



CITY OF  
**HAYWARD**  
HEART OF THE BAY

# **CITY COUNCIL AGENDA**

**MAY 17, 2011**

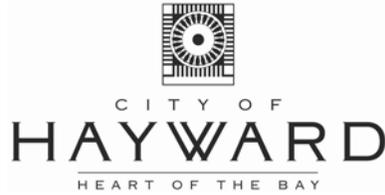
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**MAYOR MICHAEL SWEENEY  
MAYOR PRO TEMPORE FRANCISCO ZERMEÑO  
COUNCIL MEMBER BARBARA HALLIDAY  
COUNCIL MEMBER OLDEN HENSON  
COUNCIL MEMBER BILL QUIRK  
COUNCIL MEMBER MARVIN PEIXOTO  
COUNCIL MEMBER MARK SALINAS**

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CITY COUNCIL MEETING FOR TUESDAY, MAY 17, 2011

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**\_ CLOSED SESSION**  
**Closed Session Room 2B – 5:00 PM**

1. **PUBLIC COMMENTS** *(Limited to items agendaized for Closed Session)*
  2. Pending Litigation  
Pursuant to Government Code 54956.9
    - Licata v. City of Hayward, WCAB No. ADJ6701810
  3. Performance Evaluation  
Pursuant to Government Code 54957
    - City Attorney
  4. Conference with Labor Negotiators  
Pursuant to Government Code 54957.6
    - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Human Resources Director Robustelli, and Interim Finance Director Stark
    - Under Negotiation: All Bargaining Units
  5. Adjournment to Regular Meeting
- 

**CITY COUNCIL MEETING**  
**Council Chambers - 7:00 PM**

**PRESENTATION OF COLORS**    **Police Honor Guard**

**CALL TO ORDER**                      **Pledge of Allegiance** Council Member Salinas

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PROCLAMATION**

National Police Week – May 10 - 16, 2011  
Peace Officers' Memorial Day – May 15, 2011

**PRESENTATIONS**

Commission on Accreditation for Law Enforcement Agencies (CALEA) Award of Accreditation:  
CALEA Commission Chair, Lou Dekmar, Chief of the LaGrange, Georgia PD  
Annual Recycling Poster and Essay Contest Awards

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

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**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.)*

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**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.)*

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## CONSENT

1. Approval of Minutes of the City Council Meeting on April 26, 2011  
[Draft Minutes](#)
  
2. Sewer Replacement at Linden, Madrone and Beech Street Easement Areas: Approval of Plans and Specifications, and Call for Bids  
[Staff Report](#)  
[Attachment I - Resolution](#)  
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3. Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street: Award of Contract  
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4. Measure B Pavement Rehabilitation FY12: Award of Contract and Appropriation of Funds  
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5. Resolution Summarizing Comments on the Initial Vision Scenario  
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6. Pavement Reconstruction FY11 - Taxiway "E" and East T-Hangar Zipperlane at Hayward Executive Airport: Approval of Plans and Specifications and Call for Bids  
[Staff Report](#)  
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  7. Authorization for Approval of the Issuance by the California Statewide Communities Development Authority of Taxable Obligations to Hayward FBO LLC  
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  8. Adoption of Ordinance Amending Chapter 10, Article 1, of the Hayward Municipal Code by Rezoning Certain Property at the Southwest Corner of B and Grand Streets in Connection with Zone Change Application No. PL-2010-0369 Relating to a 22-Unit Senior Housing Facility  
[Staff Report](#)  
[Attachment I](#)
  9. Resignation of Carole Bates Peck from the Keep Hayward Clean and Green Task Force  
[Staff Report](#)  
[Attachment I](#)  
[Attachment II](#)
- 

*The following order of business applies to items considered as part of Public Hearings and Legislative Business:*

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
- 

## **LEGISLATIVE BUSINESS**

10. Approval to Negotiate Formation of a Joint Powers Authority and a Joint Powers Agreement to Facilitate and Administer Parking around the South Hayward and Downtown Hayward BART Stations  
[Staff Report](#)  
[Attachment I - Resolution for formation of JPA](#)  
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11. Introduction of Ordinance Revising Municipal Code Chapter 2, Article 3 – Boards and Commissions and Chapter 2, Article 4 – Employees  
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[Attachment III Ordinance Revised Municipal Code Chapter 2, Articles 3 and 4](#)



12. Consideration of a Resolution in Support of the Proposal Designating Saint Rose Hospital and San Leandro Hospital as District Hospitals Operating Under the Authority of the Eden Township Healthcare District

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II Letter to Director of the Alameda County Health Care Services Agency](#)

## **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**

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*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.*

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*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.*

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*\*\*\*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, 4<sup>th</sup> 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. \*\*\**

**TUESDAY, MAY 24, 2011 \*\*\* CANCELED \*\*\***

**NEXT SPECIAL MEETING – 7:00 PM, TUESDAY, MAY 31, 2011**

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*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.*

MAY 17, 2011



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**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 26, 2011, 7:00 p.m.**

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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 Mayor Sweeney.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Halliday, Peixoto, Salinas, Henson  
MAYOR Sweeney  
Absent: COUNCIL MEMBER Quirk

Mayor Sweeney noted that Council Member Quirk was out ill.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Sweeney reported that Council met with labor negotiators pursuant to Government Code 54957.6, and pursuant to Government Code 54956.9 regarding anticipated litigation, and took no reportable action.

**PRESENTATION**

**Affordable Housing Week – May 6 - 15, 2011**

Mayor Sweeney proclaimed May 6 - 15, 2011, as Affordable Housing Week in the City of Hayward. Mayor Sweeney noted that for the past 15 years East Bay Housing agencies have partnered with area communities to call attention to the ongoing need for affordable housing. It was noted that even though homeownership and affordability lag, Hayward is proactive in response to this housing crisis and also has award winning affordable housing.

Mr. Jim Obendorf, Habitat for Humanity East Bay's Vice President and Chief Financial Officer, accepted the proclamation on behalf of Habitat for Humanity East Bay and the East Bay Housing Organization and thanked the Mayor, City Council, and staff for the support.

**PUBLIC COMMENTS**

Ms. Betty DeForest, Westwood Street resident, read a letter from the South Hayward Parish regarding the proposed Gang Injunction Program and expressed concern that community members interested in gang injunction policy were not informed about a prior public work session. On behalf of the South Hayward Parish, Ms DeForest offered to partner with the City on this endeavor. Mayor Sweeney asked the City Clerk to inform individuals or groups that requested information about future gang injunction meetings and asked the City Manager to encourage the Police Department to engage individuals and agencies in the process.

**DRAFT**

Mr. Benjamin Goulart, Main Street resident and Chabot College student, expressed concern about the new power plant being built in Hayward. Mayor Sweeney provided clarification about the actions that were taken by City Council and the California Energy Commission in prior years and informed Mr. Goulart that the Public Works Department could provide additional information.

Mr. Anthony Varni, representing the Felson family, spoke about the South Hayward BART/Mission Boulevard Form-Based Code staff report. Mr. Varni noted that the Felsons own apartment units that look over the 238 Bypass study area. Referring to the building configuration of the proposed project, he mentioned that the current building setback requirement is two feet from the sidewalk and expressed that because of traffic and vehicular speed on Mission Boulevard, there should be a greater setback and more property depth. He said if the project is not built correctly, it will negatively impact future projects.

Mr. Jim Drake, Franklin Avenue resident, expressed concern that Caltrans criterion was not being utilized during the construction of the mini-loop. Mr. Drake said the contractor on Harder Road, Top Grade, was not performing the work properly which could result in costly street maintenance. Mayor Sweeney requested Director of Public Works Bauman to look into Mr. Drake's concerns.

#### **WORK SESSION (60-Minute Limit)**

1. Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Staff report submitted by Development Services Director Rizk, dated April 26, 2011, was filed.

Development Services Director Rizk introduced consultant Mr. Kevin Colin with Lamphier-Gregory, who provided a synopsis of the report.

Development Services Director Rizk noted Council was in receipt of an email from Dr. Sherman Lewis and that staff will address Dr. Lewis' comments as they prepare the final Supplement Environmental Impact Report (SEIR). Regarding Mr. Varni's concerns about setbacks and the proximity of buildings along Mission Boulevard, Mr. Rizk said these are addressed through plan aesthetics, the site plan mitigation review, and the air quality mitigation measures. Mr. Rizk mentioned that for the final Draft Environmental Impact Report (EIR) staff will be recommending an overall height limit in feet and if the developer chooses to build the maximum number of stories, each story will have a maximum height. He said staff will be coming back with revisions to the Form-Based Code.

Council Member Henson emphasized the need to address specific transportation need should the City move forward with the Sustainable Community Strategy (SCS). Mr. Colin confirmed for Mr. Henson that the California Environmental Quality Act (CEQA) guidelines for air quality mitigation measures are mandatory. In response to Mr. Henson's inquiry about traffic impact and mitigation recommendations, Director of Public Works Bauman noted that the Form-Based Code would cause four intersections to operate at E and F levels of service. He spoke about the four traffic mitigation



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measures to counterbalance and added that, as a result of an oversight, there will be a revision to the SEIR to reflect a mitigation change that is not going to include a right-of-way take for the Mission Boulevard/Harder Road intersection.

Council Member Zermeño suggested naming one of the proposed new streets after Cesar Chavez and said he hoped to have the Form-Based Code adopted prior to the Council's August recess as it would create jobs and spur activity.

In response to Council Member Peixoto's question if measuring building height in feet or stories to maximize density had been resolved, Mr. Colin said staff will be returning with a Code and Environmental Impact Report (EIR) with building height measured in both feet and stories to prevent further confusion.

Council Member Halliday stressed the importance of clarity for this process and the protection of views throughout as much as possible. Ms. Halliday was glad that the Mission Boulevard/Harder Road Intersection revision did not include a right-of-way take. She reiterated that the goal is to reduce greenhouse gas emissions through traffic signaling that will increase traffic flow and hoped that by creating a transit-oriented district, people will be encouraged to walk to neighborhood retail centers and use public transit.

Council Member Salinas inquired if community participation was achieved with neighborhoods that will be affected by the proposed developments. Development Services Director Rizk responded that community meetings were not held, but over 2300 notices were mailed regarding the work session. Mr. Salinas suggested utilizing the Neighborhood Partnership Program meetings to engage the community. Mr. Salinas commented that he would like to see a significant effort made in the area of alternative public transportation methods and suggested starting a shuttle service.

Mayor Sweeney asked staff and the consultant to be sure to taper down building height and scale, particularly for the areas south of the South Hayward BART station from Valle Vista to the other side of Tennyson Road. He suggested more T4 and fewer T5 zones. In response to Mayor Sweeney's inquiry of whether the Draft EIR addressed the possible elimination of the Redevelopment Agency (RDA), Development Services Director Rizk reported that if the RDA was eliminated there would be a negative balance to the General Fund that could be offset by a community services district.

## **CONSENT**

### **2. New Sidewalk - Bellina Street: Approval of Plans and Specifications and Call for Bids**

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 26, 2011, was filed.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-038, “Resolution Approving Plans and Specifications for the New Sidewalk – Bellina Street Project, Project No. 5163, and Call for Bids”

## **PUBLIC HEARING**

3. Master Fee Schedule Update \*\*\* To be continued to May 3, 2011 \*\*\*

Staff report submitted by Interim Finance Director Stark, dated April 26, 2011, was filed.

City Manager David noted that the item was continued to honor noticing requirements.

It was moved by Council Member Henson, seconded by Council Member Peixoto, and carried with Council Member Quirk absent, to continue the item until May 3, 2011.

## **LEGISLATIVE BUSINESS**

4. Adoption of Interim Moratorium Ordinance Regarding Supermarkets of 20,000 Square Feet or More or Large Retail Stores Containing at least 10,000 Square Feet or Ten Percent of Area Devoted to Sale of Grocery or Non-Taxable Items

Staff report submitted by Development Services Director Rizk, dated April 26, 2011, was filed.

Development Services Director Rizk presented the report.

Development Services Director Rizk confirmed for Council Member Henson that if the interim ordinance is approved, the building permit application at Whipple Road would be on hold to allow staff the necessary time to conduct impact studies and return to Council with a recommendation.

Mayor Sweeney opened the public hearing at 8:16 p.m.

Ms. Desirae Smith, Willow Avenue resident, supported the proposed interim moratorium ordinance and stated Hayward needs grocery stores to serve the community. Ms. Smith noted the interim moratorium would allow staff the time to analyze the best locations for grocery stores.

Ms. Susanne Horton, Revere Avenue resident, supported the proposed interim ordinance and suggested that after neighborhood assessments are conducted, staff should be able to attract full-service grocery stores to serve the needs of the community.



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Ms. Simone Williams, Sevilla Road resident, supported the proposed interim ordinance and said there are too many discount dollar stores in Hayward.

Ms. Carol Sturholm, El Dorado Avenue resident, supported the proposed moratorium and noted the need for quality full-service grocery stores that provide good paying jobs.

Mr. Manuel Ratinho, Cathy Way resident, supported the moratorium to allow Council the opportunity to evaluate the need for more full-service grocery stores. He stated there are too many warehouse, discount and ethnic stores in Hayward.

Ms. Tiffany Hawkins, Pulaski Drive resident, noted that the South Hayward neighborhood does not have any full-service grocery stores and suggested the former Holiday Bowl location would be an excellent location for a full-service grocery store. She supported the interim moratorium if it will help South Hayward attract a full-service grocery store.

Ms. Dorothy Bera, Audubon Street resident, supported the proposed interim moratorium and noted the closest full-service grocery store is about seven miles away in Union City. She hoped that the interim moratorium will help Council in identifying and attracting more full-service grocery stores to South Hayward.

Mr. Edward Bogue, Poinciana Street resident and Southgate Homeowners Association President, talked about the ongoing efforts to attract a full-service grocery store to Southland Mall and noted that a petition and e-mails were submitted in support of a full-service store and there was a strong support from the mobile home park residents along Winton Avenue and local businesses surrounding Southland Mall. He noted that with ongoing negotiations to bring a full-service store it would seem difficult to place a moratorium and end the negotiations. He added that Southland Mall was designed, planned and used for a full-service grocery store as part of a super regional center. Mr. Bogue suggested exempting Southland Mall from the proposed interim moratorium.

Ms. Roxanne Stone, San Jose resident and Wing Stop business owner located on Whipple Road, noted the Circuit City closure has been detrimental to her business. She said it has taken the owner a long time to attract interest to the former Circuit City site and asked Council to consider voting against the interim moratorium.

