver highly nutritious food each month for Hayward homeless shelters. This year, each shelter would have the option of “spending” its “share” of the grant by “shopping” at the Food Bank. An average of 125 unduplicated low-income Hayward residents would be served by this program each month.

Year of Project Inception: 1984

Previous City Funding ?

YES

#11

BOSS/ South County Homeless Project

258 West "A" Street
Hayward, CA 94541

510-537-1413

Contact: Calvin Walker, Program Coordinator
calvin@self-sufficiency.org

FY 11-12 Funding Requested: \$ 15,000
FY 11-12 CAC Recommendation: \$ 15,000
FY 11-12 Staff Recommendation: \$ 15,000

Summary: The South County Homeless Project represents the sole mid-county facility that provides shelter, meals, and support services to homeless people who have mental health problems, addictions, and other characteristics of chronically homeless individuals. The shelter has 24 beds (10 for women and 14 for men).

Proposed FY 11-12 Outcomes Include: Funding would be used to provide operational support to the program, which reports a 17% permanent housing placement rate, a 14% placement rate into transitional housing. The BOSS shelter served 62 homeless individuals with shelter and support services, during the first half of this year.

Year of Project Inception: 1988

Previous City Funding ?

YES

#12

Centro Legal de la Raza

770 "A" Street
Hayward, CA 94541

510-437-1554

Contact: Jessica Wickens
jessicawickens@centrolegal.org

FY 11-12 Funding Requested: \$ 17,000
FY 11-12 CAC Recommendation: \$ 17,000
FY 11-12 Staff Recommendation: \$ 17,000

Summary: Centro Legal de la Raza provides free legal aid and tenants' rights education to low-income Hayward residents facing eviction, including those Hayward residents referred by the mid-County Homeless Assistance Center.

Proposed FY 11-12 Outcomes Include: Funding would be used to offer a monthly housing clinic in Hayward to serve approximately 35 unduplicated low-income Hayward residents with eviction defense, advice, and brief legal services to help them retain their housing or obtain additional time to relocate. During the first half of this year, 21 unduplicated Hayward residents received legal assistance, and 11 retained their housing or obtained additional time to move.

Year of Project Inception: 2002

Previous City Funding ?

YES

#13

ECHO Housing/ Fair Housing

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 20,000
FY 11-12 CAC Recommendation: \$ 20,000
FY 11-12 Staff Recommendation: \$ 20,000

Program Purpose: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. The Fair Housing Counseling and Investigation program enables low-income persons to access housing regardless of race, nation origin, gender, sexual orientations, HIV- status, ethnicity, marital status, mental physical disability, religion, or family composition.

Proposed FY 11-12 Outcomes Include: Funding would be used to conduct 3 workshops, pay for outreach materials, and conduct 5 outreach events to approximately 95 individuals. ECHO would respond to all inquiries and discrimination complaints, maintain a pool of 6 testers to investigate discrimination complaints, investigate 15 discrimination complaints, refer 4 investigate cases to attorneys or other appropriate government agencies, conciliate 3 investigated cases, and conduct a fair housing audit.

Year of Project Inception: 1964

Previous City Funding ?

YES

#14

ECHO Housing/ Foreclosure Mitigation

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 25,000
FY 11-12 CAC Recommendation: \$ 25,000
FY 11-12 Staff Recommendation: \$ 25,000

Program Purpose: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. The Foreclosure Mitigation Counseling provides mortgagors, who are in danger of pre-foreclosure or foreclosure, with options regarding their financial situation. This includes, but not limited to, loan modifications, refinancing, deferment, or filing for bankruptcy.

Proposed FY 11-12 Outcomes Include: If funded, ECHO would provide pre-foreclosure or foreclosure mitigation counseling to an initial 62 Hayward families, and as appropriate, assist eligible homeowners to achieve loan modifications.

During the first half of the current year, ECHO screened 77 households to assist 13 households, ultimately achieving loan modifications in 4 cases, with others pending.

Year of Project Inception: 1980

Previous City Funding ?

YES

#15

ECHO Housing/ Landlord-Tenant

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 20,000
FY 11-12 CAC Recommendation: \$ 20,000
FY 11-12 Staff Recommendation: \$ 20,000

Summary: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. Landlord/Tenant Counseling and Mediation offers mediation/conciliation, when appropriate, to resolve disputes between tenants and landlords; to prevent evictions and to provide general information and referrals regarding tenant/landlord rights and responsibilities.

Proposed FY 11-12 Outcomes Include: ECHO would use funding to conduct 2 workshops to renters and landlords, provide housing information, counseling, investigation, referral, and mediation in responses to 328 tenant/landlord complaints or requests, provide mediation or conciliation of housing disputes to 14 individuals, and provide intervention counseling resulting in eviction prevention to 7 households.

Year of Project Inception: 1973

Previous City Funding ?

YES

#16

ECHO Housing/ Rental Assistance

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 5,525
 FY 11-12 CAC Recommendation: \$ 5,525
 FY 11-12 Staff Recommendation: \$ 5,525

Summary: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. The Rental Assistance Program (RAP) assists low-income households to secure affordable housing, or to maintain affordable housing by providing grants and/or guarantees.

Proposed FY 11-12 Outcomes Include: If funded, ECHO would use the funding to place or maintain two families/households in affordable housing.

Year of Project Inception: 1987

Previous City Funding ?

YES

#17

Emergency Shelter Program, Inc.

Confidential Address
 Hayward, CA Census Tract: 4377

510-581-5626

Contact: Ralph E. Johnson
ralph@espca.org

FY 11-12 Funding Requested: \$ 26,000
FY 11-12 CAC Recommendation: \$ 26,000
FY 11-12 Staff Recommendation: \$ 26,000

Summary: Emergency Shelter Program, Inc. (ESP) provides emergency shelter and support services to women and children who are victims of domestic violence or homelessness. Support services include case management, advocacy, information and referral, childcare, and housing and employment search assistance. ESP also provides 24-hour phone support through its crisis hotline.

Proposed FY 11-12 Outcomes Include: ESP would use funding as operational support to provide approximately 68 unduplicated low-income Hayward residents with shelter and support services.

In the current year ESP has served 78 women and children, and reports a placement rate of 32% into permanent housing, with another 35% moving from the shelter to stay with friends or family.

Year of Project Inception: 1972

Previous City Funding ? YES

#18

Family Emergency Shelter Coalition

21455 Birch Street, Suite #5
Hayward, CA 94541

510-886-5473

Contact: Rebecca Walden
rwalden@fescofamilyshelter.org

FY 11-12 Funding Requested: \$ 40,000
FY 11-12 CAC Recommendation: \$ 40,000
FY 11-12 Staff Recommendation: \$ 40,000

Summary: The FESCO Family Shelter is a twenty-four bed shelter for families. In addition to shelter, families receive meals, case management, counseling, and housing placement assistance. The shelter serves approximately 130 individuals, or 30 families, each year.

Proposed FY 11-12 Outcomes Include: Funding would be used to provide operational support to provide 38 families (139 individuals) with shelter and support services at the family shelter.

In the current year, FESCO has served 23 families comprising sixty-eight individuals. The shelter reports a 25% housing placement rate.

Year of Project Inception: 1986

Previous City Funding ?

YES

#19

Family Violence Law Center

P.O. Box 22009
Oakland, CA 94623

510-208-0220

Contact: Cherri N. Allison
cherri@fvlc.org

FY 1-12 Funding Requested: \$50,000
FY 11-12 CAC Recommendation: \$50,000
FY 11-12 Staff Recommendation: \$50,000

Summary: The Family Violence & Homelessness Prevention (FVHP) program will enable families to extract themselves from danger from domestic violence without becoming homeless or experiencing further injury. Services include crisis intervention, and legal or other stabilizing services.

Proposed FY 11-12 Outcomes Include: If funded, at least 115 unduplicated low-income Hayward victims experiencing domestic violence would have access to full range of legal and supportive services necessary to rebuild healthy, safe lives for themselves and their families.

142 unduplicated Hayward victims (74 adults and 68 children) were served during the first half of the current year, most with crisis counseling and safety planning. 35 received direct legal representation, and 15 received emergency relocation assistance.

Year of Project Inception: 1978

Previous City Funding ?

YES

#20

HOPE for the HEART

22035 Meekland Ave.
Hayward, CA 94541

510-581-4673

Contact: Victoria Popejoy, Executive Director
victoria@hope4theheart.org

FY 11-12 Funding Requested: \$32,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: Hope for the Heart operates an all-volunteer food distribution warehouse in the unincorporated area of north Hayward. The agency works with over 120 organizations and approximately 10,800 unduplicated low-income Hayward residents on an annual basis. In addition to distributing perishable and non-perishable food items, the agency also distributes toiletries and baby diapers.

This application was determined to be ineligible.

Proposed FY 11-12 Outcomes Include: Although Hope for the Heart provides a much-needed service to local agencies and residents, the reason for this application’s ineligibility is as follows: programs funded in the CDBG Public Services category are required by Council policy to be for housing-related services. In this instance, the applicant is not a housing provider, nor was the program’s relationship to housing made clear, in the application or the interview. Therefore, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Year of Project Inception: 2000

Previous City Funding ?

YES

#21

Kidango, Inc.

24100 Amador St.
Hayward, CA 94544

Affordable Childcare

510-897-6913

Contact: Marc Baker
mbaker@kidango.org

FY 11-12 Funding Requested: \$ 25,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: This application requested funds to support an existing child care program at the Eden Self-Sufficiency Center on Amador Street in Hayward. CDBG funding received would be combined with other sources of subsidy to further reduce the cost of childcare for the families whose children are enrolled at the program.

Proposed FY 11-12 Outcomes Include: This application was determined to be ineligible, because although childcare, like transportation and employment, is a basic resource to support housing, the applicant is not a housing provider, nor was the program’s relationship to housing made clear. Thus, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Year of Project Inception: 1979

Previous City Funding ?

YES

#23

South Hayward Parish

Community Action Network (CAN)

27287 Patrick Ave.
Hayward, CA 94544

510-881-6344

Contact: Betty DeForest, Executive Director
deforestbetty@hotmail.com

FY 11-12 Funding Requested: \$ 15,000
FY 11-12 CAC Recommendation: \$ 15,000
FY 11-12 Staff Recommendation: \$ 15,000

Summary: The South Hayward Parish/Hayward Community Action Network (CAN) is a community-building network of multi-faith and non-sectarian organizations. The identified goal for this program is to assist “street” homeless people in accessing support services that will end their homelessness.

Proposed FY 11-12 Outcomes Include: The agency will coordinate with existing homeless services providers to refer clients to homeless shelters and housing locator agencies, report the number of housing placements, and collect and report data per HUD requirements. CAN estimates the unduplicated number of clients to be placed in housing or shelters is projected to be 30.

In the current year, CAN is actively case managing four individuals, has assisted in the preparation and submission of one Shelter-Plus Care application (pending), has prevented homelessness in one instance, and provided temporary shelter (by volunteers and friends) to 2 individuals.

Year of Project Inception: 2008

Previous City Funding ?

YES

#24

Women on the Way

20424 Haviland Way
Hayward, CA 94541

510-276-3661

Contact: Ron Gillette, Executive Director
rongillette@comcast.net

FY 11-12 Funding Requested: \$ 15,000
FY 11-12 CAC Recommendation: \$ 15,000
FY 11-12 Staff Recommendation: \$ 15,000

Summary: Women on the Way (WOTW) is a ten-bed shelter that provides residential treatment services to help women overcome drug and alcohol addiction. Each woman develops an individual treatment plan, setting goals in each major life area, and meets with her counselor frequently to review progress made toward her goals.

Proposed FY 11-12 Outcomes Include: WOTW would use the funding as operational support to provide shelter and support services for approximately 30 women who would reside at the shelter for approximately 4 months each.

In the current year, 28 women were assisted by mid-year, of whom 53% were Hayward residents. Four women were successfully placed in permanent housing (a placement rate of 14%).

Year of Project Inception: 1996

Previous City Funding ?

YES

#25

4 C's of Alameda County

22351 City Center Drive, Suite #200
Hayward, CA 94541

510-584-3119

Contact: Rosemary Obeid
rosemaryo@4c-alameda.org

FY 11-12 Funding Requested: \$ 35,000
FY 11-12 CAC Recommendation: \$ 35,000
FY 11-12 Staff Recommendation: \$ 35,000

Program Purpose: 4C's of Alameda County will continue to support the expansion and stabilization of family child care businesses operated by low-income residents of Hayward. The program will address the ongoing need for quality child care for working families in Hayward as well as the need for small business development within the community. The eligibility factor for this program is the creation of jobs.

Proposed FY 11-12 Outcomes Include: 4C's would provide recruitment, training, and small business support for 10 family child care providers. Assistance will be provided to clients who wish to apply for their Community Care Licenses. Program participants will have the aggregate capacity to care for approximately 80 children, ranging from infants to school-age children.

In the current year, two new licenses have been issued, and five new jobs have been created.

Year of Project Inception: 2000

Previous City Funding ?

YES

#26

Mural Art/Graffiti Abatement

(Neighborhood Facilities)

City of Hayward

Neighborhood Services Division

510-583-4238

Contact: Anne Culver, Soc. Svc. Planning Mgr.

Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 50,000
FY 11-12 CAC Recommendation: \$ 50,000
FY 11-12 Staff Recommendation: \$ 50,000

Summary: Mural art has been shown to deter vandalism, and the City of Hayward has begun a program to install beautiful murals on some of the most graffiti-prone community facilities in the City’s low-income census tracts.

Proposed FY 11-12 Outcomes Include: Local artists will work with volunteers to create mural artwork on school buildings, community centers, and other structures that are open to the public.

Current year funding has been used to support the installation of a school mascot mural at Winton Middle School. All mural art receives two coats of anti-graffiti coating, applied by volunteers. Winton Middle School is located in a low-income census tract, and 68% of its students are from low-income households.

Year of Project Inception: 2008

Previous City Funding ?

YES

#28

Young Entrepreneur’s Project (YEP)

P. O. Box 56230
Hayward CA 94545

510-967-1690
Contact: Alifea Davis
adavis@diasporianstitute.org

FY 11-12 Funding Requested: \$ 51,250
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: This proposal would “match” adolescents from families receiving assistance from the CalWorks’ Welfare-to-Work program, with small business owners in Hayward who would serve as mentors. The young people would receive exposure to entrepreneurship and gain employment skills, and the business owners, who might otherwise not be able to hire additional employees, would benefit from the young peoples’ contributions and work efforts.

Proposed FY 11-12 Outcomes Include: Although the model seemed compelling and there was general support for increasing employment opportunities and experience for Hayward’s youth, the proposal is not recommended to receive funding for the following reason: HUD requires that for every \$35,000 invested in an economic development activity, one full-time job must be created, and although the program seemed worthwhile, due to the current economy, it was not clear that the program would actually create jobs to meet HUD job creation criteria.

Year of Project Inception: 2011

Previous City Funding ?

NO

#29

South Hayward Parish/ Day Labor Center

680 West Tennyson Road
Hayward, CA 94544

510-710-9675

Contact: Gabriel Hernandez
daylaborcenter@sbcglobal.net

FY 11-12 Funding Requested: \$ 120,000
FY 11-12 CAC Recommendation: \$ 120,000
FY 11-12 Staff Recommendation: \$ 120,000

Summary: The Hayward Day Labor Center (HDLC) provides technical assistance and training to employers/business regarding labor laws and employer liability issues. The number of low-income businesses assisted will be tracked and reported. Jobs created through HDLC outreach, coordination, and technical assistance provided to employers, will also be tracked and reported.