Ms. Etenesh Nemti, Blossom Way resident and Quizno business owner, said the former Circuit City was the anchor store for the area and since its closure 75% of businesses have closed. Ms. Nemti noted that implementing an interim moratorium jeopardizes more businesses. She added a large supermarket would support and help the businesses in the area and serve the community.

Ms. Josie Sutton, Jane Avenue resident, supported the proposed interim moratorium ordinance. Ms. Sutton said the available stores do not fully service the needs of the community.

Ms. Kristina Lawson with Miller Star & Regalia, representing Hayward 880, LLC, owners of the property at 2480 Whipple Road, former site of the Circuit City store, noted the site has sat vacant and blighted for years and this is only the second proposal that her clients have received. Ms. Lawson submitted a letter outlining the legal concerns and a letter outlining her client's concerns. The letter is available in the Office of the City Clerk. Ms. Lawson added the property has an existing approved 2004 Conditional Use Permit (CUP) for which a complete traffic study was conducted and the owner performed the required changes.

Ms. Veronica Curley, Southland Mall General Manager, opposed the proposed interim moratorium ordinance for supermarkets and mentioned the former Lucky site has been vacant since 2008. Ms. Curley said Southland Mall agreed with the community that there should be a full-service grocery store in that location and said the Mall has recently been in communication with two interested parties. Ms. Curley requested that Southland Mall be exempt from the proposed moratorium and asked for Council's support.

Dr. Marco Chavez, current co-owner of the former Mervyns headquarters on Foothill Boulevard, opposed the proposed interim moratorium and felt the moratorium will devalue Hayward projects and diminish the options available to potential interested parties. Dr. Chavez said his property is located in the downtown area where there is need for new businesses to help generate revenue and help neighboring businesses. He acknowledged that there is a concern in the South Hayward area but this should not be a city-wide moratorium and that the moratorium will stop all interested activity on his property.

Mayor Sweeney closed the public hearing at 8:41 p.m.

Development Services Director Rizk confirmed for Council Member Halliday that the proposed moratorium would apply to Southland Mall and all grocery store situations. In response to Ms. Halliday's question if a 45-day moratorium is sufficient time for staff to conduct an analysis and submit a recommendation to Council, Mr. Rizk replied this item requires substantial research and analysis and the speakers' comments asking for a full-service grocery store would require further research. Ms. Halliday expressed concern that the City could lose potential grocery store tenants during the moratorium.

Regarding Council Member Henson's question about exempting a specific property from the proposed moratorium, City Attorney Lawson responded that the City would need more supporting evidence to consider exemptions.

Development Services Director Rizk clarified for Council Member Salinas that if a permit application is received during the 45 days a moratorium is in effect, a proposed tenant would have to wait until the moratorium ends or until Council takes action to end the moratorium. Mr. Salinas was in favor of continuing the item for one week to give Council the opportunity to review and study the documents that were presented.

Council Member Zermeño asked whether prospective applicants could start negotiating with the moratorium in effect as written. Development Services Director Rizk noted that the moratorium



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would allow the processing of applications, but not the issuance of permits. Mr. Zermeño commented that ethnic and thrift stores are good stores that serve a diverse community.

Mayor Sweeney noted that the majority of speakers' comments indicated support for full-service grocery stores, but not discount stores. In response to Mayor Sweeney, City Attorney Lawson stated the proposed interim ordinance and staff report do not address discount stores, and therefore, the proposal could not be used as a vehicle for addressing discount stores. However, if there was interest for staff to review this, then staff could review the issue of discount stores and bring back a separate report to Council. Mayor Sweeney hoped the business owners understood the message that the community's general consensus is no more discount stores.

Council Member Salinas made a motion to continue the item for one week in order to have an opportunity to review legal implications.

Council Member Henson seconded the item and mentioned that continuing the item for one week will give Ms. Curley the opportunity to share and verify that Southland Mall is in negotiations with a grocery store. Mr. Henson mentioned that he is a Fairway Park resident and understands the community comments about the need for a full-service grocery store and noted the increased costs of shopping at convenience stores. Mr. Henson emphasized that there is a valid need, particularly in the South Hayward and Southgate neighborhoods, for a full-service grocery store.

Council Member Salinas reiterated Council Member Zermeño's comments about ethnic stores and mentioned Mi Pueblo on Hesperian Boulevard is one of the cleanest stores in Hayward and is also a full-service restaurant.

It was moved by Council Member Salinas, seconded by Council Member Henson, and carried with Council Member Quirk absent, to continue the item to May 3, 2011.

5. Opposition to AB 438 (Williams) County Free Libraries

Staff report submitted by City Manager David, dated April 26, 2011,  
was filed.

City Manager David provided a synopsis of the report and confirmed for Council Member Halliday that the City is not contemplating contracting out library services.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 9:03 p.m.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-039, "A Resolution Opposing AB438 (Williams)  
County Free Libraries"

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Halliday announced nine Plan Bay Area community workshops and noted that the workshop for Alameda County is scheduled on May 19, 2011, at 5:30 p.m., at the David Brower Center in Berkeley.

Council Member Zermeño noted that a Chabot College student was in attendance taking notes. Mr. Zermeño commended Mt. Eden High School graduate Nathaly Arriola for her appointment as a Hispanic Media Press Secretary for U.S. Senate Majority Leader Reid. He also noted that she will speak at an upcoming Hayward Youth Commission meeting.

Council Member Salinas acknowledged Hayward High School senior Irmay Garcia for being selected as one of many national Gates Millennium Scholars of 2011.

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 9:07 p.m.

**APPROVED:**

\_\_\_\_\_  
Michael Sweeney, Mayor, City of Hayward

**ATTEST:**

\_\_\_\_\_  
Miriam Lens, City Clerk, City of Hayward

**DATE:** May 17, 2011

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Sewer Replacement at Linden, Madrone, and Beech Street Easement Areas: Approval of Plans and Specifications, and Call for Bids

### **RECOMMENDATION**

That Council adopts the attached resolution approving the plans and specifications for the Sewer Replacement at Linden, Madrone, and Beech Street Easement Areas Project and calling for bids to be received on June 14, 2011.

### **BACKGROUND**

Sewer mains serving the residents along Linden, Madrone, Beech, and Templeton Streets were first constructed in the 1940's in easement areas inside private properties. Video inspection of these sewer mains revealed that some sections of pipeline have deteriorated and suffered damage. This project will repair broken sections of the existing six inch Vitrified Clay Pipe (VCP).

### **DISCUSSION**

Currently, wastewater collected from residences on Linden, Madrone, Beech, and Templeton Streets flows to the four sewer pipelines in easement areas located in the backyards of the residences(See Attachment II) . The wastewater then drains to the sewer line located in the front yards of private properties along B Street just inside existing front yard fences. Periodic video inspection of these sewer mains in the backyard easement areas has shown some sections have suffered damage, such as cracks and offset joints, and will require repairs.

*Backyards:* Typically, these kinds of damage are repaired by open trench method, in which the pavement is excavated and the broken pipe is replaced. However, after inspection of the backyards where the sewer lines are located, staff found many homeowners have installed extensive improvements on top of the easement areas, such as decorative planters, concrete walkways, and sheds. It would be too costly, and disruptive to the residents, to excavate and repair the pipeline using the standard open-trench method. Instead, cured in place pipe (CIPP) point repair will be used to rehabilitate the broken pipeline. CIPP point repair is a method that

can restore the existing sewer main without excavation. This is done by cleaning the pipeline and removing all loose materials, then inserting a resin-impregnated flexible tube through the existing manhole into the broken section of the sewer line. The tube is then inflated inside the pipeline and allowed to cure. When cured, CIPP will be formed to the shape of the conduit to produce a jointless, leak-free, impermeable, self-supported pipe within the existing sewer line which should last longer than the original VCP .

*Front Yards:* Additionally, because the sewer main along B Street serving residences on Linden, Madrone, Beech, and Templeton Streets is located in front yards and behind existing fences of private properties, it is difficult for City sewer staff to access them for maintenance operations. Therefore, in addition to repairing the broken sections of sewer line, this project will extend the three sewer mains in the Linden, Madrone, and Beech Street backyard easement areas to the existing ten inch sewer main in B Street (See Attachment II). The extension work involves installing a new section of pipe connecting the existing lines to the B Street sewer main and constructing three manholes on B Street. With the manholes located on B Street, instead of private properties, it will create easier access for sewer crews to maintain the lines. Once the extensions are complete, the sewer line along B Street in the front yards of private properties will be no longer needed and will be abandoned.

The pipeline project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA). The Public Resources code states that CEQA does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline.

## **FISCAL IMPACT**

The estimated project costs are as follows:

Design	\$ 30,000
Construction	240,000
Inspection & Construction Survey	<u>30,000</u>
Total:	\$300,000

The FY 2011 Capital Improvement Program (CIP) includes \$300,000 for the Sewer Replacement at Linden, Madrone, and Beech Street Easement Areas Project in the Sewer Collection System Replace Replacement Fund.

## **PUBLIC CONTACT**

Staff will obtain the needed Right-of-Entry from affected property owners prior to construction. In addition, notices will be provided to all affected residents and property owners during construction to inform them of the nature and purpose of the work, potential impacts, work schedule, and City contact for additional information.

## SCHEDULE

Open Bids	June 14, 2011
Award Contract	July 12, 2011
Begin Work	August 15, 2011
Complete Work	October 14, 2011

*Prepared by:* Alex Ameri, Deputy Director of Public Works

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

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I - Resolution
- Attachment II - Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE SEWER REPLACEMENT AT LINDEN, MADRONE AND BEECH STREET EASEMENT AREAS PROJECT, PROJECT NO. 7547, AND CALL FOR BIDS

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

1. That those certain plans and specifications for the Sewer Replacement at Linden, Madrone and Beech Street Easement Areas Project, Project No. 7547, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;
2. That 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;
3. That sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, June 14, 2011, and immediately thereafter publicly opened and declared by the City Clerk in Conference Room 4D, City Hall, Hayward, California;
4. That the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

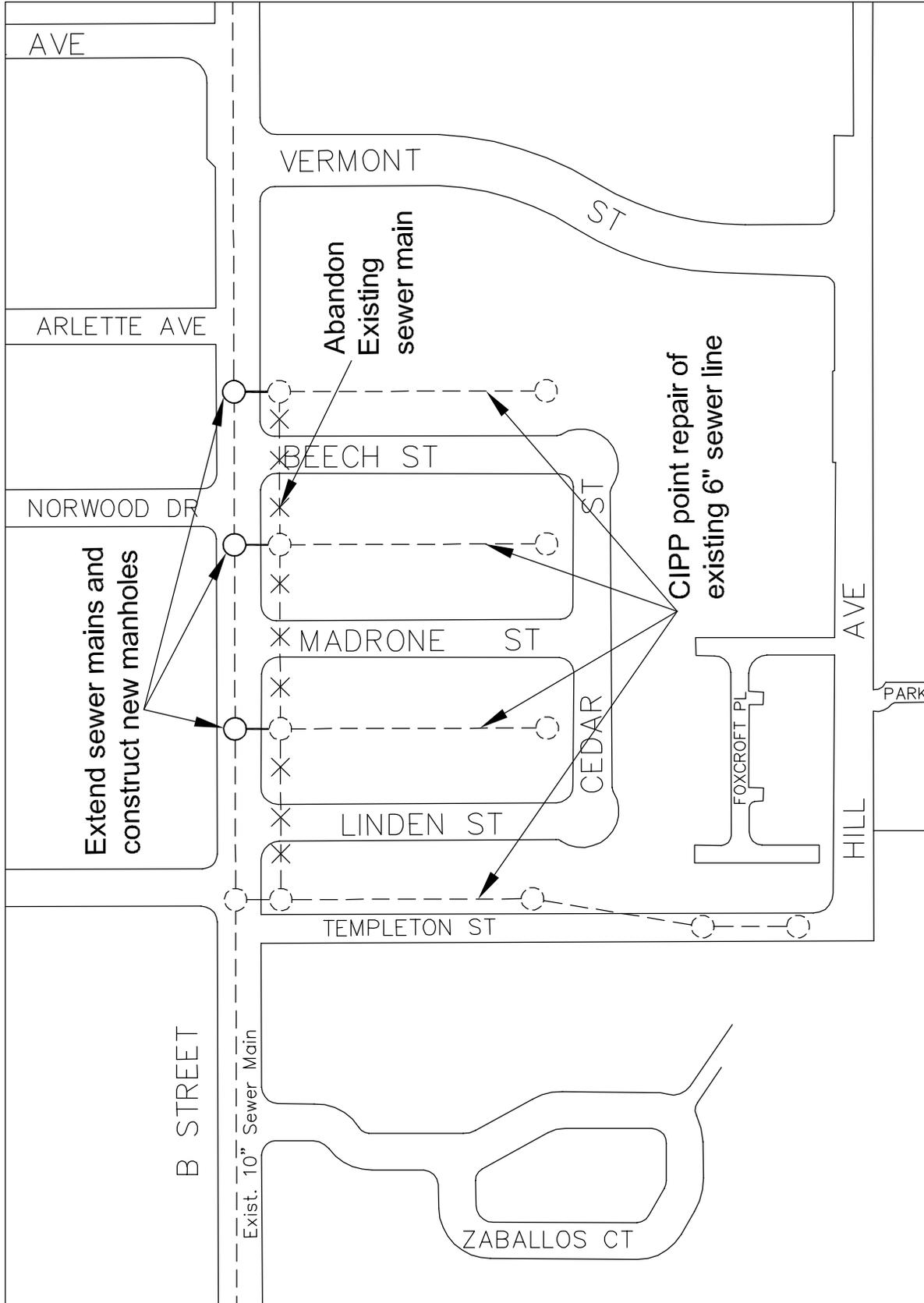
ATTEST: \_\_\_\_\_

City Clerk of the City of Hayward

APPROVED AS TO FORM:

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City Attorney of the City of Hayward





CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** May 17, 2011  
**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street: Award of Contract

**RECOMMENDATION**

That Council adopts the attached resolutions:

1. Awarding a contract to Top Grade Construction, Inc., in the amount of \$ 1,569,740 for pavement rehabilitation on D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street; and
2. Appropriating \$146,000 from the Street System Improvements Fund to complete this project.

**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%).

On April 5, 2011, Council approved the plans and specifications for the Pavement Rehabilitation project and called for bids to be received on April 26, 2011. This project is a continuation of the City's ongoing program to provide preventative maintenance on street pavement and to repair failed pavement sections on arterial and larger collector streets. The project consists of making full-depth asphalt concrete spot repairs, installing pavement reinforcement fabric, placing hot mix asphalt overlay, and placing new striping and markings. The areas included in this project include 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 also 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. To be eligible for Federal funding, the street must be on the Federal aid system. Attachment III 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 while 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 federally funded, 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 has a contract goal of 8.4% Underutilized Disadvantaged Business Enterprise (UDBE) participation. The low bidder, Top Grade Construction, Inc., submitted a total UDBE commitment of 8.5%. The second lowest bidder, MCK Services, Inc., submitted a total UDBE commitment of 8.0%.

On April 26, 2011, eight bids were received. Top Grade Construction, Inc., of Livermore submitted the low bid in the amount of \$1,569,740, which is 7.0 percent above the Engineer's Estimate of \$1,467,297. MCK Services, Inc., of Concord submitted the second lowest bid in the amount of \$1,617,777, which is 10.2 percent above the Engineer's Estimate. The bids ranged from \$1,569,740 to \$1,878,096. The difference between the low bids and the Engineer's Estimate is a result of the higher prices received for hot mix asphalt due to the recent escalated price of oil.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, Top Grade Construction, Inc., in the amount of \$1,569,740.

## **FISCAL IMPACT**

The estimated project costs are as follows:

Contract Construction	\$ 1,569,740
Design and Administration	97,318
Inspection and Testing	<u>110,000</u>
Total	\$ 1,777,058

The Recommended FY 2012 Capital Improvement Program includes \$1,631,000 in the Street System Improvements Fund for this project. The City will be reimbursed \$1,336,000 from Federal funds for the project. An additional appropriation of \$146,000, which is available in the fund balance for the Street System Improvements Fund, is needed to complete this project.

## **PUBLIC CONTACT**

Because of the temporary inconvenience that would be caused by the pavement work, after the construction contract is awarded, a preliminary notice explaining the pavement rehabilitation 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 72 hours prior to commencement of work indicating the date and time of work for each street.

## **SCHEDULE**

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:



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Fran David, City Manager

### Attachments:

- Attachment I: Resolution Awarding Contract
- Attachment II: Resolution Appropriating Additional Funds
- Attachment III: Project Location Maps
- Attachment IV: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AWARDDING CONTRACT TO TOP GRADE CONSTRUCTION, INC. FOR THE PAVEMENT REHABILITATION – D STREET, HUNTWOOD AVENUE, INDUSTRIAL PARKWAY SW, SECOND STREET PROJECT, PROJECT NO. 5138

WHEREAS, by resolution on April 5, 2011, the City Council approved the plans and specifications for the Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, Second Street Project, Project No. 5138, and called for bids to be received on April 26, 2011; and

WHEREAS, on April 26, 2011 8 bids were received ranging from \$1,569,740 to \$1,878,096.35; Top Grade Construction, Inc. of Livermore, California submitted the low bid in the amount of \$1,569,740, which is 7.0 percent above the Engineer’s Estimate of \$1,467,297.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Top Grade Construction, Inc. is hereby awarded the contract for the Pavement Rehabilitation - D Street, Huntwood Avenue, Industrial Parkway SW, Second Street Project, Project No. 5138, in an amount not to exceed \$1,569,740 in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Top Grade Construction in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AMENDING RESOLUTION 10-084, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2011, RELATING TO AN APPROPRIATION OF FUNDS FROM THE STREET SYSTEM IMPORVEMENTS FUND (FUND 413) TO THE PAVEMENT REHABILITATION – D STREET, HUNTWOOD AVENUE, INDUSTRIAL PARKWAY SW, AND SECOND STREET PROJECT, PROJECT NO. 5138

BE IT RESOLVED by the City Council of the City of Hayward that Resolution No. 10-084, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2011, is hereby amended by approving an additional appropriation of \$146,000 from the Street System Improvements Fund (Fund 413) to the Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW and Second Street Project, Project No. 5138.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

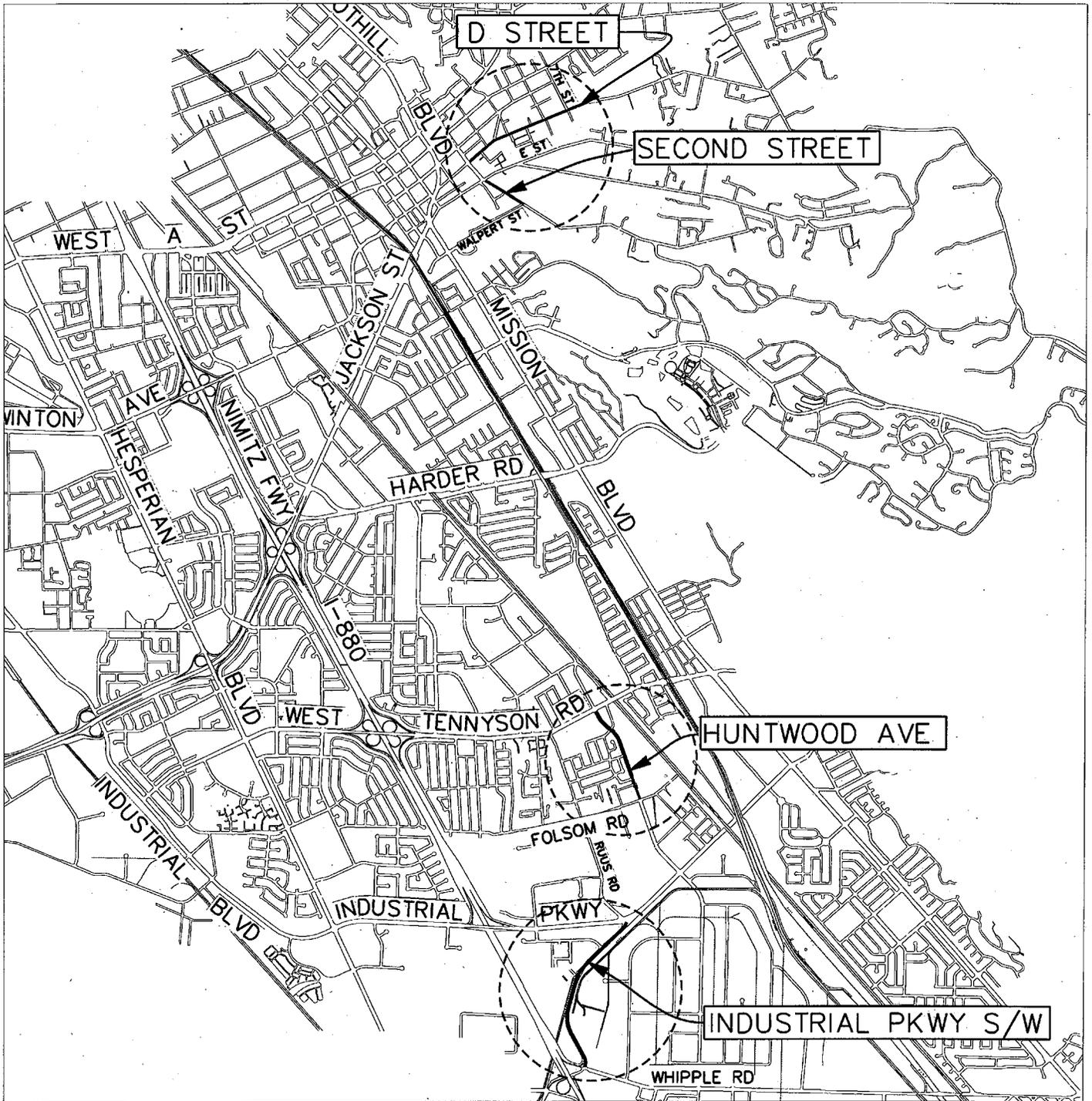
ABSTAIN: COUNCIL MEMBERS:

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

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY					ENGINEER'S ESTIMATE		Top Grade Construction		MCK Services, Inc.	
							50 Contractors Street Livermore, CA 94551 (925) 449-5764 (925) 449-5875 Fax		PO Box 5697 Concord, CA 94524 (925) 957-9200 (925) 957-9292 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.04	1	LS	TRAFFIC CONTROL	40,000.00	40,000.00	59,184.40	59,184.40	53,880.63	53,880.63
2	10-1.15	103,853	SF	6" FULL DEPTH HMA SPOT REPAIR (6" EXCAVATION W/ 6" HMA)	3.25	337,522.25	3.20	332,329.60	3.00	311,559.00
3	10-1.09F	19,284	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	38,568.00	1.20	23,140.80	1.00	19,284.00
4	10-1.16	59,822	SY	PAVEMENT REINFORCING FABRIC	2.15	128,617.30	2.10	125,626.20	1.98	118,447.56
5	10-1.17 &	8,795	TN	HOT MIX ASPHALT (OVERLAY)	71.00	624,445.00	76.00	668,420.00	88.00	773,960.00
6	10-1.09D	90	EA	ADJUST/REPLACE WATER VALVE BOX & COVER TO GRADE	150.00	13,500.00	280.00	25,200.00	225.00	20,250.00
7	10-1.09D	2	EA	ADJUST SEWER RISER TO GRADE	250.00	500.00	385.00	770.00	385.00	770.00
8	10-1.09D	34	EA	ADJUST/REPLACE MANHOLE FRAME AND COVER TO GRADE	275.00	9,350.00	250.00	8,500.00	250.00	8,500.00
9	10-1.09D	19	EA	ADJUST/REPLACE SURVEY MONUMENT BOX & COVER TO GRADE	150.00	2,850.00	280.00	5,320.00	280.00	5,320.00
10	10-1.21	250	LF	MINOR CONCRETE (PCC CURB & GUTTER)	30.00	7,500.00	45.00	11,250.00	35.00	8,750.00
11	10-1.23	64	EA	DETECTOR LOOPS	300.00	19,200.00	230.00	14,720.00	225.00	14,400.00
12	10-1.21 &	8,488	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	15.00	127,320.00	16.00	135,808.00	15.50	131,564.00
13	10-1.13	1	LS	CRACK SEAL	15,000.00	15,000.00	14,000.00	14,000.00	13,000.00	13,000.00
14	10-1.24	1,842	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 2)	0.30	552.60	0.90	1,657.80	0.80	1,473.60
15	10-1.24	12,437	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 9)	0.30	3,731.10	0.90	11,193.30	0.80	9,949.60
16	10-1.24	6,294	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 21)	0.20	1,258.80	1.00	6,294.00	0.90	5,664.60
17	10-1.24	6,192	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 22)	0.30	1,857.60	1.20	7,430.40	1.10	6,811.20
18	10-1.24	558	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 23)	1.50	837.00	2.60	1,450.80	2.50	1,395.00
19	10-1.24	1,379	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 25A)	0.40	551.60	1.00	1,379.00	0.85	1,172.15
20	10-1.24	4,689	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 27B)	0.20	937.80	0.50	2,344.50	0.32	1,500.48

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

<b>BID SUMMARY</b>					<b>ENGINEER'S ESTIMATE</b>		<b>Top Grade Construction</b>		<b>MCK Services, Inc.</b>	
							50 Contractors Street Livermore, CA 94551 (925) 449-5764 (925) 449-5875 Fax		PO Box 5697 Concord, CA 94524 (925) 957-9200 (925) 957-9292 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
21	10-1.24	2,648	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 28)	0.20	529.60	1.50	3,972.00	1.40	3,707.20
22	10-1.24	1,684	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 30)	1.50	2,526.00	2.60	4,378.40	2.50	4,210.00
23	10-1.24	1,712	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 31)	0.20	342.40	0.80	1,369.60	0.64	1,095.68
24	10-1.24	349	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38)	1.75	610.75	1.00	349.00	1.00	349.00
25	10-1.24	2,151	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38A)	0.60	1,290.60	1.00	2,151.00	0.80	1,720.80
26	10-1.24	1,545	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39)	0.40	618.00	2.60	4,017.00	2.50	3,862.50
27	10-1.24	5,673	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39A)	0.20	1,134.60	0.50	2,836.50	0.30	1,701.90
28	10-1.24	1,827	LF	THERMOPLASTIC PAVEMENT STRIPING 12" (CROSSWALKS)	2.00	3,654.00	3.10	5,663.70	3.00	5,481.00
29	10-1.24	3,246	SF	THERMOPLASTIC PAVEMENT MARKINGS	2.00	6,492.00	4.00	12,984.00	3.85	12,497.10
30	10-1.03	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	1,000.00	1,000.00	500.00	500.00
31	10-1.28	1	LS	ADMINISTRATIVE CHANGE ORDERS	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
<b>TOTAL</b>					<b>1,467,297.00</b>		<b>1,569,740.00</b>		<b>1,617,777.00</b>	

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY					ENGINEER'S ESTIMATE		O'Grady Paving Inc. 2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 Fax		G. Bortolotto & Company Inc. 580 Bragato Road San Carlos, CA 94070 (650) 595-2591 (650) 595-0718 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.04	1	LS	TRAFFIC CONTROL	40,000.00	40,000.00	50,000.00	50,000.00	19,000.00	19,000.00
2	10-1.15	103,853	SF	6" FULL DEPTH HMA SPOT REPAIR (6" EXCAVATION W/ 6" HMA)	3.25	337,522.25	4.15	430,989.95	4.11	426,835.83
3	10-1.09F	19,284	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	38,568.00	2.00	38,568.00	1.99	38,375.16
4	10-1.16	59,822	SY	PAVEMENT REINFORCING FABRIC	2.15	128,617.30	2.10	125,626.20	2.23	133,403.06
5	10-1.17 &	8,795	TN	HOT MIX ASPHALT (OVERLAY)	71.00	624,445.00	72.00	633,240.00	82.08	721,893.60
6	10-1.09D	90	EA	ADJUST/REPLACE WATER VALVE BOX & COVER TO GRADE	150.00	13,500.00	250.00	22,500.00	180.00	16,200.00
7	10-1.09D	2	EA	ADJUST SEWER RISER TO GRADE	250.00	500.00	300.00	600.00	180.00	360.00
8	10-1.09D	34	EA	ADJUST/REPLACE MANHOLE FRAME AND COVER TO GRADE	275.00	9,350.00	350.00	11,900.00	301.00	10,234.00
9	10-1.09D	19	EA	ADJUST/REPLACE SURVEY MONUMENT BOX & COVER TO GRADE	150.00	2,850.00	250.00	4,750.00	180.00	3,420.00
10	10-1.21	250	LF	MINOR CONCRETE (PCC CURB & GUTTER)	30.00	7,500.00	55.00	13,750.00	39.00	9,750.00
11	10-1.23	64	EA	DETECTOR LOOPS	300.00	19,200.00	280.00	17,920.00	279.00	17,856.00
12	10-1.21 &	8,488	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	15.00	127,320.00	16.50	140,052.00	17.00	144,296.00
13	10-1.13	1	LS	CRACK SEAL	15,000.00	15,000.00	15,000.00	15,000.00	14,000.00	14,000.00
14	10-1.24	1,842	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 2)	0.30	552.60	0.80	1,473.60	0.80	1,473.60
15	10-1.24	12,437	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 9)	0.30	3,731.10	0.80	9,949.60	0.80	9,949.60
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20	10-1.24	4,689	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 27B)	0.20	937.80	0.32	1,500.48	0.40	1,875.60