Proposed FY 11-12 Outcomes Include: The HDLC will use the funding to work with employers, especially low-income business owners/employers, to increase their knowledge and understanding labor laws and liability issues, especially low-income business owners.

Approximately 50 employers per month are assisted, and workers are placed in long or short-term jobs approximately 6 times per month. In the current economy, jobs have been primarily landscaping, and/or short-term in nature. In addition, 931 volunteer hours were provided in service to the community during the first half of the fiscal year.

Year of Project Inception: 2006

Previous City Funding ?

YES



OFFICE OF THE CITY CLERK

DATE: April 1, 2011
TO: Mayor and City Council
FROM: City Clerk
RE: City Council Minutes 03/08/2011

Council Member Halliday has asked that the minutes of March 8, 2011, be revised to add clarity:

Second paragraph on page two currently reads:

“Mr. Andreas Cluver, Secretary/Treasurer of the Alameda County Building Construction Trades Council, spoke on behalf of the membership, many of whom reside in Hayward, and expressed solidarity for the proposed elimination of the redevelopment agency.”

Proposed to read:

“Mr. Andreas Cluver, Secretary/Treasurer of the Alameda County Building Construction Trades Council, spoke on behalf of the membership, many of whom reside in Hayward, and expressed solidarity with the Council's position to oppose the proposed elimination of the redevelopment agency.”

First paragraph on page four currently reads:

“Ms. David clarified for Council that if the agreement between the City and the RDA were recognized as valid obligations by the State, that \$4.3 million would be borrowed from the low-mod fund to make the SERAF payment which could be another source of funds for the Project.”

Proposed to Read:

“Ms. David clarified for Council that if the agreement between the City and the RDA was recognized as a valid obligation by the State, the \$4.3 million borrowed from the low-mod fund to make the SERAF payment could be paid back from tax increment and be another source of revenue for the Project.”

With the changes noted above, I respectfully request approval of the amended minutes.



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 8, 2011, 7:00 p.m.**

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Salinas.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR/Chair Sweeney
Absent: COUNCIL/RA MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957, regarding the City Clerk's Performance Evaluation. There were no reportable items.

PRESENTATION

Business Recognition Award

The City of Hayward presented the Business Recognition Award for March 2011 to Olive Garden Italian Restaurant. Located at 24688 Hesperian Boulevard, Olive Garden was founded in 1982. Operating from the 9,100 square foot Hayward location, they have 120 employees, many of whom live in Hayward. Olive Garden invests in their community through a variety of local efforts such as delivering meals in times of need and sponsoring a range of charity and school events. The award was given in recognition of the contribution this company has made to the community by: providing a positive restaurant experience for Hayward business, residents and visitors; being an industry leader; making donations to local organizations; and contributing to the overall economic well being of the City. Mr. Bill Anderson, Restaurant Manager, accepted the award on behalf of Olive Garden Italian Restaurant and thanked Council for such recognition.

PUBLIC COMMENTS

Mr. John Kyle, Teakwood Street resident, referred to his recent My Word article entitled "Getting tough with parents of truants will solve the issue," and spoke about residents who perform building modifications to their properties without the proper City permits and requested that the City work with the Hayward Unified School District to seek a solution to building code enforcement.

Mr. Jim Drake, Franklin Avenue resident, spoke favorably of the current Noise Ordinance. Mr. Drake said the proposed amendments to the ordinance contain vague wording and he was concerned the citizen's arrest process could create retaliation.

Mr. Andreas Cluver, Secretary/Treasurer of the Alameda County Building Construction Trades Council, spoke on behalf of the membership, many of whom reside in Hayward, and expressed solidarity for the proposed elimination of the redevelopment agency. Mr. Culver supported continuing the South Hayward BART Project and commended the developers for moving forward. Mr. Cluver requested Council's continuing support for the membership's efforts on having the Project covered under the Community Workforce Agreement, and added that this facilitates skilled union members' access to jobs generated by the proposed project.

WORK SESSION (60-Minute Limit)

1. Developer-Proposed Revisions to the Transit-Oriented Development Mixed-Use Project at the South Hayward BART Station

Staff report submitted by Development Services Director Rizk and Director of Public Works Bauman, dated March 8, 2011, was filed.

Development Services Director Rizk summarized the report and introduced Mr. Kurt Wittek with Wittek Development, LLC and Montana Properties, Inc., (Wittek-Montana).

Mr. Kurt Wittek, Danville resident and Wittek-Montana representative, delivered a presentation providing a background of the hurdles the developer has been facing regarding the original South Hayward BART project (Project), and noted that the proposed modifications to the Project are deemed "minor" modifications to the approved Planning Development (PD) District. Mr. Wittek added that the State Housing & Community Development (HCD) Department requires the City to be a participant in order to obtain the Proposition 1-C grant monies.

Ms. Linda Mandolini, Eden Housing Executive Director, reiterated the points delivered by Mr. Wittek's presentation and noted that, per HCD, the modification process would be a rescoring of the existing application. Ms. Mandolini mentioned that this Project could be a catalyst that creates a transit-oriented district (TOD) near BART.

In response to Council Member Zermeño's question related to when the groundbreaking would occur, Mr. Wittek replied that if the developers were allowed to proceed with the project, then the groundbreaking would be approximately September 2012.

In response to Council Member Peixoto's question regarding the rationale of labeling the modification minor, Mr. Wittek replied that the developers are asking for re-phasing to be able to focus funding efforts on Phase 1, which would be funded by HCD Proposition 1-C grant funds.

In response to Council Member Henson's question about the HCD process, Mr. Wittek responded that the City would be a co-applicant and the rescoring would take place after the developers submit a plan outlining the changes in the re-phasing process. Mr. Wittek said BART's representative



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agreed with the modification of the plan. City Manager David confirmed for Mr. Henson that if the Redevelopment Agency (RDA) is in place the \$7.1 million would be available, but without the RDA, there is the possibility that some funds would be needed from the General Fund.

In response to Council Member Halliday's question regarding housing density, Development Services Director Rizk confirmed the proposed modification increased housing density, but is consistent with neighboring residential density along Mission Boulevard. Ms. Halliday favored having more open space and pedestrian walkways to access BART. In response to Ms. Halliday's concern about the lack of interest by grocery stores to occupy the space, Mr. Rizk noted that staff was working with a broker regarding opportunities for grocers in locations in close proximity.

Mr. Wittek noted for Council Member Salinas that Council's re-designation is vital for the developers' application process and explained how development improves an area and could spur further economic development activity. In response to Mr. Salinas' question about jobs generated by the Project, Ms. Mandolini confirmed that the Project is subject to prevailing wage requirements. In response to Mr. Salinas, City Manager David said if the minor modification is not approved, future funding for this Project would most likely be non-existent.

In response to Council Member Quirk's question regarding funding if the RDA is eliminated, City Manager David said if Housing funds stay intact there is the possibility of accessing available funds for the Project, but there would be restrictions on how the funds are spent. Mr. Quirk requested that prior to the item returning to Council for final action, the risks need to be quantified and staff would need to confirm the City's participation with HCD. Mr. Quirk favored having the entire project subject to prevailing wage requirements and enforced by a Community Workforce Agreement. Development Services Director Rizk confirmed for Mr. Quirk that the planned traffic improvements would go forward proportionately to the level of improvements to the section being developed. Mr. Quirk favored accepting the modification as a minor modification because of the community's need for affordable rental housing and because the planned traffic improvements would occur. Mr. Quirk urged his colleagues to support the change as a minor modification and noted that the re-phasing is a good plan.

Mayor Sweeney inquired if the item would return to Council as a public hearing. Development Services Director Rizk explained that the item would not need to come back to Council because the Zoning Ordinance allows the Planning Manager to deem the modification minor or major and if deemed a minor change, the applicant would submit a precise plan to be reviewed by the Planning Commission at a public hearing.

Discussion ensued about available funding. Mayor Sweeney expressed concern that the City's General Fund would end up being responsible for any financial obligations incurred by this Project and consequently jeopardize maintaining City's service levels. Ms. Mandolini explained that the \$15.8 million would go towards infrastructure, which would include: acquiring the Caltrans property; road and street improvements; and pedestrian access. Ms. David clarified for Council that

if the agreement between the City and the RDA were recognized as valid obligations by the State, that \$4.3 million would be borrowed from the low-mod fund to make the SERAF payment which could be another source of funds for the Project. Mayor Sweeney expressed concern that if Wittek-Montana or Eden Housing drop out, the obligation would fall to the City. Ms. David said that the City would have the right to seek another developer and that the City would have a Joint Powers Agreement (JPA) with BART. Mayor Sweeney commented that perhaps a public hearing should be held.

Council Member Halliday commented that the work session was publicly noticed and mentioned meeting with leaders of the Fairway Park Neighborhood Association some of who expressed their disappointment at the loss of the Safeway's interest in participating, but understood the challenges of the area. Ms. Halliday concurred with Council Member Quirk that the change is a minor modification, and on the need for development in the area. Ms. Halliday requested Mr. Wittek address his concerns. Mr. Wittek said he understood that another official action on this item would cause the developer to be disqualified from the HCD 1-C entitlements. Staff did not have the information and deferred to the developer's knowledge. Ms. Halliday urged Council to support the change as a minor modification and urged the Planning Manager to deem the changes as minor and allow Wittek-Montana to proceed.

Council Member Henson strongly agreed that the change was a minor modification and that the integrity of the Project was not deterred because there were other components such as affordable housing, market rental housing, and increased ridership for BART. Mr. Henson noted this was a re-phasing and did not want the City to miss this opportunity. As a resident of the Project area, he viewed this as a starting point and noted that the infrastructure improvements were still in place. Mr. Henson supported moving forward and accepting the change as a minor modification.

Council Member Zermeño concurred with his colleagues in accepting the change as a minor modification and allowing the developers to continue to seek a retail element. Mr. Zermeño emphasized three items: ensuring there is a pedestrian walkway connecting Mission Boulevard and Dixon Street; subjecting the Project to prevailing wage requirements; and breaking ground no later than July or August 2012. Mr. Zermeño commented that activity creates a catalyst to prompt more activity.

Council Member Peixoto believed the proposed amendment to be a major modification and not what the public or Planning Commission envisioned as part of the project. He felt the change was an in-fill project and expressed concern that the planned market rate housing would be replaced with rental housing. Development Services Director Rizk noted the current market is conducive to rental housing and that the units could be converted to condominiums in the future. Mr. Peixoto mentioned concerns with other City transit-oriented district projects where units were rented out and became problematic with graffiti and crime. Mr. Peixoto felt that the urgency to obtain the HCD 1-C grant funds should not be the driving force to accept the modification and said he would like to see the total operational transit-oriented district elements as they were presented to the Planning Commission and City Council.

Council Member Salinas commented that the City is in a difficult economic climate and projects will need to be adjusted. He said the South Hayward BART Project will complement the Mission



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Boulevard and will help generate jobs. Mr. Salinas supported accepting the change as a minor modification.

Council Member Quirk concurred with Mayor Sweeney that General Fund monies should not be used to support this Project.

Mayor Sweeney indicated that due to the Governor's proposed legislation to eliminate the RDA, it was difficult to make rational decisions about available resources for the community. Mayor Sweeney stated that once the City commits to the Project and the HCD 1-C grant funds, the General Fund would be affected if all RDA monies are taken by the State. Mayor Sweeney concurred with Council Member Peixoto that the proposed change was a major modification, but noted there was Council consensus to accept the change as a minor modification.

CONSENT

Consent No. 5 was moved for further discussion.

2. Approval of Minutes of the City Council Meeting on February 15, 2011
It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to approve the minutes of the City Council Meeting of February 15, 2011.
3. Resolution to Approve Temporary Staffing of the Director of Finance and Budget Officer Positions and to Approve an Appropriation in the Amount of \$160,000

Staff report submitted by Director of Human Resources Robustelli, dated March 8, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-018, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements for Temporary Staffing of the Director of Finance and Budget Officer Positions and Approving an Appropriation in the Amount of \$160,000"

4. Resolution Authorizing the City Manager to Negotiate and Execute a Commercial Aviation Site Lease and Associated Letter of Agreement with Field Aviation LLC, at the Hayward Executive Airport

Staff report submitted by Interim Airport Manager Covalt, dated March 8, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-019, “Resolution Authorizing the City Manager to Negotiate and Execute a New Fixed Base Operation Lease Agreement and NonBinding Letter of Intent with Field Aviation LLC for Lease of a Parcel of Land at the Hayward Executive Airport”

5. Approval of Contract Amendment in an Amount Not to Exceed \$160,000 with AMEC Geomatrix, Inc. for Cinema Place Groundwater Remediation and Environmental Consultation

Staff report submitted by Assistant City Manager/Interim Redevelopment Agency Director Morariu, dated March 8, 2011, was filed.

Council/RA Member Peixoto shared an email received from Mr. Frank Goulart, in which Mr. Goulart expressed concern that drilling to assess possible groundwater contamination at Cinema Place could disturb an old cemetery. Director of Public Works Bauman responded that nothing was identified during an environment review conducted at the Cinema Place site. Mr. Bauman said that staff will be monitoring the groundwater remediation process and did not anticipate any problems.

It was moved by Council/RA Member Peixoto, seconded by Council/RA Member Halliday, and carried unanimously, to adopt the following:

Redevelopment Agency Resolution 11-08, “Resolution Authorizing the Executive Director to Execute a Contract Amendment with AMEC Geomatrix Consultants, Inc., for Cinema Place Groundwater Remediation and Environmental Consultation”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 8:51 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency



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MEETING

The Meeting of the City Council was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957, regarding the City Attorney's Performance Evaluation, and with Labor Negotiators pursuant to Government Code 54957.6, regarding all bargaining units. There were no reportable items.

PUBLIC COMMENTS

Mr. Jim Drake, Franklin Avenue resident, spoke about the potential safety hazards with the downtown mini-loop and mentioned that he has spoken with Caltrans regarding their safety specifications.

CONSENT

At the request of Council Member Henson, Consent Item 6 was removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on February 22, 2011

It was moved by Council/RA Member Henson, seconded by Council/RA Member Halliday, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 22, 2011.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 1, 2011

It was moved by Council/RA Member Henson, seconded by Council/RA Member Halliday, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of March 1, 2011.

3. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 2, 2011

It was moved by Council/RA Member Henson, seconded by Council/RA Member Halliday, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of March 2, 2011.

4. Utility Service Agreement 11-01 - Rex S. Green and Rita Y. Green (Owner/Applicant) - Request for Water Service for Assessor's Parcel Number 425-0050-022-01, located in the Castle Homes Area of Unincorporated Alameda County

Staff report submitted by Development Review Engineer Nguyen, dated March 15, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-020, "Resolution Authorizing the City Manager to Apply to the Alameda County Local Agency Formation Commission for Approval to Allow the City to Provide Water Service to the Property Fronting Clover Road, Bearing Assessor's Parcel Number 425-0050-022-01, and Further Authorizing the City Manager to Execute Utility Service (USA 11-01) and Public Street Improvements Agreements"

5. Financial Management Information System (FMIS) Lease/Purchase

Staff report submitted by Technology Services Director Priest, dated March 15, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-021, "Resolution Authorizing Execution of Equipment Lease/Purchase Agreement and Other Documents Necessary to Procure Computer Equipment"

6. California Energy Commission Loan Funding Energy Savings Retrofits & Solar Power Installations at City of Hayward Facilities

Staff report submitted by Facilities Manager Avila, dated March 15, 2011, was filed.