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

<b>BID SUMMARY</b>					<b>ENGINEER'S ESTIMATE</b>		<b>O'Grady Paving Inc.</b>		<b>G. Bortolotto &amp; Company Inc.</b>	
							2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 Fax		580 Bragato Road San Carlos, CA 94070 (650) 595-2591 (650) 595-0718 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
21	10-1.24	2,648	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 28)	0.20	529.60	1.40	3,707.20	1.40	3,707.20
22	10-1.24	1,684	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 30)	1.50	2,526.00	2.50	4,210.00	2.50	4,210.00
23	10-1.24	1,712	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 31)	0.20	342.40	0.65	1,112.80	0.65	1,112.80
24	10-1.24	349	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38)	1.75	610.75	1.00	349.00	1.00	349.00
25	10-1.24	2,151	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38A)	0.60	1,290.60	0.80	1,720.80	0.80	1,720.80
26	10-1.24	1,545	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39)	0.40	618.00	2.50	3,862.50	2.50	3,862.50
27	10-1.24	5,673	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39A)	0.20	1,134.60	0.30	1,701.90	0.30	1,701.90
28	10-1.24	1,827	LF	THERMOPLASTIC PAVEMENT STRIPING 12" (CROSSWALKS)	2.00	3,654.00	3.00	5,481.00	3.00	5,481.00
29	10-1.24	3,246	SF	THERMOPLASTIC PAVEMENT MARKINGS	2.00	6,492.00	3.85	12,497.10	3.90	12,659.40
30	10-1.03	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	1,000.00	1,000.00	777.00	777.00
31	10-1.28	1	LS	ADMINISTRATIVE CHANGE ORDERS	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
<b>TOTAL</b>					<b>1,467,297.00</b>		<b>* 1,643,505.08</b>		<b>1,694,615.95</b>	

\* Total Bid Correction

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY					ENGINEER'S ESTIMATE		C.F. Archibald Paving Inc.		Gallagher & Burk, Inc.	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.04	1	LS	TRAFFIC CONTROL	40,000.00	40,000.00	74,000.00	74,000.00	112,000.00	112,000.00
2	10-1.15	103,853	SF	6" FULL DEPTH HMA SPOT REPAIR (6" EXCAVATION W/ 6" HMA)	3.25	337,522.25	3.95	410,219.35	4.00	415,412.00
3	10-1.09F	19,284	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	38,568.00	1.87	36,061.08	2.00	38,568.00
4	10-1.16	59,822	SY	PAVEMENT REINFORCING FABRIC	2.15	128,617.30	2.19	131,010.18	2.00	119,644.00
5	10-1.17 &	8,795	TN	HOT MIX ASPHALT (OVERLAY)	71.00	624,445.00	80.40	707,118.00	86.00	756,370.00
6	10-1.09D	90	EA	ADJUST/REPLACE WATER VALVE BOX & COVER TO GRADE	150.00	13,500.00	150.00	13,500.00	200.00	18,000.00
7	10-1.09D	2	EA	ADJUST SEWER RISER TO GRADE	250.00	500.00	150.00	300.00	200.00	400.00
8	10-1.09D	34	EA	ADJUST/REPLACE MANHOLE FRAME AND COVER TO GRADE	275.00	9,350.00	250.00	8,500.00	500.00	17,000.00
9	10-1.09D	19	EA	ADJUST/REPLACE SURVEY MONUMENT BOX & COVER TO GRADE	150.00	2,850.00	150.00	2,850.00	300.00	5,700.00
10	10-1.21	250	LF	MINOR CONCRETE (PCC CURB & GUTTER)	30.00	7,500.00	47.25	11,812.50	45.00	11,250.00
11	10-1.23	64	EA	DETECTOR LOOPS	300.00	19,200.00	235.00	15,040.00	400.00	25,600.00
12	10-1.21 &	8,488	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	15.00	127,320.00	16.75	142,174.00	16.00	135,808.00
13	10-1.13	1	LS	CRACK SEAL	15,000.00	15,000.00	15,000.00	15,000.00	10,000.00	10,000.00
14	10-1.24	1,842	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 2)	0.30	552.60	0.80	1,473.60	1.00	1,842.00
15	10-1.24	12,437	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 9)	0.30	3,731.10	0.80	9,949.60	0.50	6,218.50
16	10-1.24	6,294	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 21)	0.20	1,258.80	0.90	5,664.60	1.00	6,294.00
17	10-1.24	6,192	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 22)	0.30	1,857.60	1.10	6,811.20	1.50	9,288.00
18	10-1.24	558	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 23)	1.50	837.00	2.50	1,395.00	2.00	1,116.00
19	10-1.24	1,379	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 25A)	0.40	551.60	0.85	1,172.15	1.00	1,379.00
20	10-1.24	4,689	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 27B)	0.20	937.80	0.32	1,500.48	1.00	4,689.00

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

<b>BID SUMMARY</b>					<b>ENGINEER'S ESTIMATE</b>		<b>C.F. Archibald Paving Inc.</b>		<b>Gallagher &amp; Burk, Inc.</b>	
							PO Box 37 Redwood City, CA 94064 (650) 364-3045 (650) 366-8777 Fax		344 High Street Oakland, CA 94601 (510) 261-0466 (510) 261-0478 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
21	10-1.24	2,648	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 28)	0.20	529.60	1.40	3,707.20	2.00	5,296.00
22	10-1.24	1,684	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 30)	1.50	2,526.00	2.50	4,210.00	4.00	6,736.00
23	10-1.24	1,712	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 31)	0.20	342.40	0.64	1,095.68	2.00	3,424.00
24	10-1.24	349	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38)	1.75	610.75	1.00	349.00	2.00	698.00
25	10-1.24	2,151	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38A)	0.60	1,290.60	0.80	1,720.80	1.00	2,151.00
26	10-1.24	1,545	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39)	0.40	618.00	2.50	3,862.50	1.00	1,545.00
27	10-1.24	5,673	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39A)	0.20	1,134.60	0.30	1,701.90	1.00	5,673.00
28	10-1.24	1,827	LF	THERMOPLASTIC PAVEMENT STRIPING 12" (CROSSWALKS)	2.00	3,654.00	3.00	5,481.00	3.00	5,481.00
29	10-1.24	3,246	SF	THERMOPLASTIC PAVEMENT MARKINGS	2.00	6,492.00	3.85	12,497.10	4.00	12,984.00
30	10-1.03	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	1.00	1.00	1,000.00	1,000.00
31	10-1.28	1	LS	ADMINISTRATIVE CHANGE ORDERS	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
<b>TOTAL</b>						<b>1,467,297.00</b>		<b>1,705,177.92</b>		<b>1,816,566.50</b>

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY					ENGINEER'S ESTIMATE		Interstate Grading & Paving Inc.		Ghilotti Construction Company, Inc.	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.04	1	LS	TRAFFIC CONTROL	40,000.00	40,000.00	82,000.00	82,000.00	92,000.00	92,000.00
2	10-1.15	103,853	SF	6" FULL DEPTH HMA SPOT REPAIR (6" EXCAVATION W/ 6" HMA)	3.25	337,522.25	4.75	493,301.75	5.00	519,265.00
3	10-1.09F	19,284	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	38,568.00	2.00	38,568.00	2.30 *	44,353.20
4	10-1.16	59,822	SY	PAVEMENT REINFORCING FABRIC	2.15	128,617.30	2.00	119,644.00	2.25	134,599.50
5	10-1.17 &	8,795	TN	HOT MIX ASPHALT (OVERLAY)	71.00	624,445.00	82.00	721,190.00	85.00	747,575.00
6	10-1.09D	90	EA	ADJUST/REPLACE WATER VALVE BOX & COVER TO GRADE	150.00	13,500.00	250.00	22,500.00	239.00	21,510.00
7	10-1.09D	2	EA	ADJUST SEWER RISER TO GRADE	250.00	500.00	225.00	450.00	212.00	424.00
8	10-1.09D	34	EA	ADJUST/REPLACE MANHOLE FRAME AND COVER TO GRADE	275.00	9,350.00	450.00	15,300.00	428.00	14,552.00
9	10-1.09D	19	EA	ADJUST/REPLACE SURVEY MONUMENT BOX & COVER TO GRADE	150.00	2,850.00	250.00	4,750.00	45.00 *	855.00
10	10-1.21	250	LF	MINOR CONCRETE (PCC CURB & GUTTER)	30.00	7,500.00	70.00	17,500.00	45.00	11,250.00
11	10-1.23	64	EA	DETECTOR LOOPS	300.00	19,200.00	300.00	19,200.00	225.00	14,400.00
12	10-1.21 &	8,488	SF	MINOR CONCRETE (CURB RAMP WITH DETECTABLE WARNING SURFACE)	15.00	127,320.00	17.00	144,296.00	16.00	135,808.00
13	10-1.13	1	LS	CRACK SEAL	15,000.00	15,000.00	15,000.00	15,000.00	14,000.00	14,000.00
14	10-1.24	1,842	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 2)	0.30	552.60	0.80	1,473.60	0.20	368.40
15	10-1.24	12,437	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 9)	0.30	3,731.10	0.80	9,949.60	0.20	2,487.40
16	10-1.24	6,294	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 21)	0.20	1,258.80	0.90	5,664.60	0.80	5,035.20
17	10-1.24	6,192	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 22)	0.30	1,857.60	1.10	6,811.20	0.80	4,953.60
18	10-1.24	558	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 23)	1.50	837.00	2.50	1,395.00	2.00	1,116.00
19	10-1.24	1,379	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 25A)	0.40	551.60	0.85	1,172.15	0.40	551.60
20	10-1.24	4,689	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 27B)	0.20	937.80	0.32	1,500.48	0.40	1,875.60

CITY OF HAYWARD  
 CONSTRUCTION OF PAVEMENT REHABILITATION: D STREET, HUNTWOOD AVE,  
 INDUSTRIAL PKWY SW, AND SECOND STREET  
 PROJECT NO. 5138, FEDERAL PROGRAM NO. STPL-5050 (039)  
 BIDS OPENED: APRIL 26, 2011

(NUMBER OF BIDS RECEIVED - 8)

<b>BID SUMMARY</b>					<b>ENGINEER'S ESTIMATE</b>		<b>Interstate Grading &amp; Paving Inc.</b>		<b>Ghilotti Construction Company, Inc.</b>	
							128 South Maple Avenue S. San Francisco, CA 94080 (650) 952-7333 (650) 952-6851 Fax		246 Ghilotti Avenue Santa Rosa, CA 95407 (707) 585-1221 (707) 585-1601 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
21	10-1.24	2,648	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 28)	0.20	529.60	1.40	3,707.20	0.40	1,059.20
22	10-1.24	1,684	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 30)	1.50	2,526.00	2.50	4,210.00	4.00	6,736.00
23	10-1.24	1,712	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 31)	0.20	342.40	0.64	1,095.68	1.40	2,396.80
24	10-1.24	349	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38)	1.75	610.75	1.00	349.00	0.80	279.20
25	10-1.24	2,151	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 38A)	0.60	1,290.60	0.80	1,720.80	0.80	1,720.80
26	10-1.24	1,545	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39)	0.40	618.00	2.50	3,862.50	0.80	1,236.00
27	10-1.24	5,673	LF	THERMOPLASTIC PAVEMENT STRIPING (DETAIL 39A)	0.20	1,134.60	0.30	1,701.90	0.20	1,134.60
28	10-1.24	1,827	LF	THERMOPLASTIC PAVEMENT STRIPING 12" (CROSSWALKS)	2.00	3,654.00	3.00	5,481.00	2.75	5,024.25
29	10-1.24	3,246	SF	THERMOPLASTIC PAVEMENT MARKINGS	2.00	6,492.00	3.85	12,497.10	5.00	16,230.00
30	10-1.03	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	500.00	500.00	300.00	300.00
31	10-1.28	1	LS	ADMINISTRATIVE CHANGE ORDERS	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
<b>TOTAL</b>						<b>1,467,297.00</b>		<b>1,831,791.56</b>		<b>** 1,878,096.35</b>

\* Unit Total Correction

\*\* Total Bid Correction



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** May 17, 2011  
**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Measure B Pavement Rehabilitation FY12: Award of Contract and Appropriation of Funds

**RECOMMENDATION**

That Council adopts the attached resolutions:

1. Awarding the contract to Gallagher & Burk, Inc., in the amount of \$929,392.10; and
2. Appropriating \$150,000 in the Measure B Tax fund (Local Transportation) to complete this project.

**BACKGROUND**

On March 22, 2011, Council approved the plans and specifications for the Measure B Pavement Rehabilitation FY2012 project and called for bids to be received on April 19, 2011. This Measure B-funded project is a continuation of the City's ongoing program to repair failed pavement sections with localized pavement section repairs and the application of asphalt concrete overlay on streets City-wide. This work will extend the useful life of pavement before it deteriorates to the point where more costly reconstruction work is necessary. 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 City streets for rehabilitation is 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. The streets identified for rehabilitation in this project include: Telford Court; Cliffwood Avenue, Henderson Lane, Broadmore Avenue, Orchard Avenue, Calaroga Avenue, Lucia Street, and Lucia Court. Attachments II and III identify the streets.

Pavement rehabilitation for this project consists of removing a depth of four to eight inches of localized failed pavement, compacting the base, and plugging it with asphalt concrete. Engineering fabric is then placed over the existing pavement to minimize cracking through the

asphalt concrete overlay. Finally, a two-inch thick asphalt overlay is placed over the entire width of the pavement surface.

On April 19, 2011, Public Works received nine bids. Gallagher & Burk, Inc. of Oakland submitted the low bid in the amount of \$929,392.10, which is 0.6 percent below the Engineer's Estimate of \$935,000. G. Bortolotto & Co., Inc. of San Carlos submitted the second lowest bid in the amount of \$938,511.92, which is 0.4 percent above the Engineer's Estimate. The bids ranged from \$929,392.10 to \$1,050,334.

All bid documents and licenses are in order. 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. Staff recommends award of contract to the low bidder, Gallagher & Burk, Inc., in the amount of \$929,392.10.

**FISCAL & ECONOMIC IMPACT**

The estimated project costs are as follows:

Contract Construction	\$ 929,392
Striping (By City staff)	35,000
Design and Administration	45,000
Construction Inspection, and Testing	140,608
TOTAL	\$1,150,000

The FY2011 Capital Improvement Program includes \$1,000,000 in the Measure B Tax Fund (Local Transportation) for the Measure B Pavement Rehabilitation FY12 project. As anticipated at advertisement, an additional appropriation of \$150,000 is needed to complete this project and is available in the fund balance for the Measure B Tax Fund (Local Transportation).

**PUBLIC CONTACT**

Because of the temporary inconvenience that would be caused by the pavement work, after the construction contract is awarded, a preliminary notice explaining the pavement rehabilitation 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.

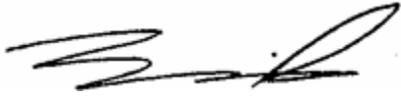
**SCHEDULE**

Award Contract	May 17, 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 (Award)
- Attachment II: Resolution (Appropriation)
- Attachment III: Project Location Maps
- Attachment IV: List of Streets for Overlay
- Attachment V: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AWARDDING CONTRACT TO GALLAGHER & BURK, INC.  
FOR THE MEASURE B PAVEMENT REHABILITATION FY 12 PROJECT,  
PROJECT NO. 5129

WHEREAS, by resolution on March 22, 2011, the City Council approved the plans and specifications for the Measure B Pavement Rehabilitation FY12 project, Project No. 5129, and called for bids to be received on April 19, 2011; and

WHEREAS, on April 19, 2011, nine bids were received ranging from \$929,392.10 to \$1,050,334.00; Gallagher & Burk, Inc. of Oakland, California submitted the low bid in the amount of \$929,392.10, which is 0.6 percent below the Engineer’s Estimate of \$935,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Gallagher & Burk, Inc. is hereby awarded the contract for the Measure B Pavement Rehabilitation FY12 Project, Project No. 5129, in an amount not to exceed \$929,392.10, in accordance with the plans and specifications adopted therefor and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Gallagher & Burk, Inc. in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AMENDING RESOLUTION 10-084, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2011, RELATING TO AN APPROPRIATION OF FUNDS FROM THE MEASURE B TAX (LOCAL TRANSPORTATION) FUND (FUND 211) TO THE MEASURE B PAVEMENT REHABILITATION FY12 PROJECT, PROJECT NO. 5129

BE IT RESOLVED that the City Council of the City of Hayward that Resolution No. 10-084, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2011, is hereby amended by approving an additional appropriation of \$150,000 from the Measure B Tax (Local Transportation) Fund (Fund 211) to the Measure B Pavement Rehabilitation FY12 Project, Project No. 5129.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

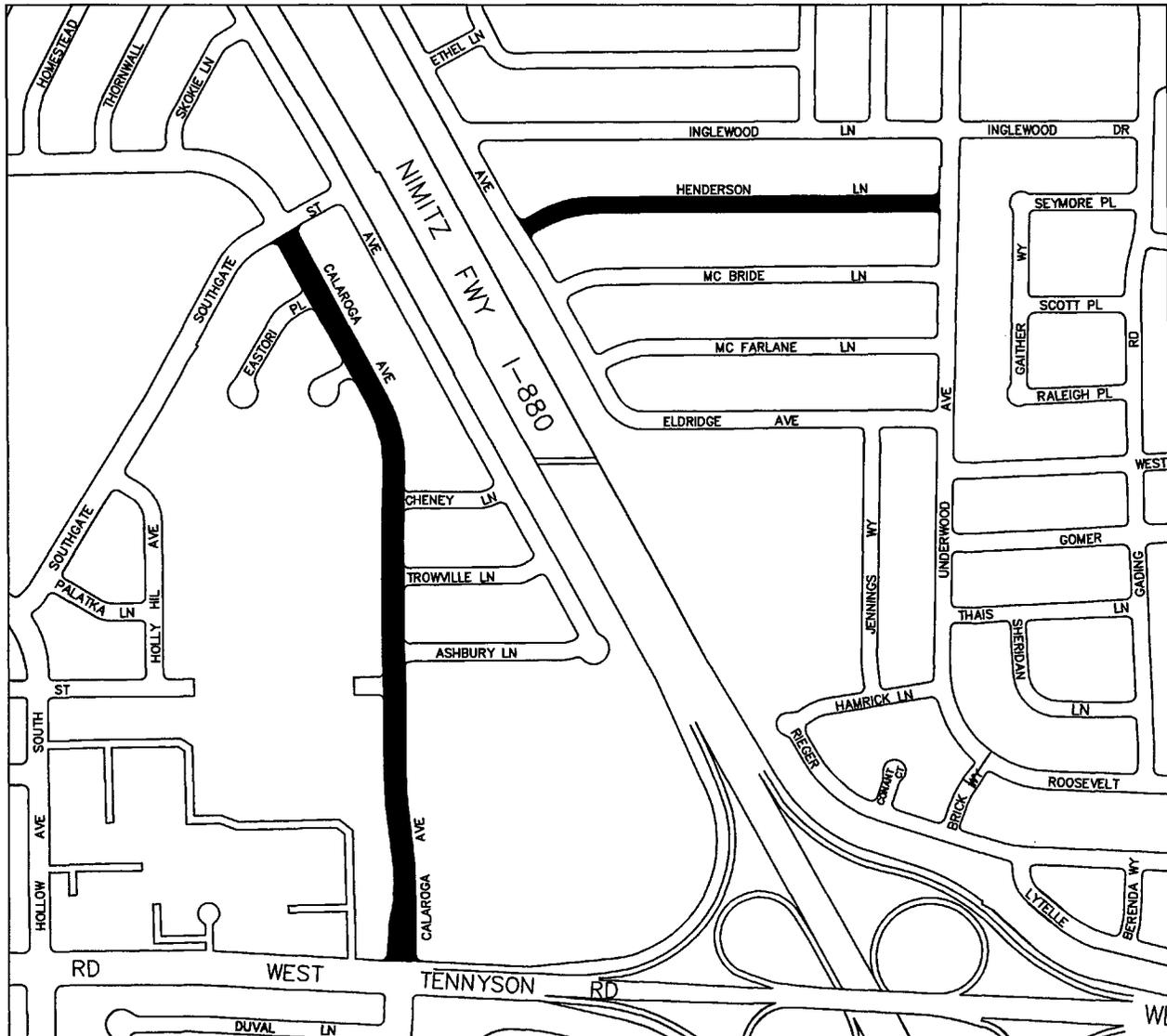
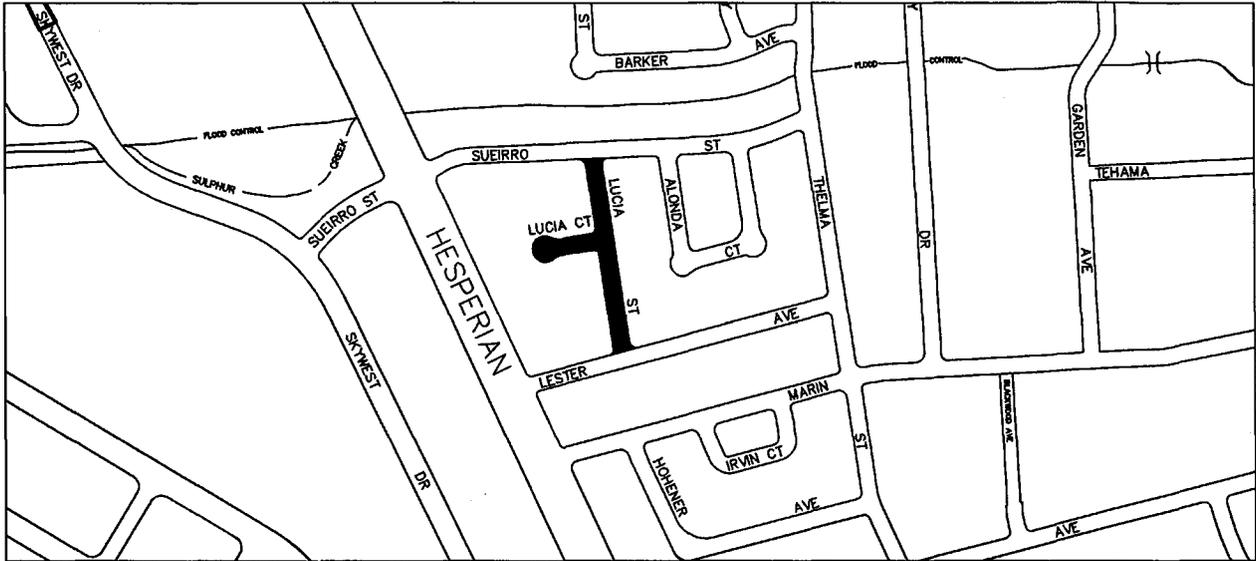
ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward





**PAVEMENT REHABILITATION FY12-PROJECT NO. 5129**

NO.	STREET NAME	LIMITS	
		FROM	TO
1	TELFORD COURT	HOLYOKE AVENUE	CUL DE SAC
2	CLIFFWOOD AVENUE	MARIPOSA STREET	BOLERO AVENUE
3	HENDERSON LANE	ELDRIDGE AVENUE	UNDERWOOD AVENUE
4	BROADMORE AVENUE	WILLIMET WAY	WILLIMET WAY
5	ORCHARD AVENUE	LUCIEN WAY	SOTO ROAD
6	CALAROGA AVENUE	TENNYSON ROAD	SOUTHGATE
7	LUCIA STREET	LESTER AVENUE	SUEIRRO STREET
8	LUCIA COURT	LUCIA STREET	CUL DE SAC

**LIST OF STREETS**

CITY OF HAYWARD  
 CONSTRUCTION OF MEASURE B PAVEMENT REHABILITATION FY12  
 PROJECT NO. 5129  
 BIDS OPENED: APRIL 19, 2011  
 (NUMBER OF BIDS RECEIVED - 9)

<b>BID SUMMARY</b>				<b>ENGINEER'S ESTIMATE</b>		<b>Gallagher &amp; Burk Inc.</b> 344 High Street Oakland, CA 94601 (510) 261-0466 (510) 261-0478 Fax		<b>G. Bortolotto &amp; Company Inc.</b> 582 Bragato Road San Carlos, CA 94070 (650) 595-2591 (650) 595-0718 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	20,000.00	20,000.00	92,000.00	92,000.00	11,000.00	11,000.00
2	1	LS	TRAFFIC CONTROL	15,000.00	15,000.00	27,500.00	27,500.00	8,000.00	8,000.00
3	1	LS	CRACK SEALING	12,000.00	12,000.00	7,500.00	7,500.00	7,500.00	7,500.00
4	30,961	SF	6" FULL DEPTH AC SPOT REPAIR	4.50	139,324.50	4.00	123,844.00	4.23	130,965.03
5	2,342	SY	PLANE PAVEMENT (0.17' DEPTH, FULL WIDTH)	3.00	7,026.00	2.00	4,684.00	2.11	4,941.62
6	13,773	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	27,546.00	2.00	27,546.00	1.39	19,144.47
7	26,187	SY	PAVEMENT REINFORCING FABRIC	1.90	49,755.30	2.30	60,230.10	2.84	74,371.08
8	4,935	TN	ASPHALT CONCRETE (OVERLAY)	80.00	394,800.00	67.00	330,645.00	84.08	414,934.80
9	349	TN	1/2" THICK HMA LEVELING COURSE	80.00	27,920.00	67.00	23,383.00	90.08	31,437.92
10	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	350.00	11,900.00	200.00	6,800.00	301.00	10,234.00
11	63	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	200.00	12,600.00	200.00	12,600.00	180.00	11,340.00
12	35	EA	ADJUST SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	7,000.00	200.00	7,000.00	180.00	6,300.00
13	7	EA	ADJUST SEWER RISER TO GRADE	200.00	1,400.00	200.00	1,400.00	180.00	1,260.00
14	29	LF	STANDARD CONCRETE CURB AND GUTTER	32.00	928.00	35.00	1,015.00	40.00	1,160.00
15	1,092	SF	INSTALL NEW CONCRETE VALLEY GUTTER	16.50	18,018.00	15.00	16,380.00	16.00	17,472.00
16	4,031	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	13.00	52,403.00	15.00	60,465.00	15.00	60,465.00
17	31	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	800.00	24,800.00	500.00	15,500.00	539.00	16,709.00
18	16	EA	DETECTOR LOOPS	350.00	5,600.00	300.00	4,800.00	300.00	4,800.00
19	3	EA	ASPHALT CONCRETE SPEED HUMP	2,000.00	6,000.00	2,000.00	6,000.00	1,900.00	5,700.00
20	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	100.00	100.00	777.00	777.00
21	1	LS	ADMINISTRATIVE CHANGE ORDER	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
			<b>TOTAL</b>		<b>935,020.80</b>		<b>929,392.10</b>		<b>938,511.92</b>

CITY OF HAYWARD  
 CONSTRUCTION OF MEASURE B PAVEMENT REHABILITATION FY12  
 PROJECT NO. 5129  
 BIDS OPENED: APRIL 19, 2011  
 (NUMBER OF BIDS RECEIVED - 9)