Facilities Manager Avila responded to questions posed by Council Member Henson regarding lighting system upgrades, solar power systems and cost savings.



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It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-022, “Resolution Approving a Loan from the California Energy Commission to Finance Energy Saving Lighting Retrofits and Solar Power Generation Systems at City Facilities”

LEGISLATIVE BUSINESS

7. Amendment of Hayward Municipal Code, Chapter 4, Article 1, Sections 4-1.02 through 4-1.04, Relating to Unreasonable Noise

Staff report submitted by Neighborhood Partnership Manager Korth, Assistant City Manager Morariu, and Assistant City Attorney Conneely, dated March 15, 2011, was filed.

Assistant City Manager Morariu and Assistant City Attorney Conneely provided a synopsis of the report.

Council Member Henson thanked staff for outreaching to the community regarding the proposed noise ordinance. Assistant City Manager Morariu confirmed for Mr. Henson that the sound meter devices will be mobile and easily stored in patrol vehicles. In response to Mr. Henson’s question regarding the need for a second witness, Assistant City Attorney Conneely clarified that a second witness is needed if the subjective criteria is used and, for other instances, one complainant can be corroborated by a sound meter. Mr. Henson noted that the fifty feet criterion for vehicle noise on public streets was too large a distance.

Council Member Peixoto mentioned receiving a number of e-mails from the community regarding concern about the requirement of signed statements and the possibility of retaliation. In response to Mr. Peixoto, Assistant City Attorney Conneely noted that two corroborating witnesses would be needed to meet the subjective criteria, and alternatively, one witness and the sound meter device could be sufficient to meet the burden of proof.

In response to Council Member Halliday’s question about smart phone applications that have sound meter devices, Ms. Conneely explained there are specific standards in the ordinance for the type of sound meter device for the purpose of evidence. In reference to noise permits for annual or special events, Ms. Halliday suggested that it not be too difficult and costly for persons applying for such permits. Ms. Conneely pointed out that the City does not regulate activities on Hayward Unified School District (HUSD) or Hayward Area Recreation & Park District (HARD) property and for some annual City events there are encroachment permits with conditions.

In response to Council Member Salinas' question regarding the effectiveness of recording noise violations, Assistant City Attorney Conneely responded that a video recording would add to the evidence, but the citizen would need to testify in corroboration with a sound meter operated by an officer, which would provide burden of proof. In response to revenue generated by citing people for noise violations, Ms. Conneely noted there has not been an administrative citation in place.

In response to Mr. Salinas, Assistant City Manager Morariu noted that no input was received from muffler shops regarding the proposed ordinance. Mr. Salinas expressed concern about prioritizing enforcement of the noise ordinance as compared to other crimes.

Council Member Zermeño inquired if the Hayward Police Department (HPD) will be able to enforce the proposed ordinance. Assistant City Attorney Conneely responded that the goal was to give HPD and non-sworn staff additional enforcement tools. Mr. Zermeño suggested, if the proposal is approved, to purchase nine sound meters. Ms. Morariu explained that this is a pilot program and staff wanted to see the effectiveness of the noise meters prior to purchasing more devices. In response to Mr. Zermeño's inquiry regarding special City events and noise regulations, Ms. Conneely reiterated that special events would require encroachment permits that have conditions to keep noise within reasonable limits. Mr. Zermeño commented that the noise ordinance should not be an HPD priority, but was glad that ordinance updates were conducted.

Council Member Quirk mentioned that Council received an e-mail from Frank Goulart stating that the proposed ordinance is too tough and inquired about garage band practices. Ms. Conneely referred to the noise restriction of 9:00 p.m., and said staff encourages neighbors working together toward an informal resolution and that staff and the HPD are willing to facilitate a positive outcome. In regards to leaf blowers, Ms. Conneely noted this is regulated by the time and day under Construction and Alteration of Structures: Landscaping Activities. In response to noise levels for venues in downtown, Ms. Conneely said regulations would be addressed in the conditions of approval for the facility. Mr. Quirk suggested staff re-examine the legal language for the vehicle noise section. In response to Mr. Quirk, Ms. Conneely mentioned having met with Mr. Drake on numerous occasions and noted that the proposed ordinance has additional enforcement tools and criteria.

In response to Mayor Sweeney's inquiry regarding reducing the footage for vehicle noise if it is in the best interest of the community, Assistant City Attorney Conneely responded that the footage can be changed for City controlled streets and the Director of Public Works Bauman concurred.

Mayor Sweeney opened the public hearing at 8:07 p.m.

Ms. Kary McAllister, Isabella Street resident, showed environmental daytime noise levels and expressed that 70 dBA is conversational level and noted that other activities have higher decibel levels. Ms. McAllister was in favor of updating the current ordinance, but was concerned about retaliation of neighbors who would utilize the proposed ordinance for personal reasons. Ms. McAllister showed the decibel levels of musical instruments and cautioned not to overreach.

Mr. Carl Satariano, Regal Avenue resident, said Council Member Henson's comments on vehicle noise distance of ten feet is not unreasonable and that respect for neighbors is important, especially



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when it pertains to residential parties. Mr. Satariano gave one example when vehicle noise was so loud that a fire engine siren could not be heard.

Mr. Jim Drake, Franklin Avenue resident, favored the clear wording in the existing noise ordinance. Mr. Drake noted that the existing ordinance was written 52 years ago, amended 25 years ago to include construction noise, and added that the existing noise ordinance was written for the people and urged Council to vote for the benefit of the people. Council Member Peixoto pointed out for Mr. Drake that the term “unreasonable noise” had been defined in the proposed noise ordinance and that there are specific criteria that allow latitude for HPD and staff to make determinations. In response to Council Member Henson’s question regarding Mr. Drake’s objections, Mr. Drake responded that he objected to the authority given to an officer to make a subjective decision.

Ms. Gail Steele, Arlette Avenue resident, congratulated Council for the progress made on the proposed ordinance and spoke about the importance of using common sense, being sensitive and working together. Ms. Steele did not favor the requirement for signed complaint statements by two witnesses because of the fear of retaliation. She added that offensive noise can also relate to where a residence is situated in a complex and how the sound travels. Ms. Steele said there was strength in the proposed ordinance and was glad that it will be reviewed in six months.

Mr. Don Sheppard, Wildwood Street resident, was glad the proposed ordinance will be reviewed in six months because he felt that by then any weaknesses will be apparent. Mr. Sheppard expressed concern that the HPD will have the burden of enforcing the proposed ordinance, especially on weekends. He was concerned with the wording in the ordinance, “the Enforcement Officer may issue a written warning or a citation...” and said that the officer should take action such as asking the offenders to stop and/or giving warnings. Mr. Sheppard noted that the proposed ordinance addresses commercial areas and areas abutting residential, but was concerned that it has made to deal with public nuisances. He added that a resident should be protected from any kind of disturbance.

Ms. Demetra Marrow, Beatron Way resident, said the City should conduct outreach to youth and members of other cultures. Ms. Marrow shared having had discussions with her neighbors who were unaware that the City had a noise ordinance.

Ms. Tali Levin, Ballard Court resident, requested a copy of the proposed ordinance and shared her personal experience of having to file a small claim lawsuit against a neighbor related to nuisance. Ms. Levin asked if the subjective criteria included noise produced by children such as crawling, kid footsteps, and crying. Ms. Levin relayed how poor construction without insulation between apartments adds to noise problems. She was concerned that the proposed ordinance will give strength to neighbors who will file retaliatory complaints.

Mayor Sweeney closed the public hearing at 8:31 p.m.

Council Member Quirk addressed Mr. Sheppard and Ms. Steele's concerns and clarified that only one complainant would be needed to request an officer with a noise meter to corroborate the noise violation. Mr. Quirk said that the proposed ordinance contains noise measurements and requested Lt. Lindblom respond to the issues of child noise, the wording "the Enforcement Officer may issue a written warning or a citation..." and musical sound levels. Lt. Lindblom said that every case would be treated individually and mentioned that HPD officers are neighborhood mediators. Mr. Quirk noted that staff will come back to Council with a report and reiterated that Mr. Goulart and Ms. McAllister did not agree with the noise restriction of seventy (70) dBA.

Mayor Sweeney noted that retaliation was a valid concern voiced by members of the public and inquired if the sound meter reading was sufficient to indicate a noise violation. Assistant City Attorney Conneely stated that to meet the burden of proof there has to be one complainant from the public to identify the offending and/or unreasonable noise.

In response to Council Member Henson's question regarding activities from downtown entertainment establishments, Assistant City Attorney Conneely responded that excessive noise would be covered under the establishment's conditional use permit, which would include nightclub activities and live entertainment, and added that enforcement would be case specific. Mr. Henson said that the fifty feet for vehicle noise is too large a distance and would prefer a shorter distance.

Council Member Zermeño expressed concern in terms of the 70 dBA noise restriction level, the need for a second witness, the vehicle noise distance, and Mr. Sheppard's concerns. Mr. Zermeño suggested continuing the item to a future Council meeting as it warranted more discussion and reiterated that he did not want enforcement of the noise ordinance to be a priority for HPD. Mr. Zermeño made a motion to continue the item to a future Council meeting.

The motion on the floor died for lack of a second.

Council Member Peixoto mentioned that staff had done a good job of updating the ordinance and commented that noise is a subjective issue and there are reasonable subjective criteria in the proposed ordinance for HPD and/or code enforcement staff. Mr. Peixoto stated that the purpose of the proposed ordinance is to stop unnecessary noise and that the item will be reviewed in six to nine months. Council Member Peixoto made the motion per staff recommendation and Council Member Halliday seconded the motion.

Council Member Halliday stated that she is sympathetic to people who are sensitive and affected by loud noise and spoke about the work being done through the Neighborhood Partnership meetings to improve neighbor relations. Ms. Halliday also noted that in certain occasions citizens will need to be willing to stand up to complain about noise. She mentioned that the ordinance does not address if an individual is standing in the same room as the perpetrator. She mentioned that the proposed ordinance is a step forward and a great improvement over the previous ordinance. Ms. Halliday supported the proposed ordinance and to bring the item back for review in six to nine months.

Mayor Sweeney offered a friendly amendment to lower the vehicle distance from fifty to twenty-five feet as it was excessive. In response to Ms. Halliday's inquiry as to how the vehicle noise distance



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of fifty feet was chosen, Assistant City Attorney Conneely responded that staff mirrored the State Vehicle Code requirement, which considers vehicle noise in distance and not decibel levels. Council Members Peixoto and Halliday concurred with the friendly amendment.

Council Member Salinas empathized with the comments made by Ms. Levin and agreed with Council Member Quirk that this is a good neighbor ordinance where neighbors need to make the effort to have good relations. In response to Mr. Salinas' question about noise as it relates to children, Assistant City Attorney Conneely responded that those issues would most likely be resolved on an informal basis.

Council Member Zermeño concurred with the friendly amendment to reduce the vehicle noise distance to twenty-five feet.

It was moved by Council Member Peixoto, seconded by Council Member Halliday, and carried unanimously, to adopt the following with an amendment to Section 4-1.03.3 "Noise from Vehicle" by reducing the vehicle noise from fifty to twenty-five feet.

Introduction of Ordinance 11-__, "Ordinance Amending Article 1 of Chapter 4, Sections 4-1.02 through 4-1.04, of the Hayward Municipal Code Relating to Noise"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas announced that, in partnership with Council Member Zermeño, they will be hosting a Cesar E. Chavez Birthday Celebration and "Teach-in" event on March 31, 2011, from 5:00 p.m. to 7:00 p.m. at City Hall, and invited all to attend. He also announced his attendance to the "Celebrating Heritage through Music," event by the Bowman Elementary School African American Parent Association on March 12, 2011. Lastly, he suggested that a future Council meeting topic include economic development in the City.

Council Member Henson announced a Transportation Forum with regard to Sustainable Communities Strategy sponsored by Supervisor Lockyer on March 19, 2011, at the Fremont/Newark Hilton from 9:00 a.m. to noon, and invited all to attend and share concerns.

Council Member Zermeño announced the Annual Latino Summit at Chabot College on March 19, 2011. He mentioned that Chabot College students are organizing an "Education Iz Dead" rally against budget cuts on March 29, 2011 from 9:00 a.m. to 2:00 p.m. at City Hall. Lastly, he mentioned the Latino Business Round Table meeting at St. Rose Hospital on March 25, 2011.

Council Member Peixoto announced that the Alameda County Workforce Investment Council awarded the Hayward Unified School District (HUSD) a grant in the amount of \$445,500 to serve at-risk youth in Alameda County. He mentioned that different representatives from HUSD and the City of Hayward are going to participate on this program through case management.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:06 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward



**MINUTES OF THE SPECIAL CITY COUNCIL/
HOUSING AUTHORITY MEETING OF
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MEETING

The Special Meeting of the City Council/Housing Authority was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HA Member Salinas.

ROLL CALL

Present: COUNCIL/HA MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR/Chair Sweeney
Absent: COUNCIL/HA MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957, regarding the City Clerk's Performance Evaluation, and pursuant to Government Code 54956.9, concerning two anticipated litigations. There were no reportable items.

PUBLIC COMMENTS

Mr. John Kyle, Teakwood Street resident, mentioned he has been an active community member and in the past he used to receive agenda notices, but he was not notified about the I-880/SR 92 project that affects the Valero Gas Station.

Mr. Dave Jorgensen, Thornwall Lane resident, mentioned that the Gang Injunction Program is an effective tool for the Hayward Police Department. Mr. Jorgensen said gang activity in Hayward is evidenced by graffiti, gang activities and drug trafficking in schools, and he urged Council to support the Gang Injunction Program

Mr. Jim Drake, Franklin Avenue resident, shared his experience of attempting to talk to Caltrans staff about the safety issues related to the mini-loop project. Mr. Drake expressed the same concerns to Council and pointed out that they deserve attention and action.

Mr. David Korth, Neighborhood Services Manager, announced the City will conduct the Second Annual Neighborhood Leadership Academy at City Hall on Saturday, April 30, 2011, and provided information about the event.

Ms. Betty DeForest, Westwood Street resident and Executive Director of South Hayward Parish, mentioned the Gang Injunction Program was discussed at a past Parish meeting. She asked if there was evidence to show the Gang Injunction Program has made the City safer and if there are any reports that show the effectiveness of the program. Ms. DeForest urged Council to help the

community learn more about this program and give them the opportunity to offer alternative solutions to gang problems by holding public hearings. Mayor Sweeney instructed City Clerk Lens to inform Ms. DeForest about future meetings related to the Gang Injunction Program.

WORK SESSION (60-Minute Limit)

1. Update on the Development of a Gang Injunction Program

Staff report submitted by Captain McAllister, dated March 22, 2011, was filed.

Police Chief Ace introduced Captain McAllister who provided a synopsis of the report. Captain McAllister clarified some of the questions received related to the Gang Injunction Program.