<b>BID SUMMARY</b>				<b>ENGINEER'S ESTIMATE</b>		<b>Bay Cities Paving &amp; Grading, Inc.</b>		<b>Top Grade Construction</b>	
						5029 Forni Drive Concord, CA 94520 (925) 687-6666 (925) 687-2122 Fax		50 Contractors Street Livermore, CA 94551 (925) 449-5764 (925) 449-4875 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	20,000.00	20,000.00	22,200.00	22,200.00	60,000.00	60,000.00
2	1	LS	TRAFFIC CONTROL	15,000.00	15,000.00	14,000.00	14,000.00	31,257.30	31,257.30
3	1	LS	CRACK SEALING	12,000.00	12,000.00	15,850.00	15,850.00	7,500.00	7,500.00
4	30,961	SF	6" FULL DEPTH AC SPOT REPAIR	4.50	139,324.50	4.06	125,701.66	3.50	108,363.50
5	2,342	SY	PLANE PAVEMENT (0.17' DEPTH, FULL WIDTH)	3.00	7,026.00	1.92	4,496.64	4.00	9,368.00
6	13,773	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	27,546.00	1.71	23,551.83	1.40	19,282.20
7	26,187	SY	PAVEMENT REINFORCING FABRIC	1.90	49,755.30	3.00	78,561.00	3.00	78,561.00
8	4,935	TN	ASPHALT CONCRETE (OVERLAY)	80.00	394,800.00	79.56	392,628.60	75.00	370,125.00
9	349	TN	1/2" THICK HMA LEVELING COURSE	80.00	27,920.00	98.68	34,439.32	90.00	31,410.00
10	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	350.00	11,900.00	264.00	8,976.00	250.00	8,500.00
11	63	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	200.00	12,600.00	296.00	18,648.00	280.00	17,640.00
12	35	EA	ADJUST SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	7,000.00	296.00	10,360.00	280.00	9,800.00
13	7	EA	ADJUST SEWER RISER TO GRADE	200.00	1,400.00	407.00	2,849.00	385.00	2,695.00
14	29	LF	STANDARD CONCRETE CURB AND GUTTER	32.00	928.00	42.00	1,218.00	40.00	1,160.00
15	1,092	SF	INSTALL NEW CONCRETE VALLEY GUTTER	16.50	18,018.00	15.23	16,631.16	15.00	16,380.00
16	4,031	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	13.00	52,403.00	15.75	63,488.25	15.00	60,465.00
17	31	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	800.00	24,800.00	515.00	15,965.00	495.00	15,345.00
18	16	EA	DETECTOR LOOPS	350.00	5,600.00	316.00	5,056.00	300.00	4,800.00
19	3	EA	ASPHALT CONCRETE SPEED HUMP	2,000.00	6,000.00	1,470.00	4,410.00	2,500.00	7,500.00
20	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	500.00	500.00	500.00	500.00
21	1	LS	ADMINISTRATIVE CHANGE ORDER	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
<b>TOTAL</b>					<b>935,020.80</b>		<b>959,530.46</b>		<b>960,652.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF MEASURE B PAVEMENT REHABILITATION FY12  
 PROJECT NO. 5129  
 BIDS OPENED: APRIL 19, 2011  
 (NUMBER OF BIDS RECEIVED - 9)

<b>BID SUMMARY</b>				<b>ENGINEER'S ESTIMATE</b>		<b>C.F. Archibald Paving Inc.</b>		<b>MCK Services, Inc.</b>	
						PO Box 37 Redwood City, CA 94064 (650) 364-3045 (650) 366-8777 Fax		PO Box 5697 Concord, CA 94524 (925) 957-9200 (925) 957-9292 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	20,000.00	20,000.00	32,500.00	32,500.00	27,485.00	27,485.00
2	1	LS	TRAFFIC CONTROL	15,000.00	15,000.00	19,000.00	19,000.00	27,600.00	27,600.00
3	1	LS	CRACK SEALING	12,000.00	12,000.00	8,000.00	8,000.00	10,000.00	10,000.00
4	30,961	SF	6" FULL DEPTH AC SPOT REPAIR	4.50	139,324.50	4.15	128,488.15	4.50	139,324.50
5	2,342	SY	PLANE PAVEMENT (0.17' DEPTH, FULL WIDTH)	3.00	7,026.00	4.25	9,953.50	2.00	4,684.00
6	13,773	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	27,546.00	2.70	37,187.10	1.20	16,527.60
7	26,187	SY	PAVEMENT REINFORCING FABRIC	1.90	49,755.30	2.33	61,015.71	2.75	72,014.25
8	4,935	TN	ASPHALT CONCRETE (OVERLAY)	80.00	394,800.00	82.00	404,670.00	84.31	416,069.85
9	349	TN	1/2" THICK HMA LEVELING COURSE	80.00	27,920.00	82.00 *	28,618.00	93.00	32,457.00
10	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	350.00	11,900.00	150.00	5,100.00	250.00	8,500.00
11	63	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	200.00	12,600.00	100.00	6,300.00	280.00	17,640.00
12	35	EA	ADJUST SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	7,000.00	100.00	3,500.00	280.00	9,800.00
13	7	EA	ADJUST SEWER RISER TO GRADE	200.00	1,400.00	100.00	700.00	385.00	2,695.00
14	29	LF	STANDARD CONCRETE CURB AND GUTTER	32.00	928.00	68.00	1,972.00	35.00	1,015.00
15	1,092	SF	INSTALL NEW CONCRETE VALLEY GUTTER	16.50	18,018.00	28.00	30,576.00	14.00	15,288.00
16	4,031	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	13.00	52,403.00	19.40	78,201.40	14.75	59,457.25
17	31	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	800.00	24,800.00	446.00	13,826.00	480.00	14,880.00
18	16	EA	DETECTOR LOOPS	350.00	5,600.00	300.00	4,800.00	275.00	4,400.00
19	3	EA	ASPHALT CONCRETE SPEED HUMP	2,000.00	6,000.00	2,500.00	7,500.00	4,200.00	12,600.00
20	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	1,000.00	1,000.00	484.55	484.55
21	1	LS	ADMINISTRATIVE CHANGE ORDER	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
<b>TOTAL</b>					<b>935,020.80</b>	**	<b>982,907.86</b>		<b>992,922.00</b>

\* Unit Total Correction

\*\* Total Bid Correction

CITY OF HAYWARD  
 CONSTRUCTION OF MEASURE B PAVEMENT REHABILITATION FY12  
 PROJECT NO. 5129  
 BIDS OPENED: APRIL 19, 2011  
 (NUMBER OF BIDS RECEIVED - 9)

<b>BID SUMMARY</b>				<b>ENGINEER'S ESTIMATE</b>		<b>Ghilotti Construction Company, Inc.</b>		<b>O'Grady Paving Inc.</b>	
						246 Ghilotti Avenue Santa Rosa, CA 95407 (707) 585-1221 (707) 585-1601 Fax		2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00
2	1	LS	TRAFFIC CONTROL	15,000.00	15,000.00	26,600.00	26,600.00	20,000.00	20,000.00
3	1	LS	CRACK SEALING	12,000.00	12,000.00	10,000.00	10,000.00	7,500.00	7,500.00
4	30,961	SF	6" FULL DEPTH AC SPOT REPAIR	4.50	139,324.50	4.60	142,420.60	5.80	179,573.80
5	2,342	SY	PLANE PAVEMENT (0.17' DEPTH, FULL WIDTH)	3.00	7,026.00	5.70	13,349.40	5.00	11,710.00
6	13,773	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	27,546.00	2.45	33,743.85	2.70	37,187.10
7	26,187	SY	PAVEMENT REINFORCING FABRIC	1.90	49,755.30	2.35	61,539.45	2.40 *	62,848.80
8	4,935	TN	ASPHALT CONCRETE (OVERLAY)	80.00	394,800.00	85.00	419,475.00	79.00	389,865.00
9	349	TN	1/2" THICK HMA LEVELING COURSE	80.00	27,920.00	118.00	41,182.00	100.00	34,900.00
10	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	350.00	11,900.00	430.00	14,620.00	500.00	17,000.00
11	63	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	200.00	12,600.00	225.00	14,175.00	200.00	12,600.00
12	35	EA	ADJUST SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	7,000.00	252.00	8,820.00	200.00	7,000.00
13	7	EA	ADJUST SEWER RISER TO GRADE	200.00	1,400.00	211.00	1,477.00	300.00	2,100.00
14	29	LF	STANDARD CONCRETE CURB AND GUTTER	32.00	928.00	53.00	1,537.00	55.00	1,595.00
15	1,092	SF	INSTALL NEW CONCRETE VALLEY GUTTER	16.50	18,018.00	13.50	14,742.00	16.00	17,472.00
16	4,031	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	13.00	52,403.00	17.00	68,527.00	19.00	76,589.00
17	31	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	800.00	24,800.00	522.00	16,182.00	755.00	23,405.00
18	16	EA	DETECTOR LOOPS	350.00	5,600.00	275.00	4,400.00	300.00	4,800.00
19	3	EA	ASPHALT CONCRETE SPEED HUMP	2,000.00	6,000.00	2,240.00	6,720.00	3,500.00	10,500.00
20	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	200.00	200.00	500.00	500.00
21	1	LS	ADMINISTRATIVE CHANGE ORDER	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
<b>TOTAL</b>				<b>935,020.80</b>		<b>1,019,710.30</b>		<b>** 1,037,145.70</b>	

\* Unit Total Correction

\*\* Total Bid Correction

CITY OF HAYWARD  
 CONSTRUCTION OF MEASURE B PAVEMENT REHABILITATION FY12  
 PROJECT NO. 5129  
 BIDS OPENED: APRIL 19, 2011  
 (NUMBER OF BIDS RECEIVED - 9)

<b>BID SUMMARY</b>				<b>ENGINEER'S ESTIMATE</b>		Interstate Grading & Paving Inc. 128 South Maple Avenue South San Francisco, CA 940806302 (650) 952-7333 (650) 952-6851 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	20,000.00	20,000.00	15,000.00	15,000.00
2	1	LS	TRAFFIC CONTROL	15,000.00	15,000.00	27,000.00	27,000.00
3	1	LS	CRACK SEALING	12,000.00	12,000.00	16,000.00	16,000.00
4	30,961	SF	6" FULL DEPTH AC SPOT REPAIR	4.50	139,324.50	5.25	162,545.25
5	2,342	SY	PLANE PAVEMENT (0.17' DEPTH, FULL WIDTH)	3.00	7,026.00	6.30	14,754.60
6	13,773	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.00	27,546.00	3.10	42,696.30
7	26,187	SY	PAVEMENT REINFORCING FABRIC	1.90	49,755.30	2.35	61,539.45
8	4,935	TN	ASPHALT CONCRETE (OVERLAY)	80.00	394,800.00	82.00	404,670.00
9	349	TN	1/2" THICK HMA LEVELING COURSE	80.00	27,920.00	150.00	52,350.00
10	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	350.00	11,900.00	440.00	14,960.00
11	63	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	200.00	12,600.00	230.00	14,490.00
12	35	EA	ADJUST SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	7,000.00	265.00	9,275.00
13	7	EA	ADJUST SEWER RISER TO GRADE	200.00	1,400.00	225.00	1,575.00
14	29	LF	STANDARD CONCRETE CURB AND GUTTER	32.00	928.00	53.00	1,537.00
15	1,092	SF	INSTALL NEW CONCRETE VALLEY GUTTER	16.50	18,018.00	13.20	14,414.40
16	4,031	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	13.00	52,403.00	17.00	68,527.00
17	31	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	800.00	24,800.00	530.00	16,430.00
18	16	EA	DETECTOR LOOPS	350.00	5,600.00	290.00	4,640.00
19	3	EA	ASPHALT CONCRETE SPEED HUMP	2,000.00	6,000.00	2,600.00	7,800.00
20	1	LS	RECYCLING IMPLEMENTATION	1,000.00	1,000.00	130.00	130.00
21	1	LS	ADMINISTRATIVE CHANGE ORDER	100,000.00	100,000.00	100,000.00	100,000.00
			<b>TOTAL</b>		<b>935,020.80</b>		<b>1,050,334.00</b>

**DATE:** May 17, 2011  
**TO:** Mayor and City Council  
**FROM:** Development Services Director  
**SUBJECT:** Resolution Summarizing Comments on the Initial Vision Scenario

### **RECOMMENDATION**

That Council adopts the attached resolution (Attachment I) for transmittal of the City's comments on the Initial Vision Scenario to the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC).

### **DISCUSSION**

Staff provided an overview of the Sustainable Communities Strategy (SCS) to Council on January 18, 2011, and to the Planning Commission on January 27, 2011. On April 19, 2011, the Council and Planning Commission held a joint work session<sup>1</sup> where staff presented the Initial Vision Scenario, which is the first step toward development of the first regional SCS for the Bay Area.

During the joint work session on April 19, 2011, Council Members and the Planning Commissioners expressed significant concerns with the number of households and jobs that are projected for Hayward. Those concerns are described in detail in the attached resolution and include:

*Funding*—While the City of Hayward supports efforts to regionally plan for housing and job growth in coordination with existing and planned transportation infrastructure, Hayward cannot accommodate the growth identified in the Initial Vision Scenario without support from regional and state agencies, and without its Redevelopment Agency. Funding for schools, parks, infrastructure, and improved public transit is critical. Funding for increased service demand from additional housing and increased traffic must be identified and is currently not available.

*Jobs/Housing Balance*—Creation of new jobs is necessary for local jurisdictions to accommodate new housing. Jobs and housing growth need to be coordinated and balanced, in order to reduce vehicle miles travelled. If the projected jobs are not realized, projected budget deficits and traffic will increase.

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<sup>1</sup>The April 19 report is available, along with other agenda item reports for that meeting, at: <http://www.hayward-ca.gov/citygov/meetings/citycouncil.shtm>.

*Number of Jobs Projected Is Unrealistic*—While Hayward is projected to experience a 28% increase in jobs over the next twenty-five years, the number of jobs during the previous thirty years increased by only 2.8%. As noted in the Initial Vision Scenario, the Bay Area region is expected to produce an average of approximately 50,000 jobs per year, but during the last twenty years, the region averaged only 10,000 new jobs per year. Clearly, the number of jobs projected in the future is not realistic.

## **NEXT STEPS**

Staff will forward the adopted resolution with an accompanying letter to ABAG and MTC for their consideration during the development of the Alternative Scenario, which is expected to be released in July 2011. Staff will also work with the Alameda County Transportation Commission staff as the Alternative Scenario is developed.

*Prepared by:* Erik J. Pearson, AICP, Senior Planner

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:



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Fran David, City Manager

Attachments:

- |               |  |
|---------------|--|
| Attachment I  | Resolution   |
| Attachment II | Draft Minutes from the April 19, 2011 Joint Work Session |

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION FORMALIZING THE CITY OF HAYWARD'S  
COMMENTS ON THE INITIAL VISION SCENARIO

WHEREAS, Senate Bill 375 requires the preparation of a regional Sustainable Communities Strategy (SCS) that coordinates transportation and housing planning; and

WHEREAS, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) are preparing the SCS with input from local jurisdictions throughout the Bay Area; and

WHEREAS, ABAG and MTC released the first draft of the SCS, known as the Initial Vision Scenario (IVS), on March 11, 2011; and

WHEREAS, the City of Hayward supports regional planning efforts to meet the requirements of SB 375 provided that funding and infrastructure exist to support the anticipated growth in jobs, housing, and the resulting increase in need for services; and

WHEREAS, the IVS assigns 14,982 new households and 18,595 new jobs to Hayward between 2010 and 2035; and

WHEREAS, the IVS assigns 7,990 new households for Hayward's Planned Development Areas and Growth Opportunity Areas; and

WHEREAS, the projected growth is a 32.4% increase in households and 28.1% increase in jobs between 2010 and 2035; and

WHEREAS, from 1980 to 2010, Hayward experienced a 25.7% increase in housing units and a 2.8% increase in jobs; and

WHEREAS, City of Hayward staff estimates that the fiscal impact of the projected households and jobs for 2035 represents an approximate annual deficit of \$13 million to the City's General Fund; and

WHEREAS, on April 19, 2011, the City Council and Planning Commission considered the IVS and expressed several concerns.