In response to Council Member Henson's inquiry, Captain McAllister noted that prevention, investigation, and enforcement create a solid approach to dealing with gang reduction. Mr. Henson stated that it is imperative that the City and the Hayward Police Department (HPD) have these tools to protect the community and added that the injunction would be based on actual criminal activity. Mr. Henson suggested that staff keep the community informed and hold public meetings.

Council Member Zermeño said he was glad to see the strong preventative and intervention programs, but asked about the educational component. Captain McAllister said the educational component is included in the Gang Resistance Education and Training (GREAT) program. Mr. Zermeño said that having programs that include fourth and fifth grade students would be a good idea because children that age begin to mimic behavior. Captain McAllister confirmed for Mr. Zermeño that the initial injunction is geared toward adults and in order to establish a gang as a particular public nuisance a significant amount of documentation about the gang's behavior is required.

In response to Council Member Halliday's question of how a gang injunction will help get people off the street and behind bars, City Manager David noted the injunction provides a pathway for preemptive action and allows enforcement before there is a violent crime. Ms. Halliday commented that there are gang-related problems in the City and noted that civil rights protection is important and the programs outlined in the report are important. She agreed that HPD needed the tools provided through the Gang Injunction Program for citizens to feel safe in their homes and neighborhoods.

Council Member Salinas commented that a strong preventative approach was positive because gangs are a real issue; however, he noted that a Gang Injunction Program could fuel a dynamic tension between young urban multiethnic/multilingual groups and older generations in Hayward. Mr. Salinas cautioned that the gang injunction policy would create a ripple effect as to how the City views young people. He expressed concern that the City would not be able to support these programs long-term as some programs are supported by short-term grant funds that rely on periodical renewal. Mr. Salinas suggested the City look at a structural policy that rids the City of gangs, the establishment of which is embedded in the schools and community centers. He expressed that "at-risk" groups do not need jobs, but they do need programs that encourage continued education. Mr. Salinas cautioned that "at-risk" youth could get locked into a low



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socioeconomic pattern, and high performing students who are not affiliated with gangs, might view gangs as means to access resources and jobs.

In response to Council Member Peixoto's inquiry about a study conducted by Jeffrey Grogger that reported there was a five to ten percent reduction in gang assaults in the first year of gang injunction implementation, Captain McAllister responded that reports show a short-term decline in violent crime, but noted that there is no empirical data as injunctions are relatively new. Captain McAllister said that anecdotal evidence from agencies reflects citizens feeling safer in their neighborhoods. Mr. Peixoto added that the additional benefit is that when people feel safe, they are more inclined to work with Police and take pride in their neighborhoods.

Council Member Quirk mentioned that weekly council agenda notifications could be obtained by contacting the City Clerk and also encouraged the audience to read the Tri-City Voice newspaper. Mr. Quirk agreed with the three approaches of prevention, intervention and enforcement, but mentioned it was uncertain how effective the Gang Injunction Program would be long-term. Mr. Quirk requested feedback from staff if gang injunctions are the most effective approach to spending enforcement resources given current budget constraints.

Mayor Sweeney noted that the Gang Injunction Program is an important concern for the citizens as it comes up continuously at Neighborhood Partnership meetings throughout the City. Mayor Sweeney mentioned that the Citizen's Survey indicated that public safety is one of the biggest concerns for residents and that Council's number one obligation as elected officials is to protect the public's health and safety. Mayor Sweeney said the issue is serious criminal activity and that the available budget is a valid concern that can impact what can be accomplished with the Gang Injunction Program, but concluded that it is important to move forward.

CONSENT

Consent Item Nos. 2 and 5 were removed from the Consent calendar for further discussion.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 8, 2011

At the request of Council Member Halliday this item was pulled for review.

3. Measure B Pavement Rehabilitation FY12: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 22, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-023, "Resolution Approving Plans and Specifications for the Measure B Pavement Rehabilitation FY12 Project, Project No. 5129, and Call for Bids"

4. Authorizing the Obligation of Energy Efficiency and Conservation Block Grant Funds for the Tennyson Road Streetlight Conversion Project

Staff report submitted by Deputy Director of Public Works/City Engineer Fakhrai, dated March 22, 2011, was filed.

It was moved by Council Member Henson seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-024, "Resolution Authorizing Obligation of the Use of Federal Energy Efficiency and Conservation Block Grant Funds for the Tennyson Road Streetlight LED Conversion Project and Appropriating Funds"

5. Adoption of Ordinance Amending Article 1 of Chapter 4, Sections 4-1.02 through 4-1.04, of the Hayward Municipal Code Relating to Noise

Staff report submitted by City Clerk Lens, dated March 22, 2011, was filed.

Mr. Jim Drake, Franklin Avenue resident, reiterated his support for retaining the former version of the Noise Ordinance for its clear and powerful words.

It was moved by Council Member Henson seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Ordinance 11-03, "Ordinance Amending Article 1 of Chapter 4, Sections 4-1.02 through 4-1.04, of the Hayward Municipal Code Relating to Noise"

PUBLIC HEARING

6. I-880/SR 92 Reliever Route - Phase 1 Project: Adoption of Mitigated Negative Declaration and Approval of Project

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 22, 2011, was filed.

Public Works Director Bauman provided a synopsis of the report. Mr. Bauman referred to the suggestion submitted by Oscar Quiambao, owner of the Valero Gas station. Mr. Bauman noted that the suggestion entitled, "A Better Solution without Wasting Tax Payer Money," would require a



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“split-phase signal,” which has been found to be an inefficient signal methodology. Mr. Bauman noted staff had the consultant conduct an analysis that determined the split-phase signal would result in a decreased Level of Service (LOS) with a grade of F. Mr. Bauman said a technical analysis was also done that indicated the “split-phase signal” would result in a back-up to Southland Drive. Mr. Bauman said that staff appreciates that the Quiambao family has a long history in Hayward and would like to work with the business owner for an acceptable outcome.

Public Works Director Bauman clarified questions related to the proposal.

Council Member Quirk noted having spoken with Mr. Quiambao, his family and supporters, and appreciated that staff was communicating with the Quiambao family. Mr. Quirk stressed that it is critical that Mr. Quiambao be able to retain his business and for this project move forward. Mr. Bauman confirmed for Mr. Quirk that staff is not asking Council to authorize eminent domain. Mr. Quirk reassured the Quiambao family that Council will hear the item before any action is taken regarding the family business. Mr. Bauman clarified questions related to the proposal and Mr. Quirk mentioned that members of the community were concerned that traffic backup would continue to occur, but he believed that there would be increased capacity for traffic going from three to five lanes.

Council Member Peixoto mentioned having received an e-mail from Mr. John and Marian Sands that suggested using Industrial Boulevard as an alternative truck route. Director of Public Works Bauman noted that Industrial Boulevard is already an alternative route, but it is difficult to get people to use different routes using signs. In response to Mr. Peixoto’s inquiry regarding the Valero Gas station and the loss of gas pumps, Mr. Bauman explained how the process of conducting an appropriate appraisal will take into consideration the impact to the entire business.

Council Member Henson noted that the proposed improvement is a necessity and asked if the plan addressed the significant traffic impact at Stonewall Avenue. Director of Public Works Bauman replied that staff did not address it in part because of limited Measure B funds. Mr. Henson said the Whitesell Street extension is a necessity for the future of the Industrial Corridor. At Mr. Henson’s request, Mr. Bauman explained the right-of-way takes for the Whitesell extension and the street and road improvements. Mr. Bauman added that all new pedestrian signals will have the modern countdown signal heads and that the interconnect system will also be installed at Hesperian Boulevard and Winton Avenue. Mr. Bauman confirmed it is neither feasible nor safe to have bike lanes along Winton Avenue because of the large vehicles that travel that route.

In response to Council Member Zermeño’s question regarding the size of the Valero Gas station, Director of Public Works Bauman replied that the Valero Gas station was built prior to the establishment of the current standards. Mr. Zermeño questioned the feasibility of having three axle trucks utilize Winton Avenue and five axle trucks use Clawiter Road or Industrial Boulevard. Mr. Bauman replied he was not sure a prohibition would be possible and that the suggestion would require extensive discussion. Mr. Zermeño favored the different aspects of the project, but he said

he preferred development of a design that would not disturb the gas station. Mr. Bauman said Mr. Zermeño's suggestion, similarly to Mr. Quiambao's, would require the split-phase signal, which would make traffic congestion worse.

Council Member Salinas mentioned the difficulty emergency vehicles have traveling the Winton Avenue and Hesperian Boulevard intersection and asked if the Fire Department had reviewed the proposed plan. Director of Public Works Bauman responded that the Fire Department favors reducing congestion to better allow access during an emergency and, wherever possible, utilizing control over signal lights.

Council Member Halliday noted she patronizes the gas station and other businesses in the area and agreed that the intersection of Hesperian Boulevard and Winton Avenue is problematic. Ms. Halliday asked whether the proposed project is worthwhile if the interchange improvements are not being performed. Director of Public Works Bauman responded that staff presented the project to the Alameda County Transportation Improvement Agency (ACTIA) to confirm the project has value and said the goal is to incorporate some of the improvements to the interchange at SR92 and Clawiter Road. Ms. Halliday reported attending the meeting at Ochoa Middle School where property owners voiced their concerns regarding the property takes for the extension at Cabot Road and requested that staff continue to work with concerned and affected property owners.

Mayor Sweeney opened the public hearing at 9:04 p.m.

Mr. John Kyle, Teakwood Street resident, said the improvements to the project area will have negative impacts on the surrounding businesses and the Valero Gas station in particular. Mr. Kyle said what has been overlooked is the need for better use of the interchange on SR92 at Clawiter Road and Industrial Boulevard. He mentioned that proposed improvements will attract more traffic and will affect Southland Mall. Mr. Kyle suggested communicating to truck drivers the advantages of using alternative routes.

Mr. Dave Jorgensen, Thornwall Lane resident, said he was familiar with the traffic challenges posed at the intersection of Winton Avenue and Hesperian Boulevard. He mentioned that the Valero Gas station is valuable to the neighborhood and suggested spending the funds on alternative routes that do not impact the neighborhood and businesses.

Mr. Harold Dorris, Depot Road resident, requested that staff reevaluate the traffic situation on Depot Road at Clawiter Road leading to SR 92. He felt the City should perform the extension of West A Street to Corsair Avenue, behind the Airport, in order to alleviate the traffic on Winton Avenue. Mr. Dorris commented that the traffic congestion is from 3:00 p.m. to 6:30 p.m., when people leave the business area to go home.

Mr. Edward Bogue, Poinciana Street resident, spoke favorably of the Valero Gas station for its good service to the community, but did not favor the "split-phase signal." Mr. Bogue suggested an alternative that would include saving the gas station. He proposed having two left turn lanes, one through lane, and one through/right turn lane, with perhaps a small portion of the corner being shaved to allow for the right turn.



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Mr. Oscar Quiambao, Valero Gas station owner at the Hesperian Boulevard/Winton Avenue intersection, acknowledged his neighboring community, patrons, and family members in attendance and thanked them for their support. He voiced his concerns of how the City prioritizes spending tax payer monies. He said that the proposed 400 feet widening is unnecessary and will have minimal impact on the overall congestion. He spoke of how the gas station, convenient store, and auto shop serve the community and how the project will impact the family business, the employees, and City residents. Mayor Sweeney clarified that Measure B funds can only be used for transportation improvements.

Ms. Christine Quiambao, second generation owner of the Valero Gas station, made an appeal to Council to save her business or modify the proposal so her business is not impacted. Ms. Quiambao indicated that the gas station is the family's main source of income. She spoke about the history of the business and thanked the community for supporting the Quiambao family.

Father Ken, with St. Clement Parish on Hesperian Boulevard, was impressed by the presentation and asked for compassion and fairness for the Quiambao family and those who will be affected by the project.

Mr. William Myers, W. Winton Avenue resident, suggested making the sidewalks and islands smaller to allow for safer turning at the Winton Avenue and Hesperian Boulevard intersection.

Mr. Jim Drake, Franklin Avenue resident, inquired if the City is responsible for the maintenance of Winton Avenue and Hesperian Boulevard and who is responsible for the maintenance of Jackson Street at SR92. Mayor Sweeney confirmed the City's responsibility for Winton Avenue and Hesperian Boulevard.

Mayor Sweeney closed the public hearing at 9:32 p.m., and reopened it to allow an additional speaker.

Mr. Lonquinkos Valente, Nevada Road resident, said the Hesperian Boulevard/Winton Avenue intersection is problematic and that the gas station is convenient for the neighborhood. Mr. Valente said he is the property owner of OD Signs on West Winton and did not receive any notification of the proposed project. He suggested shortening the sidewalks and removing the island to improve traffic congestion without impacting the gas station.

Mayor Sweeney closed the public hearing at 9:35 p.m.

Public Works Director Bauman addressed the concerns. He noted that the extension of West A Street was considered, but was found not feasible, and noted the City has to abide by the Federal Aviation Administration (FAA) rules and requirements regarding the distance of safety areas. In reference to the suggestion for smaller sidewalks, he mentioned that the City has to consider pedestrians and must meet the minimum American with Disabilities Act (ADA) standards. He noted

that agreements with Caltrans require the City to accept SR92 up to the beginning of the freeway, after the completion of the Route 238 project. He said Mr. Valente of OD Signs should have been notified because his property will be impacted. He addressed Mr. Bogue's concern about traffic coming southbound on Hesperian Boulevard.

In response to Council Member Quirk's inquiry about the consideration of Mr. Bogue's suggestion for two left turns and two through movement, Director of Public Works Bauman responded the biggest movement is the through movement and, if the suggestion is analyzed, he felt the level of service would decrease. Mr. Quirk indicated he trusts Mr. Bauman's honest professional expertise.

Council Member Quirk made a motion per the staff recommendation and Council Member Henson seconded the motion. Mr. Quirk said there was approximately a year and a half to negotiate and find a way to keep the business going and to consider the community's expression to have same type of business in the area. Mr. Quirk assured Mr. Quiambao that the process will be just.

Council Member Salinas echoed Council Member Quirk's comments about Mr. Bauman being a just and fair person and he indicated he trusts the process. Mr. Salinas supported the motion.

Council Member Henson concurred with the statement about fairness for this project and said that Council has heard from the community that the Valero Gas station is valuable to the community and staff will make every effort to work with the Quiambao family. Mr. Henson said it is vital that improvements be made at the proposed intersection and spoke about the queuing problems such as the backup to Stonewall Avenue. He noted that businesses on Whitesell Street are not closed. Mr. Henson said this is an important project along with the I-880/SR92 flyover and that these projects will help mitigate traffic congestion.

Council Member Zermeno favored the motion but did not want the gas station impacted by the project. Council Member Quirk indicated he was not amenable of amending the motion, which was to approve the I-880/SR Reliever Route – Phase 1 Project. Mr. Zermeño said that the community wants to retain the gas station and he was supportive of that wish. Mr. Zermeño said he did not support the motion if it impacted the gas station, but would support exploring an alternative plan.

Council Member Halliday said she supported the project but did not feel it was complete without the improvements to the interchange. Ms. Halliday agreed with Council Member Zermeño and urged staff to consider exploring Mr. Bogue's suggestions to avoid impacting the gas station.

Council Member Peixoto was impressed by the outpouring of community support for Mr. Quiambao's business. He appreciated the public's alternative suggestions but pointed out that because traffic management is complex and technical he sided with the City's expertise and believed that a fair compromise would be worked out. Mr. Peixoto supported the motion.

It was moved by Council Member Quirk seconded by Council Member Henson, and carried with Council Member Zermeño voting against, to adopt the following:

Resolution 11-025, "Resolution Adopting the Mitigated Negative Declaration and Approving the Mitigation Monitoring and Reporting



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Program for the I-880/SR 92 Reliever Route – Phase I Project,
Project No. 6961”

Resolution 11-026, “Resolution Approving the I-880/SR 92 Reliever
Route – Phase I Project, Project No. 6961”

7. Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Introduce an Ordinance to Change the Zoning from Medium Density Residential to Planned Development to Accommodate Twenty-two Affordable Senior Housing Rental Units Proposed at the Corner of B and Grand Streets - General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Eden Housing (Applicant); City of Hayward (Owner)

Staff report submitted by Senior Planner Buizer, dated March 22,
2011, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Buizer who provided a synopsis of the report.

Council Member Peixoto expressed concern about the parking spaces at the development noting that three of the eleven spaces are compact, which could make it more difficult for seniors to maneuver. Senior Planner Buizer noted that staff was more concerned about providing parking at 0.5 spaces per unit, similar to Phase I of the Eden Housing Senior Housing facility. Development Services Director Rizk clarified that three parking spaces would be reduced by one foot in width. Ms. Buizer explained for Mr. Peixoto that affordable housing for seniors provides open space within the building. Mr. Peixoto favored the suggestion that the façade be brick to tie in with the Lucky Shopping Center. Ms. Buizer noted this was addressed at a previous meeting and the architect had been working to incorporate the suggestions and had depictions for Council to view.

Council Member Halliday mentioned that she had suggested the brick wall along Grand Street at a prior Downtown Committee meeting and was glad that Eden Housing responded to the suggestions.

She was concerned that there was only one handicap space and asked if a portion of Grand Street, near the entrance, could be marked loading and unloading for senior residents, especially for those using walkers and wheelchairs.

Mayor Sweeney echoed the comments that the lap siding on one elevation did not seem to integrate well with the Phase I facility. Mayor Sweeney said the project was overall acceptable, but did not agree that it made sense to increase density and lower open space requirements.

Mayor Sweeney opened the public hearing at 10:12 p.m.

Mr. Angel Alegria, spoke on behalf of his parents, Miguel and Maria Alegria, adjacent property owners to the project. Mr. Alegria expressed concern about the maintenance of the redwood tree at the rear of the project and noted how debris falls into their property's gutters and undermines the foundation. Mr. Alegria presented City Clerk Lens with a letter addressed to Council, Planning Commission, and Mr. Karp. He also said his tenants had voiced privacy concerns as his parents' property is a two-story building and the proposed project will be a three-story building.

Ms. Linda Mandolini, Eden Housing Executive Director, concurred with having a design that looks more like Phase I, mentioned that the increased density was responding to the need for more economical housing, believed that less open space worked for the proposal, and felt that reduced parking worked for the location. Ms. Mandolini said that Council Member Halliday's suggestion of a curbside loading zone in front of the facility could be considered. In reference to the large tree, she mentioned that Eden could be diligent in maintaining it.

Mr. Woody Karp of Eden Housing addressed the proposed parking ratio noting that the location of the facility is close to public transit and adding that the size of the compact parking space is adequate. Mr. Karp pointed out that a Condition of Approval regarding renewal of the entitlement is seeking an extension period of three years. He showed a design drawing noting that significant brick design would be included on the Grand Street façade.

Mr. Mark Wagter, B Street resident, submitted a "Petition to deny Eden Housing and the Hayward Redevelopment Agency's Request for General Plan Amendment PL-2010-0368 and Zone Change PL-2010-0369 for Development Project at B Street and Grand Avenue, Hayward," from B Street residents who are against the proposal. He requested that Council deny the application and the proposed zoning change from medium to high density because the project does not meet any of the B Street Special Design Streetcar District requirements. He mentioned that as part of the 2006 agreement between the City and Cannery Place, the proposed project was to be developed into eight townhomes to be sold at market rate.

Ms. Nitsa Zuppas, B Street resident and community developer, mentioned that 60 petitioners are asking Council to deny the proposed project. Ms. Zuppas questioned how low-income housing would spur the vitality and growth of the community rather than depress housing prices. She expressed concern about waiving important ordinances regarding density, open space, parking, above ground utilities, and aesthetic design. She mentioned that the site is zoned for eight townhome units and not 22 low-income housing.

Mr. Lawrence Johmann, B Street resident, indicated he is not against improving the property, but he felt that the B Street neighbors had not been involved in the process and expressed concern that there were issues with the proposed project that still needed to be addressed. Mr. Johmann suggested that the proposal be presented to the neighbors for discussion. He indicated that the proposed setbacks are not consistent with the B Street development and could endanger the sycamore trees. Mr. Johmann requested that the item be tabled for another meeting.

Mr. Noah Markus, B Street resident, said his house was built by the City and Eden Housing and is compatible with the surrounding neighborhood. He expressed concern in terms of the density and



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the aesthetics of the proposed project and asked Council to consider approving a project that is more fitting with the rest of B Street residences.

Mr. Cary Struthers, Alameda resident and architect for the project, said the developers were sensitive to the size and scale of the proposed project and how it addresses the rest of the neighborhood. He believed the setbacks were consistent with the requirements and noted that improvements include avoiding encroaching upon the sycamore trees.

Council Member Henson asked about the B Street view and design style. Mr. Struthers said there are portions of the façade that are recessed in keeping with the Craftsman style and that brick has been introduced in response to suggestions at meetings.

Council Member Quirk asked about communications with the neighborhood. Mr. Karp responded that there was contact through Hayward Redevelopment Agency Committee and Planning Commission meetings, but no direct community contact. Mr. Karp was amenable to meet with the residents about the concerns they expressed.

Mayor Sweeney closed the public hearing at 10:44 p.m.

Council Member Salinas requested Council table the item to a future meeting in order to allow time to review the issues listed in the petition signed by members of the B Street neighborhood. Council Member Quirk seconded the motion.

In response to Mayor Sweeney's question regarding any timing issues if Council continued the item, Senior Planner Buizer responded there were no timing issues with the entitlements. Assistant City Manager Morariu indicated that any timing issues were resolved with the transfer of the property from the Redevelopment Agency to the City and the agreement was between the Housing Authority and Eden Housing.

Council Member Quirk suggested that Eden Housing meet with B Street neighbors, explain to them that the prospective tenants will be seniors, invite residents of the current Phase I facility to the meeting, and come back to Council with an improved display for the B Street façade. Council Member Salinas concurred with Mr. Quirk's suggestion.

Council Member Henson echoed Council Member Quirk's comments and noted that low-income housing gives a negative connotation, but reminded the community that these tenants would be seniors on fixed-incomes. Mr. Henson concurred with Council Members that Eden Housing representatives meet with members of the B Street neighborhood and agreed that the B Street design needs improvement. Mr. Henson supported the motion.

In response to Mayor Sweeney and in concurrence with Eden Housing, City Manager David noted that the item could return to Council on April 19, 2011. It was noted that the item would not need to

be re-noticed.

Council Members Salinas and Quirk agreed with continuing the item to April 19, 2011.

Mayor Sweeney added that seniors can be good neighbors and would not create problems such as loud music and parties.

Council Member Zermeño also concurred with fellow Council Members' comments and suggested that Eden Housing and City staff work with the Alegria family regarding the maintenance of the large tree and suggested that efforts need to be made to preserve the tree.

It was moved by Council Member Salinas seconded by Council Member Quirk, and carried unanimously, to continue the item to April 19, 2011.

LEGISLATIVE BUSINESS

8. Disposition and Development Agreement Between the City of Hayward and Eden Housing, Inc. ("Eden") for the "B" and Grand Senior Housing Project; Loan Agreement for Tax Increment Funds Between the Housing Authority of the City of Hayward and Eden in the Amount of \$250,000 to Help Finance Construction of the "B" and Grand Senior Housing Project; and Loan Agreement for HOME Funds Between the City of Hayward and Eden in the Amount of \$900,000 to Help Finance Construction of the "B" and Grand Senior Housing Project

Staff report submitted by Housing Manager McLaughlin, dated March 22, 2011, was filed.

Assistant City Manager Morariu noted that given the Council's action on the prior item, staff requested that the item be continued to April 19, 2011, so that both items could be heard in tandem. There being no public comments, Mayor/Chair Sweeney opened and closed the public hearing at 10:51 pm.

It was moved by Council/HA Member Quirk seconded by Council/HA Member Halliday, and carried unanimously, to continue the item to April 19, 2011.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced that, along with Council Member Salinas and City Clerk Lens, he will be joining the Hayward Youth Commissioners on a field trip to the State Capitol on Thursday, March 24, 2011. He thanked those who contributed to the fund. Mr. Zermeño also announced a basketball fundraising match between Hayward Local 1909 Firefighters and Los Chilonos de Hayward, on Saturday, April 2, 2011, at the Mateo Jimenez Gym. Lastly, he announced he had tickets for the Hispanic Community Affairs Council Annual Scholarship Luncheon on May 6, 2011.

Council Member Salinas announced that on March 19, 2011, he attended a parent symposium



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hosted by the Hayward Unified School District (HUSD) and the Chabot College Education Conference where information was provided to transfer students. Mr. Salinas also announced the Cesar E. Chavez Birthday Celebration and "Teach-in" event on March 31, 2011, from 5:00 p.m. to 7:00 p.m. at City Hall. Additionally, he noted he joined efforts with the HUSD Food Services Department in securing a grant from the U.S. Department of Agriculture for a Summer Seamless Breakfast and Lunch Program to be distributed to Hayward youth under 18 years of age.

Council Member Henson reported that, along with Council Member Halliday, he attended and participated in the Transportation Forum regarding Sustainable Communities Strategy sponsored by Supervisor Lockyer on March 19, 2011. Mr. Henson also noted that Remote Area Medical Volunteer Corps (RAM) is hosting a free health fair for vision, dental, and some medical from April 9-12, 2011 at the Coliseum in Oakland. Mayor Sweeney thanked Council Members Henson and Halliday for representing the City and noted that Saturday meetings seem to conflict with other City activities.

Council Member Halliday spoke about her participation at the Forum and agreed that Saturday meetings seem to conflict with other activities. Ms. Halliday noted the upcoming work session for FY 2011-12 Community Development Block Grant recommendations and noted that the Citizens Advisory and Human Services Commissions had a different strategic plan format this year and she asked staff to provide Council with an update.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 11:03 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward
Chair, Housing Authority

ATTEST:

Miriam Lens, City Clerk, City of Hayward
Secretary, Housing Authority



DATE: April 5, 2011
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Measure B Pavement Reconstruction FY12: Approval of Plans and Specifications and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution approving the plans and specifications for the Measure B Pavement Reconstruction FY12 project and calls for bids to be received on May 10, 2011.

BACKGROUND

This project represents the eighth year of the City's pavement reconstruction program. This year's project is for pavement reconstruction on Hohener Street, Darwin Street, Chisholm Street, Sparling Drive, Kirkwood Drive, and Ward Street (see Attachment II). The proposed improvements will repair failed pavement sections and improve the riding surface and appearance of the streets.

DISCUSSION

The City's reconstruction program involves repairing severely deteriorated streets to return them to acceptable pavement condition standards. The FY11 CIP budget originally identified Hohener Street, Darwin Street, and Lucia Street for reconstruction. City staff selected these streets for reconstruction using the City's computerized Pavement Management Program (PMP) and visual field examination. After further review, staff found that Lucia Street did not warrant reconstruction to the same degree as other streets and would receive pavement rehabilitation in a different contract this year.

Also, as explained below, cost savings from adding a pavement reconstruction method that reuses existing material has made it possible to add Chisholm Court, Sparling Drive, Kirkwood Drive, and Ward Street to the list of streets to be reconstructed in this project; thus, this year's contract will involve six streets, rather than just four. Because of the severity of the pavement section deterioration of these streets, the typical dig-out spot repair and pavement overlay would not be adequate to bring the streets to acceptable standards.

The City's PMP program uses a Pavement Condition Index (PCI), which is an indicator for condition of pavement derived from a visual inspection of the street surface. Surface crack patterns are used as indicators of the condition of the sub-grade. For example, alligator cracks (pavement crack interweave involving a combination of lateral and longitudinal cracks) on the surface of the pavement typically indicates a failure of the sub base, which will usually require a replacement of the entire pavement section.

In the past, pavement reconstruction has involved the replacement of the existing pavement section with deep lift asphalt concrete. This is a relatively expensive treatment method and is not always necessary. Where possible, staff is now using a treatment method that involves pulverizing the pavement section and reusing the resulting aggregate for base material. The pavement pulverization method is utilized when the heavy equipment needed for the pulverization work can be used without damaging existing utilities.

The pulverization and reuse of existing material has been shown to result in cost savings of about 40% when compared to removing and replacing the pavement section with deep lift asphalt concrete. With this savings, staff was able to add Chisholm Court, Sparling Drive, Kirkwood Drive and Ward Street to the project. The pavement pulverization method was successfully used on last year's pavement reconstruction project for Grove Way, Sorenson Road, Lilac Ave, and Portsmouth Avenue.

The project is categorically exempt under Section 15301 (c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

FISCAL IMPACT

The estimated project cost is as follows:

Contract Construction	\$700,000
Design and Administration	80,000
Inspection and Testing	70,000
Total	\$850,000

The FY 2011 Capital Improvement Program includes \$850,000 in the Measure B Tax Fund (Local Transportation) for the Pavement Reconstruction FY12 project.

PUBLIC CONTACT

Because of the temporary inconvenience the pavement work would cause, immediately after award of the construction contract, a preliminary notice explaining the pavement reconstruction project will be distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work, indicating the date and time of work for each street.