NOW, THEREFORE BE IT RESOLVED, based on the findings set forth above, that the City Council of the City of Hayward hereby asserts the following:

General

- The City of Hayward supports well-planned growth in an effort to reduce greenhouse gas emissions associated with vehicle miles travelled; however, resources must be provided to support such growth, including funding to ensure adequate public safety, quality schools, enhanced and safe public transit systems, quality retail establishments, and public parks.
- To the extent possible, jobs should be located near housing and/or public transportation to minimize the need for employees to use automobiles to get to work.
- Maintaining the City's Redevelopment Agency and increasing its ability to assemble developable parcels is critical to fostering local development near transit, especially development of high-quality affordable housing and economic development to increase business retention and attraction.
- Hayward must maintain a balance of jobs and housing. If job growth does not keep pace with housing growth, then more traffic will be generated as residents are required to travel farther to jobs.
- Support for improving local schools is critical to making Hayward a livable and sustainable community. The SCS must explicitly facilitate dialogue within the community (e.g., among school districts, planning agencies, regulatory agencies, parent groups, the business community, and transportation agencies) by identifying strategies and resources to improve academic improvement, school campus safety, and provision of amenities indicative of a successful and valued school district (e.g., music, sports, art, and other non-academic programs.)
- Funding for new and improved parks and other infrastructure are also necessary.
- The SCS needs to streamline local infill development by addressing requirements of the California Environmental Quality Act (CEQA) and other current regulations of regional agencies, such as the Air District and the Water Board, that add to the challenge of developing infill sites.
- The SCS should recognize and address the fact that there are significant benefits associated with commercial development and significant costs associated with residential development. This "fiscalization of land use" makes it a challenge for local jurisdictions to accept new housing without commercial development that generates sufficient tax revenue to provide these services.
- Funding for infrastructure such as water, wastewater, and other utilities, in addition to funding for affordable housing and first-time home buyer assistance, would support the anticipated housing growth.
- Staff has reviewed the place type designations proposed for Hayward's PDAs and GOAs and found them to be consistent with Hayward's planning efforts for these areas.

## Jobs

- The number of jobs projected for Hayward is overly optimistic and well above historic job growth levels.
- If the number of jobs does not materialize, then the cost to the City's General Fund will increase. If future estimates of projected jobs are reduced, then the fiscal impact of the revised projections will need to be reevaluated.
- Given that traffic modeling is partially based on projected job growth, the high number of jobs anticipated for Hayward may predict unrealistically high traffic volumes and associated unmitigatable and significant impacts, which would require environmental impact reports and adoption of statements of overriding consideration related to environmental analyses of future projects and/or the need for significant improvements to the transportation system to reduce those projected impacts.

## Housing

- More of Hayward's growth should occur in the PDAs and GOAs. Specifically, the Mission Corridor GOA should be able to accommodate at least 1,000 additional new households (2,000 total) and the South Hayward BART PDA (the Mixed-Use Corridor and the Urban Neighborhood combined) could accommodate 700 additional households (3,500 total).
- Funding for public transportation is necessary to ensure that new housing helps to create complete, high-quality, and safe neighborhoods.

## Transportation

- Expanded, innovative, and more frequent bus or other transit service is needed to support development in Hayward's PDAs and GOAs, as well as to link Hayward's BART stations to its industrial areas, where most of the City's jobs are located. Such transit service would support Hayward's efforts to attract and retain jobs for the local workforce.
- If AC Transit is not able to improve service in Hayward, then assistance to establish a locally operated bus or shuttle system should be explored.
- Additional funding for BART, parking pricing, and other transportation demand management strategies are also needed to support housing and job growth.
- Specific transportation improvements that are needed to support growth in Hayward include:
  - Improved safety for BART and AC Transit riders.
  - Improved ambiance and attractiveness of the transportation facilities/stations: BART and AMTRAK particularly, along with bus stops and shelters.
  - More frequent bus or shuttle service on all major corridors (15 minute headways).
  - Seamless connections between BART stations and major employers/activity centers, such as Southland Mall, California State University East Bay, Chabot College, and other employment/educational centers.

- Car sharing pods at Chabot College, California State University East Bay, and the BART stations.
- Relaxed regulations for funding improvements that support alternative modes. For example, the Air District could eliminate cost matching requirements for projects such as electronic bike lockers, which would facilitate bike access to BART.
- More flexibility in funding (i.e., block grants) for local governments to support transportation infrastructure improvements in PDAs such as exemptions from CEQA to construct bike and pedestrian improvements.
- State law should be revisited to exempt infill projects located in PDAs from Level-Of-Service (LOS) standards.
- Extension of rapid bus to Hayward BART and later South Hayward BART.

NOW, THEREFORE BE IT FURTHER RESOLVED, that all of the Key Priorities and Potential Strategies identified in Section 4 of the IVS are necessary to support the projected housing and jobs and must be included in the SCS.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City of Hayward strongly urges ABAG and MTC to take the above concerns into consideration when preparing the Alternative Scenarios and, finally the Preferred Scenario.

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



**MINUTES OF THE SPECIAL JOINT CITY  
COUNCIL/HOUSING AUTHORITY MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 19, 2011, 7:00 p.m.**

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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 Halliday.

**ROLL CALL**

Present: COUNCIL/HA MEMBERS Zermefio, Halliday, Peixoto, Salinas, Henson  
MAYOR/CHAIR Sweeney  
Absent: COUNCIL/HA MEMBER Quirk

**CLOSED SESSION ANNOUNCEMENT**

Mayor Sweeney reported that Council met pursuant to Government Code 54957 regarding Performance Evaluation for City Attorney, and took no reportable action.

**PRESENTATIONS**

**Environmental Achievements Awards**

Mayor Sweeney presented the Environmental Achievement Awards and acknowledged residents, property owners and managers of multi-family dwellings, schools, and local businesses for their participation in the City's recycling program and continued efforts to conserve resources. Mayor Sweeney turned the proceedings over to Council Member Henson who also acknowledged the achievements of different groups and thanked those who evaluated the applications. Mayor Sweeney and Council Member Henson recognized the following schools: Anthony W. Ochoa Middle School, Bowman Elementary School, Lea's Christian School, Lorin Eden School, St. Bede Catholic School, St. Clement School, and Tyrrell School. Mr. Henson commended residents and managers from multi-family complexes for their participation in the City's curbside recycling program: Val Vicerai, Amanpred Vilku, Monmohan Chopra, William Harpham, Dolores Ferreira, David Pina, Nichole and Manuel Garcia, Ronald Ring, Frank Gonzales, and Esperanza Sanchez, Amador Village Apartments, Canyon Oaks Apartments, University Hill Condominiums, Vista Del Plaza Apartments, Maintenance staff Neil Nohr and Walnut Hills Apartments. Kim Huggett from the Chamber of Commerce presented awards to the following businesses: Co-mingled Recyclables Collection, Organic Collection, Applebee's, Columbus Manufacturing, Gourmet Foods, Kitayama Brothers, Morgan Technical Ceramics, Tacos Uruapan, and Vicolo Wholesale.

**PUBLIC COMMENTS**

Mr. Alex Harmon, Hayward Youth Commissioner, announced and provided information about the Hayward Youth Commission (HYC) 2011 recruitment and presented a video of the HYC's field

trip to the State Capitol on March 24, 2011. City Clerk Lens reiterated applications were available on the City's website and in the Office of the City Clerk with a deadline to apply by May 13, 2011.

Mr. Jim Drake, Franklin Street resident, spoke about the safety of the mini loop and urged Council to make sure the work performed on the Route 238/Mission Corridor Boulevard Project followed Caltrans criteria. Mayor Sweeney directed staff to make sure this project is performed safely and according to best practices.

Ms. Diane Fagalde, Tyrrell Avenue resident, announced the 4<sup>th</sup> Annual South Hayward Community Festival on Sunday, May 1, 2011, at Mt. Eden Park, and invited everyone to attend.

Ms. Karen Norell, Hayward resident, talked about the entertainment and the participants who will be part of Sunday's Festival.

### **SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION**

1. Presentation of the Initial Vision Scenario – The Initial Step Towards Development of the First Regional Sustainable Communities Strategy

Staff report submitted by Senior Planner Pearson, dated April 19, 2011, was filed.

Development Services Director Rizk provided a synopsis of the report and clarified questions.

Council Member Peixoto noted the imbalance in the projected growth figures for housing and jobs and thought the high job projections were unrealistic and expressed concern that the anticipated growth in housing without a sufficient growth in jobs was counterproductive to the transit-oriented district concept. Mr. Peixoto was concerned about traffic impacts and reduction to service levels, should the plan be accepted.

Planning Commission Chair Loché commented that he was glad to see the improved security for BART and AC Transit and noted how important it is for residents to feel safe when utilizing public transit. He expressed the importance of placing housing in the right areas and agreed with staff recommendations regarding capitalizing on housing opportunities near transit corridors.

Council Member Zermefio favored the transportation improvements. In response to gas emissions from the power plant, Development Services Director Rizk indicated that they were not more significant when compared to vehicle emissions. Mr. Zermefio requested that staff look into improvement measures at the Hayward Amtrak Station including a covered station and better lighting in the area. Mr. Zermefio expressed the importance of having Priority Development Areas (PDAs) and Growth Opportunity Areas (GOAs) near transit stations. He also suggested that staff work with the necessary agencies to begin a dialogue to improve school performance.

Planning Commissioner Lamnin supported staff recommendations regarding transportation improvement and questioned if the Association of Bay Area Government's (ABAG) growth projections were realistic. Ms. Lamnin advocated for funding tied to crime prevention and CO<sub>2</sub>



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emissions prevention through environmental design. She shared the 2008-2018 Employment Development Department's Industrial Employment Projections for Hayward, noting one of the largest growth areas is skilled nursing and long-term care facilities. Ms. Lamnin suggested intergenerational facilities, neighborhood libraries, farming and food production and to group these facilities together to encourage transit-oriented design and decreases emissions. She suggested the inclusion of community facility districts as these areas are being built.

Council Member Henson was concerned about the imbalance between the housing and job growth projections and expressed the need to determine what is best for the City as far as growth opportunities with PDAs and GOAs. Mr. Henson noted Union City operates its own transit system that connects to BART and suggested that the City could take a look at setting up a partnership. Mr. Henson mentioned the importance of identifying resources, partnering with ABAG and Metropolitan Transportation Commission (MTC) and determining if the Initial Vision Scenario (IVS) fits in with the City's plans.

Planning Commissioner McDermott noted the need for a collaborative effort with the Hayward Unified School District to improve the quality of schools to attract families to live in Hayward. Ms. McDermott expressed the importance of creating a safe transit environment as Hayward BART stations are underutilized because people do not feel safe. She pointed out that looking at revenue and expenditures projections there is a deficit of over \$13 million which does not make fiscal sense. Ms. McDermott commented on the need to create transit options near high employment areas.

Council Member Halliday acknowledged the letter from the Alameda County Planning and Community Development Directors and pointed out that ABAG's growth projections were too high and that there are challenges in the areas of infrastructure, financial resources, current state of the schools, and the need for public safety. Ms. Halliday agreed with the proposed land use concept, but questioned where the financial resources would come from to accommodate the projected population growth. She suggested shuttles as an option to transport people from BART to the industrial area and noted that BART was a safe transit option. Ms. Halliday said because of the State's planned elimination of redevelopment districts, the IVS would require more costly community facilities districts and that would place more requirements on developers.

Planning Commissioner Faria mentioned the City needs to consider what the community wants in terms of fiscal responsibility and questioned where the revenue would come from to support the projected growth. Ms. Faria concurred with Council Member Henson's suggestion about partnerships with other jurisdictions, such as Union City, as seamless transit connections to BART are essential to getting people out of their cars and onto public transit. She pointed out that ideas of collaboration are very important, but stated the projections were overly optimistic.

Council Member Salinas mentioned that Hayward is home to a bus company and suggested that staff research transit options modeled around the bus company. He commented that Hayward is an education city and would like to see staff reports include strategies to encourage college graduates

to make Hayward their home. Mr. Salinas also suggested that the City work with college campuses to start the awareness of a transit-oriented community.

Planning Commissioner Márquez noted that the growth projections are unrealistic, and noted that BART was a safe transit option, but was concerned about the numerous services cuts to AC Transit. Ms. Márquez mentioned the timing of this plan was unrealistic due to the status of the redevelopment districts, but was glad that it prompted discussion and the opportunity to research and collaborate with different agencies in the area about transit options. Ms. Márquez supported housing near BART, but felt strongly that the City does not have the infrastructure to meet the demands of additional housing.

Mayor Sweeney noted there was consensus among Council and Planning Commissioners that the growth projections were unrealistic. Mayor Sweeney expressed concern about the “unconstrained” scenario of the Initial Vision Scenario (IVS.) Mr. Sweeney commented that the State mandates housing and then takes away resources and tools to meet those mandates, citing the examples of the County Education Revenue Augmentation Fund (ERAF) payment and the planned elimination of redevelopment districts. He acknowledged the letter from the Alameda County Planning and Community Development Directors and requested staff draft updated letters from elected officials to legislators expressing concerns with the IVS scenario. Mayor Sweeney added that the fiscalization of land use is a major impact that the State needs to address.

## 2. Annual Progress Report on Implementation of Hayward’s Climate Action Plan

Staff report submitted by Senior Planner Pearson, dated April 19, 2011, was filed.

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

Planning Commissioner Márquez commented that for any new municipal building staff needs to consider if costs outweigh the benefits. Ms. Márquez inquired about the additional resources that will need to be identified to continue Climate Action Plan implementation beyond 2013. Senior Planner Pearson mentioned actions taken by other jurisdictions have been to divert funds from energy efficiency improvements to sustainability efforts. Development Services Director Rizk added that possible options would be scaling back and adjusting the timing of the implementation of the Climate Action Plan. In response to Ms. Márquez’s inquiry about targets set by the Hayward Area Recreational and Park District and the Hayward Unified School District, Mr. Pearson was not aware, but noted that staff is working with them on energy efficiency programs. Mayor Sweeney said it would be a good idea to ask them to set emission reduction targets.

Council Member Halliday commented that the emission figures were flat and expressed concern about increased emission levels from the new natural gas power plant. Senior Planner Pearson said the natural gas power plant is cleaner burning and will decrease emissions. Mr. Pearson responded to Ms. Halliday’s question about electric car charging stations in the parking garage noting they were no longer operable. In response to Ms. Halliday’s question about the tree inventory program, Mr. Pearson noted the program will enable the City to take credit for the CO<sub>2</sub> that is removed from



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the air and City Manager David added the program also helps staff with tree management ensuring that trees are replaced at an accurate rate.