SCHEDULE

Open Bids	May 10, 2011
Award Contract	June 7, 2011
Begin Work	July 5, 2011
Complete Work	September 26, 2011

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Project Location Maps
- Attachment III: List of Streets

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE MEASURE B PAVEMENT RECONSTRUCTION FY12 PROJECT, PROJECT NO. 5127, AND CALL FOR BIDS

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, those certain plans and specifications for the Measure B Pavement Reconstruction FY12 Project, Project No. 5127, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;

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

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, May 10, 2011 and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room 4D, located on the 4th Floor of City Hall, Hayward, California;

WHEREAS, the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

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

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

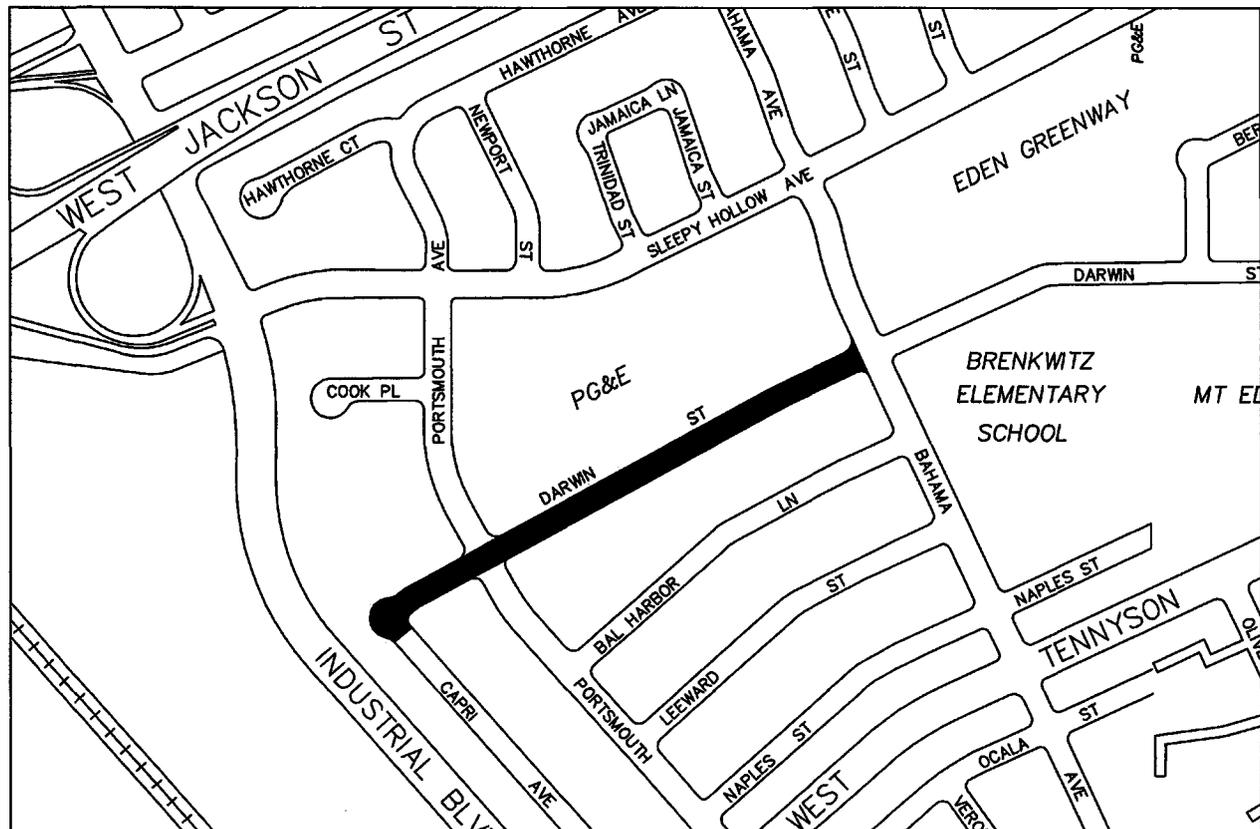
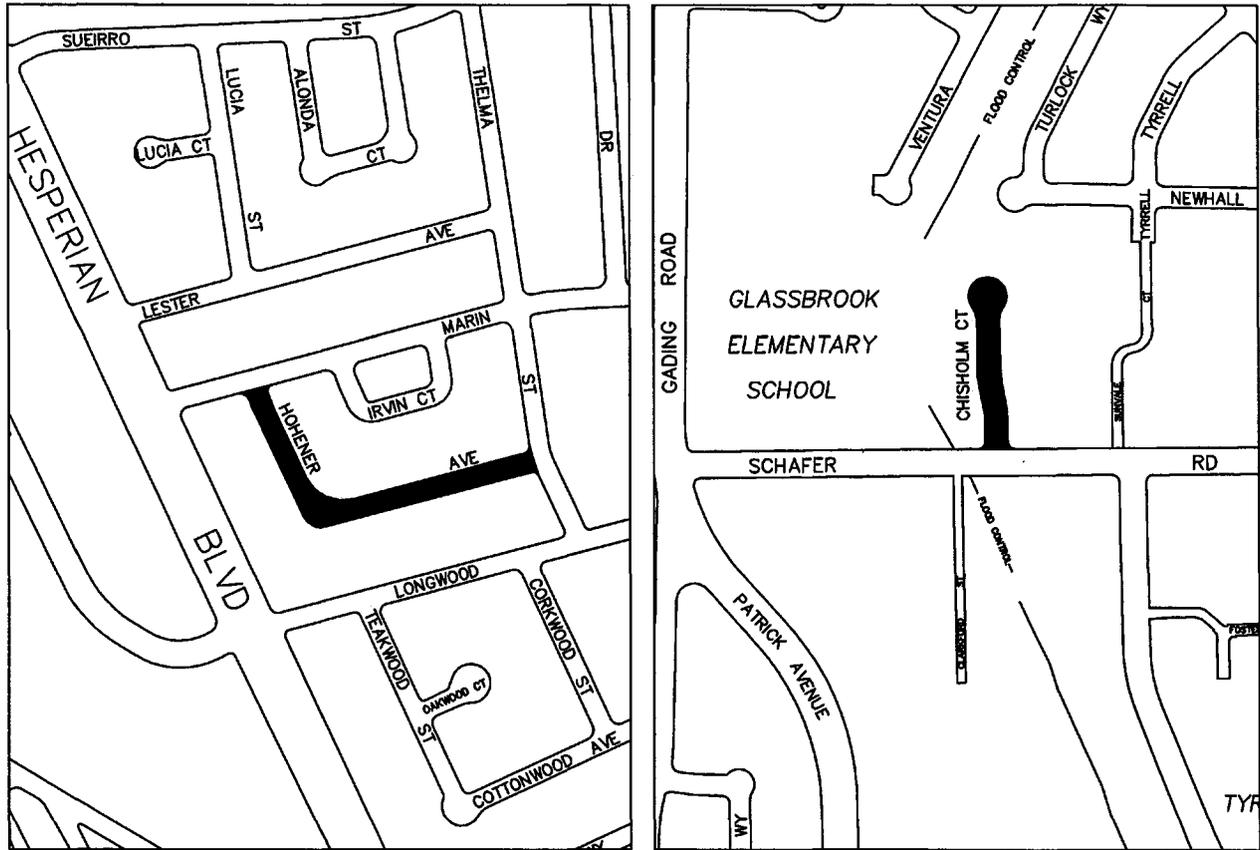
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

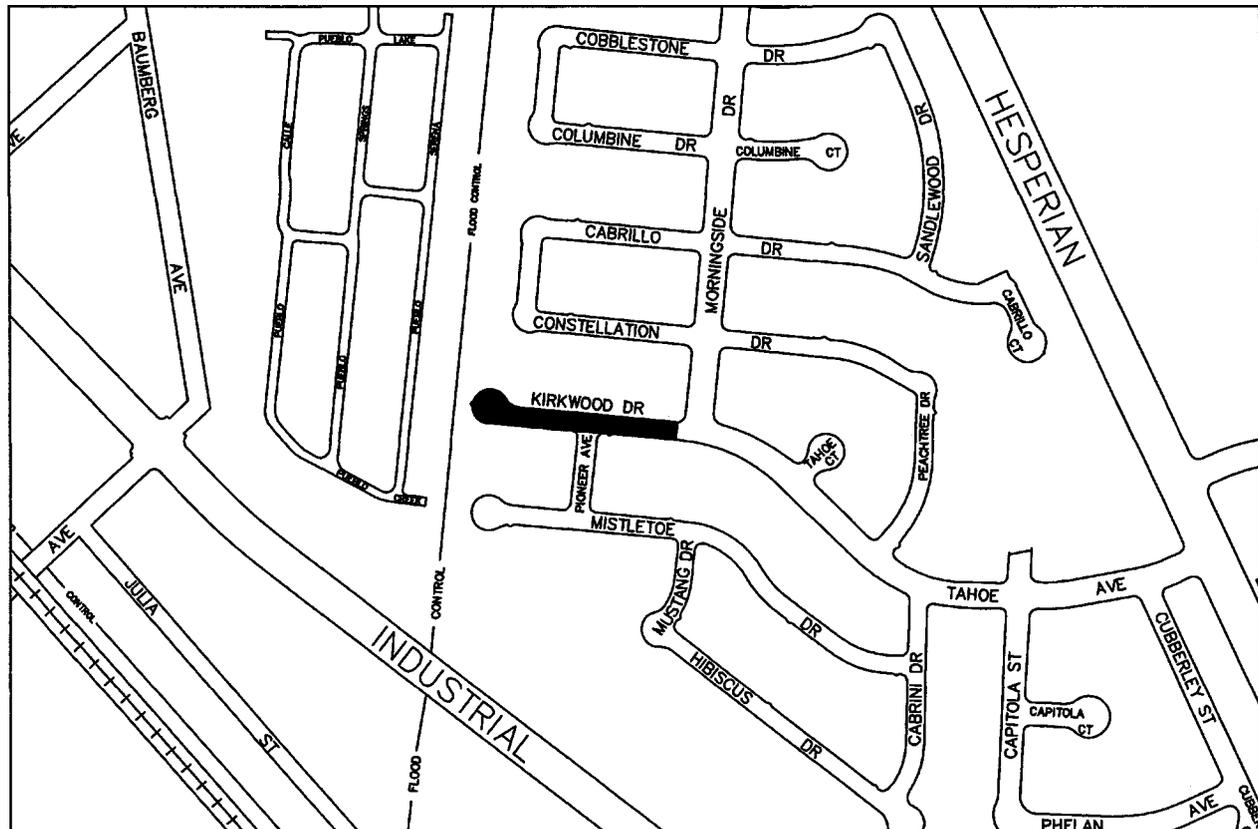
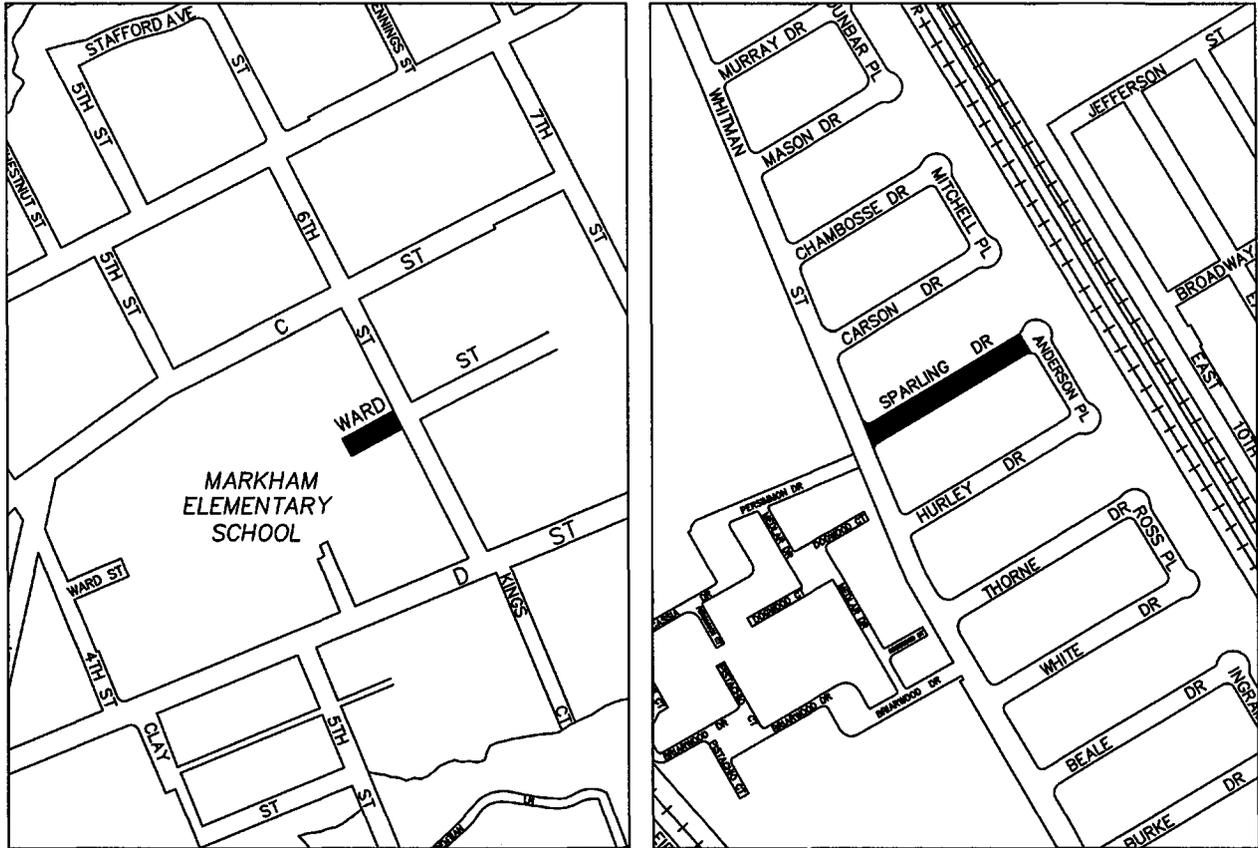
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PAVEMENT RECONSTRUCTION FY12-PROJECT NO. 5127



PAVEMENT RECONSTRUCTION FY12-PROJECT NO. 5127

NO.	STREET NAME	LIMITS	
		FROM	TO
1	DARWIN STREET	BAHAMA AVENUE	CAPRI AVENUE
2	HOHENER STREET	MARIN AVENUE	THELMA STREET
3	CHISHOLM COURT	SCHAFFER ROAD	CUL-DE-SAC
4	KIRKWOOD	MORNINGSIDE DRIVE	END
5	SPARLING DRIVE	WHITMAN STREET	ANDERSON PLACE
6	WARD STREET	SIXTH STREET	MARKHAM SCHOOL

LIST OF STREETS

DATE: April 5, 2011

TO: Mayor and City Council

FROM: Development Services Director
Public Works Director

SUBJECT: Final Map Tract 7736, Application No. PL-2006-0069, Stonebrae Country Club Village B – Stonebrae, L.P. (Subdivider) – Request to Amend Condition of Approval No. 171 Related to the Size of the Second Water Storage Reservoir at the Highland 1530 Zone - The Project is Located Southeast of the Fairview Avenue/Hayward Boulevard Intersection

RECOMMENDATION

That the City Council relies on previously approved environmental documents and adopts the attached resolution approving an amendment to Condition of Approval No. 171 for Final Map Tract 7736 for Village B that will reduce the required minimum size of the second water storage reservoir from 2.85 million gallons to 1.2 million gallons.

BACKGROUND

The vesting tentative tract map (Vesting Tentative Map No. 5354) for the Stonebrae Country Club was approved by the City Council in September 2002. The first Final Map Tract 5354 for Village A (214 homes) was approved on April 19, 2005, and recorded on July 29, 2005. The second Final Map Tract 7736 for Village B (149 homes) was approved on November 14, 2006, and recorded on May 24, 2007.

The project is under construction, and Village A, Stonebrae Elementary School and the TPC Stonebrae golf course have been completed. Various changes have occurred in the overall development since the approval of the project in 1998, which identified 650 residential homes and a golf course. Based on the latest revision, total build-out of the Stonebrae development would include 566 residential homes and the golf course.

In August of 2010, the developer, Stonebrae, LP (Stonebrae), submitted a letter requesting elimination of the required second 2.85 million-gallon tank (Attachment IV). The Public Works Director has indicated that elimination of the second tank is not acceptable primarily because this is the highest point in the highland water chain system and a second tank is absolutely required for those times when the other tank may be taken out of service for maintenance purposes. However, after further analysis, staff does agree that the second tank can be reduced in size to 1.2 million

gallons, and the combined total storage capacity of 4.05 million gallons will fully meet the projected water demand for the entire development. For those rare situations when there is maximum demand and the larger tank is out of service, the developer and staff have agreed that, if necessary, the City can direct a temporary reduction or elimination of water service to the golf course.

DISCUSSION

The 1998 conditions of approval for planning approvals for the project required two storage tanks (reservoirs) to be built at an elevation of 1,490 feet. In early 2002, the Stonebrae developer submitted a vesting tentative map application, along with the Preliminary Water System Report (2002 Water Report), providing projected water consumptions. The City approved the 2002 Water Report and used it to establish the conditions of approval requiring two water storage reservoirs at a higher elevation of 1,530 feet (referred as the Highland 1530 Zone). The Council approved the vesting map in September 2002. The first 2.85 million gallon reservoir was built with construction of Village A. Per the existing conditions of approval, the second 2.85 million-gallon reservoir is required to be constructed before the City issues building permits for more than 365 single-family homes.

The golf course began full irrigation in April of 2008, and because of conservation efforts by the Stonebrae development, the use of better water-related technology for metering irrigation flow, and less acreage of both the golf course and common areas requiring irrigation, the current water usage for the golf course is reduced in comparison to the projected water consumption shown in the approved 2002 Water Report. Furthermore, in recognition of the City's agreement to reduce the size of the second tank by 1.65 million gallons, the developer has offered to further reduce potable water use on the golf course in those instances when only the 1.2 million-gallon tank is available and when the City needs to curtail golf course irrigation to ensure an emergency water supply from the Highland 1530 Zone for the rest of the system (see Attachment III, draft covenant).

This request for modification to a condition of approval associated with original design elements is a typical request for a large, multi-phased and complex project, where more detailed information and data becomes available after several phases of construction have occurred. Staff has reviewed the developer's request (Attachment IV) and determined that the amendment to the size of the second water reservoir is justified by the changed circumstances in water use; the modified condition of approval would not impose an additional burden on the existing fee owner or alter any right, title, or interest in the property; the proposed modification does not contain any grounds for denying the map under the California Subdivision Map Act; and the amendment does not propose new provisions that modify the development authorized under the approval of the Final Map.

Environmental Review -

The City certified a Supplemental Environmental Impact Report (SEIR) for the project in 1998, and thereafter adopted an Addendum to the SEIR when it approved the Precise Development Plan and Vesting Tentative Map in 2002. The City Engineer has reviewed the requested amendment to Condition of Approval No. 171 and determined that the amendment would be in substantial compliance with the original approval and does not present any new or increased environmental impacts not previously analyzed; therefore, no additional environmental review under the California

Environmental Quality Act (CEQA) Guidelines is required. Therefore, the SEIR with the Addendum is sufficient from a CEQA perspective for the City Council to adopt the attached resolution approving the requested amendment to the final map condition of approval. The attached resolution includes recommended findings for approval of the amended condition of approval.

OTHER CONDITION OF APPROVAL ISSUES

On April 28, 2009, per Resolution No. 09-057, the City Council gave the Public Works Director and City Manager the authority to approve, as appropriate, the timing of implementation of two other conditions of approval for Final Map Tract 7736. The first condition relates to the payment date for the second and final traffic impact fee of \$1,611,574. The second condition relates to the starting date for the Phase 1B Fairview Avenue improvements, which consists of roadway improvements along Fairview Avenue from the project boundary through the planned Fairview/Woodstock roundabout.

Staff had previously extended the payment date for the traffic impact fee to January 3, 2012, with a proviso that such a payment would include five percent annual interest compounded starting January 1, 2007, and the starting date for the Fairview Avenue improvements to be no later than June 1, 2011, because of economic conditions and the slow housing market. While the developer has requested to extend both conditions again, staff only plans to extend the starting date for the Fairview Avenue improvements from June 2011 to no later than June 1, 2012, and has determined that the payment of the final traffic impact fee plus interest must be remitted to the City no later than Tuesday, January 3, 2012, as currently required. This is necessary because the funds are needed for cash flow associated with the Route 238 Corridor Improvement Project. The developer has been informed of staff's determinations.

FISCAL IMPACT

There is no fiscal impact to the General Fund or Water Fund as a result of the recommended change in tank requirements because applicable water rates are charged based on actual water usage, not projected water demand. The costs of constructing the second tank will be absorbed by Stonebrae.

PUBLIC CONTACT

Staff sent a copy of this report and the draft Potable Water Use Restriction Covenant to the Stonebrae developer.

NEXT STEPS

Should the Council adopt the attached resolution, staff and Stonebrae will execute and record a legal covenant pertinent to potential water restrictions during times when only the 1.2 million gallon tank is in service.

Prepared by: John Nguyen, P.E., Development Review Service Engineer

Recommended by: David Rizk, AICP, Development Services Director
Robert Bauman, P.E., Public Works Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I Draft Resolution

Attachment II Project Location

Attachment III Draft Potable Water Use Restriction Covenant

Attachment IV Letter from Stonebrae, dated August 10, 2010

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AMENDING CONDITION OF APPROVAL NO.
171 PERTAINING TO THE SIZE OF THE SECOND WATER
STORAGE RESERVOIR AT THE HIGHLAND 1530 ZONE
FOR FINAL MAP TRACT 7736, STONEBRAE COUNTRY
CLUB VILLAGE B

WHEREAS, the City Council certified the Supplemental Environmental Impact Report (SEIR) for the project in 1998, and thereafter adopted an Addendum to the SEIR when it approved the Precise Development Plan and Vesting Tentative Map in 2002; and

WHEREAS, the City Council, under Resolution No. 06-137, on November 14, 2006, approved Final Map Tract 7736, which primarily encompasses Village B of the Stonebrae Country Club development; and

WHEREAS, Condition of Approval No. 171 for Final Map Tract 7736 required a second 2.85 million-gallon water storage reservoir to be constructed at the Highland 1530 Zone before the City issues building permits for more than 365 single-family homes; and

WHEREAS, Stonebrae L.P., the project owner, has submitted a letter requesting an amendment to the Conditions of Approval No. 171 of Final Map Tract 7736; and

WHEREAS, Stonebrae L.P. has submitted data and information showing water consumption is reduced in comparison to the projected water consumption shown in the approved 2002 Water Report because of better-than-expected water conservation results, implementation of improved water-related technology for metering irrigation flow, and lesser acreage of both the golf course and common areas requiring irrigation; and

WHEREAS, Stonebrae L.P. has agreed to further reduce potable water use on the golf course in those instances when only the 1.2 million-gallon tank is available and when golf course irrigation needs to be curtailed to ensure an emergency water supply from the Highland 1530 Zone for the rest of the system; and

WHEREAS, the City Engineer has reviewed the request for an amendment to Condition of Approval No. 171, and found the amendment to be in substantial compliance with the original approval and in conformance with the Subdivision Map Act and provisions of local ordinances; and

WHEREAS, staff has reviewed the Stonebrae L.P.'s request and determined that the amendment Condition of Approval No. 171 as it relates to the size of the second water storage reservoir does not present any new or increased environmental impact not previously analyzed in the SEIR and the Addendum to the SEIR; and

WHEREAS, the City Engineer has recommended approval of the amended condition of approval.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Hayward, which relies on the previously certified environmental documents, and finds that the amendment to the size of the second water reservoir is justified by the changed circumstances in water use; the modified condition of approval does not impose an additional burden on the existing fee owner or alter any right, title or interest in the property; and the proposed modification does not contain any grounds for denying the map under the California Subdivision Map Act and the amendment of the Final Map does not propose new provisions that modify the development authorized under the approval of the Final Map, nor alter any right, title or interest in the property.

BE IT FURTHER RESOLVED that Condition of Approval No. 171 is hereby revised to require that the minimum size of a second water storage reservoir be reduced from 2.85 million gallons to 1.2 million gallons, and that such reservoir be constructed at the Highland 1530 Zone before the City issues building permits for more than 365 single-family homes.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a declaration of covenant with Stonebrae L.P., in a form approved by the City Attorney, wherein Stonebrae L.P. agrees to reduce potable water use on the golf course in those instances when only the 1.2 million-gallon tank is available and when golf course irrigation needs to be curtailed to ensure an emergency water supply from the Highland 1530 Zone for the rest of the system.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

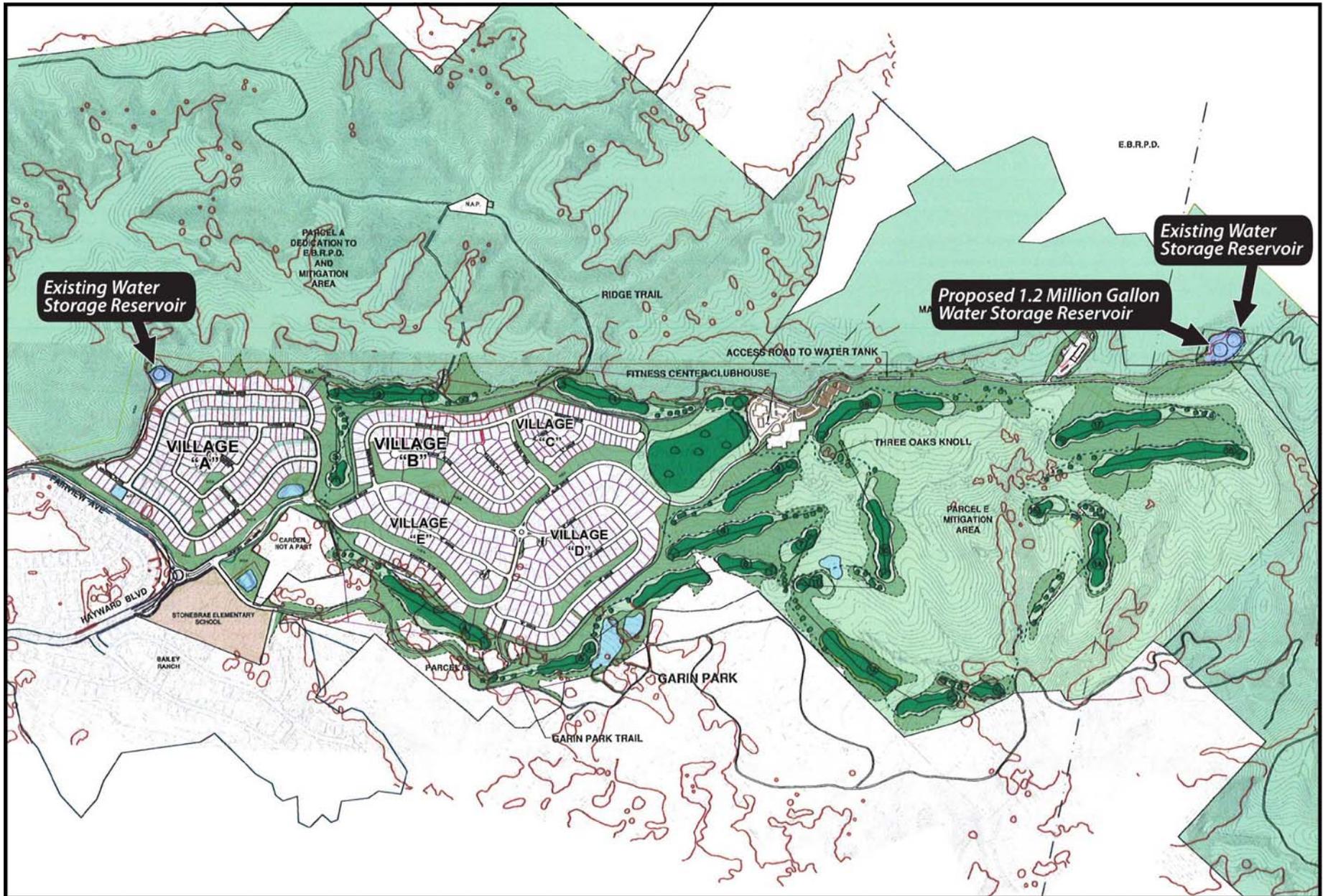
ABSENT: COUNCIL MEMBERS:

ATTEST:

Miriam Lens, City Clerk

APPROVED AS TO FORM:

Michael Lawson, City Attorney



Tract 7736 Water Storage Reservoirs

Proposed 1.2 Million Gallon
Water Storage Reservoir



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

(Space Above For Recorder’s Use)

**POTABLE WATER USE RESTRICTION COVENANT FOR
STONEBRAE GOLF COURSE IRRIGATION**

This POTABLE WATER USE RESTRICTION COVENANT FOR STONEBRAE GOLF COURSE IRRIGATION (“Covenant”) effective _____, 2011, is entered into by Stonebrae Country Club, LLC, a California Limited Liability Company, (“Stonebrae”) and the City of Hayward (the “City”), a municipal corporation.

1. **Recitals.** This Covenant is made and entered into with reference to the following facts and objectives:
 - 1.1 Final Tract Map 5354, related to Stonebrae Country Club Village A, was approved by the Hayward City Council on April 19, 2005 and recorded on July 29, 2005. One condition of approval imposed as part of the approval of Final Tract Map 5354 was the construction by Stonebrae of one 2.85 million gallon (MG) water storage tank in the 1530 elevation zone. This tank has been constructed and is in service.
 - 1.2 Final Tract Map 7736, related to Stonebrae Country Club Village B, was approved by the Hayward City Council on November 14, 2006 and recorded on May 24, 2007. Condition of Approval No. 171 for Final Tract Map 7736 required the construction by Stonebrae of a second 2.85 MG water storage tank, also in the 1530 elevation zone. The second tank was to be constructed prior to the issuance of more than 365 single-family residence building permits for the Stonebrae development.
 - 1.3 Stonebrae has requested approval to reduce the capacity of the second tank to 1.2 MG. In support of this requested reduction in capacity, Stonebrae has prepared and submitted to the City of Hayward an updated Water System Storage Evaluation. The justification for the reduced tank size includes better-than-expected water conservation results, improved technology for metering irrigation flow, and less acreage for the golf course and common area landscaping than originally planned.
 - 1.4 Stonebrae recognizes that approval of this request would result in the reduction of available water supply for customers served by the 1530 tanks and has agreed to certain restrictions in golf course irrigation water use to ensure that those customers are not adversely impacted by the reduction in water storage capacity and that adequate water supplies remain available to those customers.

2. **Water Use Covenant.** In consideration of the Hayward City Council approving Stonebrae’s request to reduce the size of the second tank by 1.65 MG to 1.2 MG, Stonebrae agrees to the following:
 - 2.1 Stonebrae will reduce or stop irrigation water use at the Stonebrae golf course immediately upon written notice from the City and in the City’s sole discretion, at any time that the 2.85 MG tank is out of service leaving only the 1.2 MG tank in service in the 1530 elevation zone, in order that the City can ensure adequate water service remains available to other customers supplied by the 1530 water facilities. The City will endeavor to give as much advance notice as possible, so that alternative sources may be explored by Stonebrae; however, such determination by City, and notice of same to Stonebrae, will be predicated on the City’s best professional judgment as to the severity of the circumstances giving rise to such directive.
 - 2.2 Stonebrae agrees to indemnify, defend (with counsel selected by the City) and hold the City its officers, employees, and agents harmless from any and all claims related to any potential or actual damage to the Stonebrae golf course as a result of the temporary suspension of irrigation, including but not limited to all liability, claims, suits, actions, damages, and causes of action, including attorney’s fees and costs of suit, arising out of any personal injury, bodily injury, loss of life, or damage to property.
3. **Covenant Running with the Land.** This Covenant pertains to and runs with Stonebrae Country Club property, including the associated Stonebrae Golf Course, located at 222 Country Club Drive, Hayward, CA 94542, and is binding on its owners and their respective successors, assigns, and tenants under any lease of the Stonebrae Golf Course during the term of the lease, all of whom shall have the obligation to comply with the terms of this Covenant. The City shall have the right to enforce specifically the terms and conditions of this Covenant against the owner, Stonebrae Country Club, LLC, and/or its successors in interest.
4. **Notices.** Any notices, demands, requests, or similar communications (“Notices”) that are required or desired to be given under this Covenant shall be given in writing by (a) mailing the same by United States mail or (b) sending the same by Federal Express or other comparable express courier service. All Notices shall be addressed as follows (or to any new address of which a party has given Notice in compliance with this Section 4):

Notices to Stonebrae Country Club:

Stonebrae Country Club
222 Country Club Drive
Hayward, CA 94542

Notices to City:

City of Hayward
Attention: City Manager
777 B Street
Hayward, California 94541

- 5. **Governing Laws.** This Covenant will be construed in accordance with the laws of the State of California.
- 6. **Amendment and Termination.** This Covenant may be modified, amended or terminated only by the written consent of the Stonebrae Country Club and the City of Hayward, and any modification, amendment, termination or other change to this Covenant will become effective only upon recording the same in the office of the County Recorder of Alameda County, California.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first written above.

STONEBRAE COUNTRY CLUB:

Stonebrae Country Club LLC,
a California limited liability company

By: _____
Steve Miller, Executive Director

CITY OF HAYWARD:

By: _____

APPROVED AS TO FORM:
Michael S. Lawson,
City Attorney

Maureen A. Conneely
Assistant City Attorney

ATTEST:

Miriam Lens,
City Clerk



**STONEBRAE
COUNTRY CLUB**

August 10, 2010

Mr. Robert Bauman
Director of Public Works
City of Hayward
777 B Street
Hayward, California 94541

Re: Stonebrae Water Storage

Dear Bob:

The Stonebrae community was approved for 650 homes in 1998 with a Development Agreement and zoning and the Vesting Tentative Map and other approvals were obtained in 2002. Analysis for the project water usage was conducted for each of the approvals predicated on assumed water consumption. Subsequently, the development of the project has been concluded, excepting the permanent club facilities and approximately 420 homes.

The golf course began full irrigation in April of 2008 and the first homes were occupied in April 2007. Approximately 30% of the common area landscaping was irrigated beginning in the summer of 2006 and the temporary club facilities opened during September 2008. All of these events generated a history of actual water usage for the Stonebrae development from which we observed that our water usage has been and will continue to be significantly less than the assumptions which were previously made.

We are using less water than originally projected are partly due to conservation efforts by the Stonebrae team and better technology than was anticipated several years ago. We are also, irrigating less acreage than expected on both the golf course and in the common area. Conservation is extremely important to us and we have been judicious with our development activities. Next month we expect to receive the Audubon Certification for our golf course, further demonstrating our dedication to the environment. This highly solicited acknowledgement is rarely awarded and their recognition verifies the commitment we have made to ensure that we have positive impact on the environment.

We have requested a new "Water System Storage Evaluation" from a water resource engineer that was previously acceptable to the City (WREA) and their report and cover letter are attached. They are in receipt of your letter dated July 2, 2010 and have considered the information you supplied. Their analysis demonstrates that the current level of water consumption projected to total build out eliminates the need for a second water reservoir at the 1530 zone. The reason for this conclusion is due to the capacity of the existing 2.85 million gallon tank, the actual water consumption of Stonebrae County Club and a miscalculation of the "Recommended Golf Course Irrigation Storage" contained in a report generate in 2001.

One of the conditions of the development was to create a second 2.85 million gallon tank at the 1530 zone. The vast majority of the requirement for the second tank was due to an incorrect evaluation conducted by a sub-contractor resulting in an excessive additional storage need for the golf course. We have fully investigated this matter with some of the best expertise in the country. The PGA TOUR has reviewed the water usage of TPC Stonebrae and the on-site storage requirement. They have concluded that the analysis of WREA contains sufficient storage (see letter from Collier Miller, Director TPC Agronomy). Additionally, the TPC utilized a highly respected consultant to further verify this information and their conclusion was identical (see memo from Bryant Taylor Gordon Golf, Bob Bryant).

Robert Bauman
Director of Public Works
777 B Street
Hayward, California 94541

It is also worth noting that several golf courses in the immediate area do not have additional storage requirements and they include: Silver Creek Valley CC, Sunnyvale Muni, Palo Alto Golf Course, Sequoyah CC, Menlo County Club, and Lake Merced CC. These course are on domestic water supply.

There is no question that we incorrectly supplied the City of Hayward with water storage recommendation in 2001, relative to the creation and approval of the Vested Tentative Map. Now having the appropriate expertise analyze the water usage of Stonebrae and the storage needs of all the amenities, we are very confident in the data now presented.

Please accept our apology for the error in our 2001 presentation and we are now requesting that the City of Hayward concur with our position and we ask for the City staff to process and request of City Council that the requirement to build the second water tank be eliminated. The elimination of the tank is also our commitment that we will continue to conserve the water usage at Stonebrae.

We will be pleased to participate with all of our available information and consultants in any meeting or analysis the City may require.

Thank you for your kind attention to this matter.

Sincerely,


Steven Miller
Executive Director

DATE: April 5, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street: Approval of Plans and Specifications and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution approving the plans and specifications for the Pavement Rehabilitation - D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street project and calls for bids to be received on April 26, 2011.

BACKGROUND

On September 14, 2010, Council authorized staff to apply to the Metropolitan Transportation Commission (MTC) for federal funding for local street and road rehabilitation in the amount of \$1,336,000 and to provide a minimum local match commitment of \$173,000 (11.47%). As previously reported, the \$1,336,000 is the City's allocated share of the \$15.9 million in federal local street and road rehabilitation funds available to Alameda County.

Similar to our other pavement rehabilitation programs, this project will help extend the life of our pavement; however, to be eligible for federal funds, the streets must be on the federal aid system, which, generally contains arterials and larger collector streets. The project consists of making full-depth asphalt concrete spot repairs, installing engineered fabric, placing a hot mix asphalt overlay, and applying new striping and markings on D Street from Second Street to the north City limit; Huntwood Avenue from Folsom Avenue to Tennyson Road; Industrial Parkway SW from Whipple Road to Industrial Parkway West; and Second Street from E Street to Walpert Street. In order to satisfy the requirements of the Americans with Disabilities Act (ADA), accessible ramps will be installed at the curb returns of street intersections located within the limits of the project.

DISCUSSION

The selection of streets for rehabilitation was based on staff's analysis of the pavement condition indices identified through the City's computerized Pavement Management Program (PMP), field examination, and the functional classification of each street. Also as noted, to be eligible the street must be on the federal aid system. Attachment II identifies the streets selected for this Federal funding cycle. Additionally, MTC encourages local jurisdictions to use Federal street

and road rehabilitation money on routes with bicycle facilities. Huntwood Avenue includes bicycle lanes, and D Street, Industrial Parkway Southwest, and Second Street are bicycle routes. The rehabilitation project will include new striping and marking for the bicycle lanes and routes where applicable..

Pavement rehabilitation involves removing areas of localized base failures in the pavement section, compacting the base, and replacing it with full-depth asphalt concrete. Crack sealing will be applied to cracks that do not show signs of base failures. To further delay cracks from reflecting through the new hot mix asphalt overlay, engineered fabric will be installed on all four streets. The hot mix asphalt overlay treatment involves the application of two-inch thick hot mix asphalt over the entire width of the pavement surface.

As the project is primarily funded with Federal funds, the Federal Disadvantaged Business Enterprise (DBE) program applies. The current Federal DBE program requires the establishment of a specific goal for subcontractor participation from four minority groups found to be underutilized: women, Native Americans, African Americans, and Asian Pacific Americans. The project will have a contract goal of 8.4% Underutilized Disadvantaged Business Enterprise (UDBE) participation.

The project is categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities. Additionally, the Local Assistance Branch of Caltrans concurs that the project is categorically excluded from the National Environmental Policy Act.

FISCAL IMPACT

The estimated project costs are as follows:

Pavement Rehabilitation – Contract Construction	\$ 1,400,000
Design and Administration	110,000
Inspection and Testing	120,000
Total:	\$ 1,630,000

The FY 2011 Capital Improvement Program includes \$1,469,000 in the Street System Improvement Fund for this project. Depending on actual bids received, staff will request that Council appropriate additional funds, as needed, at the time of award. Sufficient fund balance is available in the Street System Improvements Fund for this project. As noted previously, the City will be reimbursed \$1,336,000 in Federal funds for the project.

PUBLIC CONTACT

Staff will send a notice explaining the project to all residents and businesses along the affected streets. Additionally, after the construction work has been scheduled, the contractor will post signs on barricades 72 hours in advance indicating the dates and hours of work for each street.

SCHEDULE

Open Bids	April 26, 2011
Award Contract	May 17, 2011
Begin Work	June 13, 2011
Complete Work	September 7, 2011

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I:	Resolution
Attachment II:	Project Location Maps

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE PAVEMENT REHABILITATION – D STREET, HUNTWOOD AVENUE, INDUSTRIAL PARKWAY SW, SECOND STREET PROJECT, PROJECT NO. 5138, AND CALL FOR BIDS

WHEREAS, those certain plans and specifications for the Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, Second Street Project, Project No. 5138, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;

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

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, April 26, 2011 and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room, 4D, located on the 4th Floor of City Hall, Hayward, California;

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

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

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

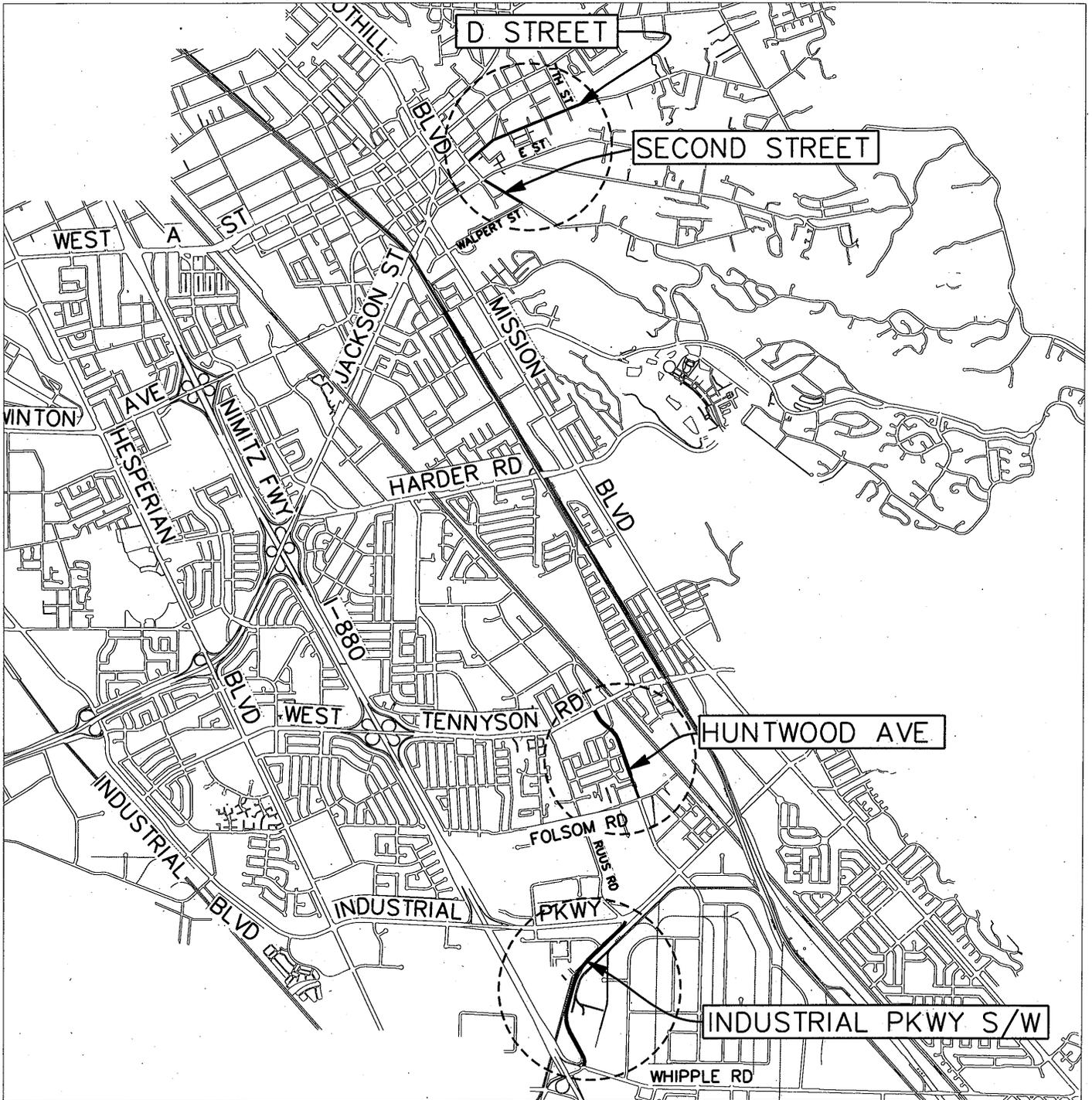
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PROJECT LOCATION MAP

Page 1 of 1

DATE: April 5, 2011
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Resignation of Lucy Castillo from the Human Services Commission

RECOMMENDATION

That the City Council accepts the resignation of Lucy Castillo from the Human Services Commission.

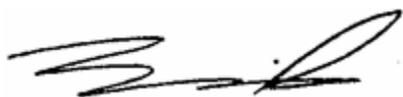
BACKGROUND

Ms. Lucy Castillo was appointed to the Human Services Commission on June 30, 2009. Her resignation is effective March 23, 2011. Ms. Castillo's position will be filled as part of the annual appointment process for the City's Appointed Officials to Boards and Commissions in September.

Recommended by:

Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution Accepting the Resignation
- Attachment II Resignation Letter

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE WRITTEN RESIGNATION OF LUCY CASTILLO FROM THE HUMAN SERVICES COMMISSION

WHEREAS, Ms. Lucy Castillo was appointed to the Human Services Commission on June 30, 2009; and

WHEREAS, Ms. Lucy Castillo has submitted her written resignation effective March 23, 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignations of Lucy Castillo from the Human Services Commission and commends her for her civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Quirk

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

March 23, 2011

Lucy Castillo
676 Elizabeth Way
Hayward, CA 94544

Shauna Darwin
Secretary, Community Services Division
City of Hayward
777 B Street, 4th Floor
Hayward, CA 94541

Dear Ms. Darwin,

After considerable thought, it is with regret I have decided to resign from my position as Commissioner, effective immediately. I assure you it was not an easy decision to make.

The mission of the Human Services Commission runs parallel with my beliefs and values. I have gained valuable understanding of the intricate workings of community based organizations serving the people in the city of Hayward; an aspect I will truly miss. However, with recent health ailments and other pressing issues I have learned to value the quality of family time.

Nonetheless, I am grateful for having had the opportunity to serve on the commission for the past year and seven months and I offer my best wishes for its continued success.

Sincerely,

Lucy Castillo

CC: Anne Culver and Miriam Lens