In response to Planning Commissioner McDermott's inquiry about the term and interest rate of the California Energy Commission loan, Director of Public Works Bauman stated it is a 15-year loan with a 3% interest rate.

Council Member Henson commented that as the City moves toward alternative energy vehicles, staff needs to research grants to establish electric car charging stations. Mr. Henson noted that when the Interstate 880/92 Route flyover is complete, there will be a reduction of approximately 27% of greenhouse gas emissions in conjunction with other traffic improvement projects. Mr. Henson commented that he would like to see more progress on the Property Assessed Clean Energy (PACE) Program, which would allow residents to utilize solar in their homes. Development Services Director Rizk mentioned that staff was researching other financing options and mentioned he attended a workshop the City of San Jose developed, in collaboration with the Bay Area Climate Collaborative, for low interest loans for City employees.

Council Member Peixoto commended the City and Public Works Department for taking the initiative to install solar panels at the City's Wastewater Treatment Plant and addressing one of City's most costly energy consuming uses.

In response to Council Member Zermefio's question about electric vehicles, Senior Planner Pearson mentioned that the City is leasing some electric and hybrid vehicles. City Manager David noted that staff has been reviewing studies and making assessments. She added that hybrid vehicles provide better fuel and mechanical efficiency than electric cars and that there will be further assessment as new vehicles are brought to market.

Mayor Sweeney thanked members of the Sustainability Committee for their contributions. Mayor Sweeney also thanked Planning Commissioners for their participation.

**CONSENT**

**3. Approval of Minutes of the City Council Meeting on April 5, 2011**

It was moved by Council Member Henson, seconded by Council Member Halliday, and unanimously carried to approve the minutes of the City Council Meeting of April 5, 2011.

**4. Authorization for City Manager to Approve an Amendment and Assignment of the Commercial Aviation Site Lease between the City and Atlantic Aviation FBO Holdings LLC (Atlantic), to Hayward FBO LLC, dba Airport Property Partners LLC (APP); and an Amendment to the Existing APP Commercial Aviation Site Lease**

Staff report submitted by Airport Manager McNeeley, dated April 19, 2011, was filed.

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

Resolution 11-031, "Resolution Authorizing the City Manager to Execute an Assignment and Assumption with Respect to the Commercial Aviation Site Lease with Atlantic Aviation FBO Holdings LLC (Successor in Interest to Acquire FBO Holdings LLC) and Second Amendment to the Lease"

Resolution 11-032, "Resolution Authorizing the City Manager to Execute Amendment Number Two to the Existing Commercial Aviation Site Lease with Hayward FBO Holdings dba Airport Property Partners LLC"

5. Transportation Development Act Article 3 Funds FY 2012: Wheelchair Ramps – Authorization to File Application

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 19, 2011, was filed.

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

Resolution 11- 033, "Resolution to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2012 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for Installation of Wheelchair Ramps"

6. Resignation of Stephanie Ayala from the Library Commission

Staff report submitted by City Clerk Lens dated April 19, 2011, was filed.

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

Resolution 11-034, "Resolution Accepting the Written Resignation of Stephanie Ayala from the Library Commission"

7. Pavement Reconstruction FY12 – Chiplay Avenue: Approval of Plans and Specifications and Call for Bids



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Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 19, 2011, was filed.

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

Resolution 11-035, "Resolution Approving Plans and Specifications for the Pavement Reconstruction FY12-Chiplay Avenue Project, Project No. 5137, and Call for Bids"

8. Authorization for the City Manager to Negotiate and Execute Consulting Agreements with HDR Inc. and BSK Associates for Developing a Fats, Oil, and Grease Receiving and Processing Station at the Water Pollution Control Facility

Staff report submitted by Deputy Director of Public Works Ameri dated April 19, 2011, was filed.

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

Resolution 11-036, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements with HDR Incorporated and BSK Associates to Assist in Developing a Fats-Oil-Grease (FOG) Receiving and Processing Station at the Water Pollution Control Facility (WPCF), Project No. 7511"

Mayor Sweeney announced the public hearing item and excused himself from participating due to a conflict of interest because he works for a non-profit agency that has received Community Development Block Grant (CDBG) funding in the past. Mayor Sweeney turned the gavel over to Mayor Pro Tempore Zermefio to preside the rest of the meeting.

## **PUBLIC HEARING**

9. FY 2012 Community Development Block Grant (CDBG) Funding Recommendations

Staff report submitted by Social Services Planning Manager Culver, dated April 19, 2011, was filed.

Library and Community Services Director Reinhart provided an overview of the report and acknowledged the presence of Citizens Advisory Commission Chair Linnen.

Social Services Planning Manager Culver provided a synopsis of the recommendations.

Council Member Peixoto inquired if any of the groups not recommended for funding expressed further concerns. Social Services Planning Manager Culver responded staff had not received any inquiries and that prior to the funding recommendations release, staff met with applicants individually to discuss the circumstances. Ms. Culver mentioned that staff will continue to work with several applicants and help them find better funding sources. She noted that Applicant AIRSS & BAIRS has been funded through the Social Services Program. Mr. Peixoto appreciated the fact that Ms. Culver and staff thoroughly explained to all applicants the need to meet the housing related service criteria. Ms. Culver explained 100% of the 15% cap for Public Services goes to the non-profit agencies.

Council Member Halliday commented that she was pleased that staff and Citizens Advisory Commission recommendations were in agreement. Ms. Halliday mentioned that the Minor Home Repair Program's grant limit might be raised to \$10,000 or more and thus serve less people. Ms. Halliday was glad to see that a seismic retrofit was being conducted at a homeless shelter. Ms. Culver added that staff has discussed having a basic seismic safety review as an available service.

Council Member Henson remarked that CDBG funds will most probably be reduced next year and that agencies will need to collaborate and share resources. Mr. Henson asked if any groups will not be returning next year. Social Services Planning Manager Culver responded by going through the categories and outlining each applicant. She noted that the Animal Shelter was a one-time applicant and that Eden Youth and Family Center is a three-year rehabilitation project with electrical upgrades and new windows scheduled for next year. Mr. Henson commented that energy efficiency needs to be a priority and noted the importance of not having to repeat funding services.

Mayor Pro Tempore Zermeño suggested continued communication with applicants regarding the possibility of reduced grant funding for the next fiscal year. Social Services Planning Manager Culver mentioned that staff will schedule meetings throughout the year and added she has been communicating with non-profit agencies about the possible changes for next year's funding cycle.

Council Member Salinas inquired about the Small Business Revolving Loan Program and the cost of installing a commercial kitchen in the downtown area. City Manager David said the cost of installing a commercial kitchen in the downtown area can be in the price range of \$300,000 to \$350,000.

Mayor Pro Tempore Zermeño opened the public hearing at 9:24 p.m.

Mr. Gabriel Hernández, Executive Director of the Day Labor Center, introduced Gregorio Blas and said last year's federal CDBG funds were invested in developing posters to promote the Day Labor Center Program in collaboration with the Bay Area Rapid Transit (BART.) Mr. Hernández noted the advertising program produced 60% more jobs this year and 60% more employers throughout the Bay Area. He said the effectiveness of the program was worth the investment and the Center will strive to duplicate the advertising program this summer. Mr. Hernández presented the City with a Community Award - Hire Skilled Workers for the Work you Need poster, in appreciation for investing in the Day Labor Center. Mr. Hernandez thanked the City and the Citizens Advisory Commission.



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Mayor Pro Tempore Zermeño closed the public hearing 9:29 p.m.

Council Member Halliday commended the work done by Social Services Planning Manager Culver and Citizens Advisory Commission Chair Linnen and said she enjoyed working with the Commission during this challenging budget year. Ms. Halliday moved the item per staff recommendation. Council Member Henson seconded the motion.

It was moved by Council Member Halliday, seconded by Council Member Henson, and carried with Mayor Sweeney and Council Member Quirk absent, to adopt the following:

Resolution 11-037, "Resolution Approving the Annual Plan and Authorizing an Application for Federal Assistance Under the Community Development Block Grant Program for Fiscal Year 2012"

10. 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) - Continued from 3/22 \*\*\* **To be continued to May 3, 2011 \*\*\***

Assistant City Manager Morariu asked that the item be continued to May 3, 2011, as noted in the report.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried with Mayor Sweeney and Council Member Quirk absent, to continue the item to May 3, 2011.

#### **LEGISLATIVE BUSINESS**

11. Disposition and Development Agreement Between the City of Hayward and Eden Housing, Inc. ("Eden") for the "B" and Grand Senior Housing Project – Continued from 3/22 \*\*\* **To be continued to May 3, 2011 \*\*\***

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 \*\*\* **To be continued to a date uncertain \*\*\***

Assistant City Manager/Interim Redevelopment Agency Director Morariu asked for continuance as noted in the report.

It was moved by Council/HA Member Henson, seconded by Council/HA Member Halliday, and carried with Mayor/Chair Sweeney and Council/HA Member Quirk absent, to continue the items as per staff recommendation.

### **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Halliday thanked Library staff for organizing the Big Read 2011 at the Farmer's Market on April 2, 9, 16 and 23, 2011. The featured book is entitled "In the Time of the Butterflies" by Julia Alvarez.

Mayor Pro Tempore Zermeño announced that he will be presenting "In the Time of the Butterflies," in Spanish on October 20, 2011, at the Weekes Branch Library. He then made the announcement in Spanish.

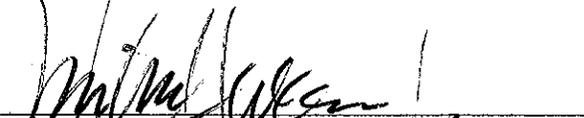
Council Member Salinas announced that the Hayward Unified School District with other community leaders will provide Hayward kids under 18 years old with breakfast and lunch throughout the summer. He invited organizations to sponsor a site and participate in the free lunch program. Mr. Salinas also mentioned that on March 23, 2011, he will bring the book "In the Time of the Butterflies," to a conclusion. He wished a happy holiday to all.

Mayor Pro Tempore Zermeño acknowledged that Indy Nelson, a Chabot College student, was in attendance at the meeting taking notes and also wished a happy Easter to all.

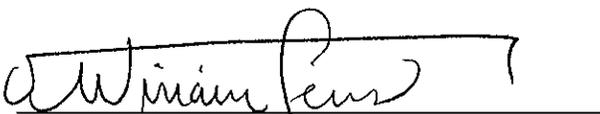
### **ADJOURNMENT**

Mayor Pro Tempore Zermeño adjourned the meeting at 9:36 p.m.

### **APPROVED:**

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

### **ATTEST:**

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

**DATE:** May 17, 2011

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Pavement Reconstruction FY11 - Taxiway "E" and East T-Hangar Zipperlane at Hayward Executive Airport: Approval of Plans and Specifications and Call for Bids

### **RECOMMENDATION**

That Council adopts the attached resolution approving the plans and specifications for the Pavement Reconstruction FY11 - Taxiway "E" and East T-Hangar Zipperlane at Hayward Executive Airport project and calls for bids to be received on June 21, 2011.

### **BACKGROUND**

This project is a continuation of the City's ongoing program to repair failed critical pavement sections at the Hayward Executive Airport (Airport). In 2010, the pavement on Taxiway "A" was repaired as part of the West T-Hangar Ramp Pavement Reconstruction project. The FY11 project will reconstruct a portion of existing Taxiway "E," located north of Taxiway "A," and an existing vehicle access lane (zipperlane) at the East T-hangars (see Attachment II).

Taxiway "E" is a major thoroughfare that provides access to several Airport businesses including APP Jet Center, Ascend Development - Park Avion, and Mather Aviation. The continuous use of Taxiway "E" by heavy aircraft has exacerbated the deterioration of the entire paved surface area.

The East T-hangar zipperlane provides continuous vehicular access from Taxiway "A" to the perimeter access road and is utilized by lighter aircraft to access the East T-hangars. The zipperlane pavement has severely deteriorated due to ponding water and repetitive loading from waste management trucks.

### **DISCUSSION**

An airport pavement management system (APMS) has been established for the Airport to maintain inventory, monitor pavement condition, identify and prioritize pavement needs, and select cost-effective treatments. This year, the airport pavement sections proposed for reconstruction were

initially identified by the APMS and confirmed as warranting reconstruction based on staff's analysis of the pavement condition indices and field examination.

This segment of Taxiway "E" located north of Taxiway "A" and the East T-hangar zipperlane, from Taxiway "A" to the perimeter access road, will be reconstructed using a full-depth rehabilitation (FDR) method. FDR is an in-place recycling pavement reconstruction method that is an environmentally friendly, sustainable and cost-effective alternative to conventional full-depth pavement reconstruction. With conventional reconstruction, the full depth of existing material is removed and replaced with new material. With FDR, the existing pavement section material is recycled and reused as the base. The FDR process can be summarized in three main steps: 1) grind the existing asphalt concrete (AC) and underlying materials; 2) add cement powder and mix it with the recycled materials to stabilize the base; and 3) place a new layer of AC.

This 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 costs are as follows:

Pavement Reconstruction – Contract Construction	\$730,000
Design and Administration	80,000
Inspection and Testing	<u>90,000</u>
Total	\$ 900,000

The FY 2011 Capital Improvement Program includes \$900,000 in the Airport Capital Improvement Fund for the Pavement Reconstruction FY11: Taxiway "E" and East T-hangar zipperlane project.

### **PUBLIC CONTACT**

Airport staff will send out preliminary notices to all leasehold tenants who may be affected by the pavement reconstruction work after the contract has been awarded. After the construction work has been scheduled, a more detailed notice indicating the date, time of work and construction areas will be distributed to all affected tenants.

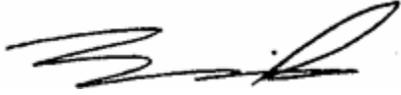
### **SCHEDULE**

Open Bids	June 21, 2011
Award Contract	July 12, 2011
Begin Work	August 1, 2011
Complete Work	October 12, 2011

*Prepared by:* Morad Fakhrai, Deputy Director of Public Works

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

Approved by:



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Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE PAVEMENT RECONSTRUCTION FY11: TAXIWAY “E” AND EAST T-HANGAR ZIPPERLANE AT HAYWARD EXECUTIVE AIRPORT PROJECT, PROJECT NO. 6810, 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 Pavement Reconstruction FY11: Taxiway “E” and East T-Hangar Zipperlane at Hayward Executive Airport Project, Project No. 6810, 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 therefore will be received by the City Clerk’s office at City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, June 21, 2011 and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room 4D, located on the 4<sup>th</sup> 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:

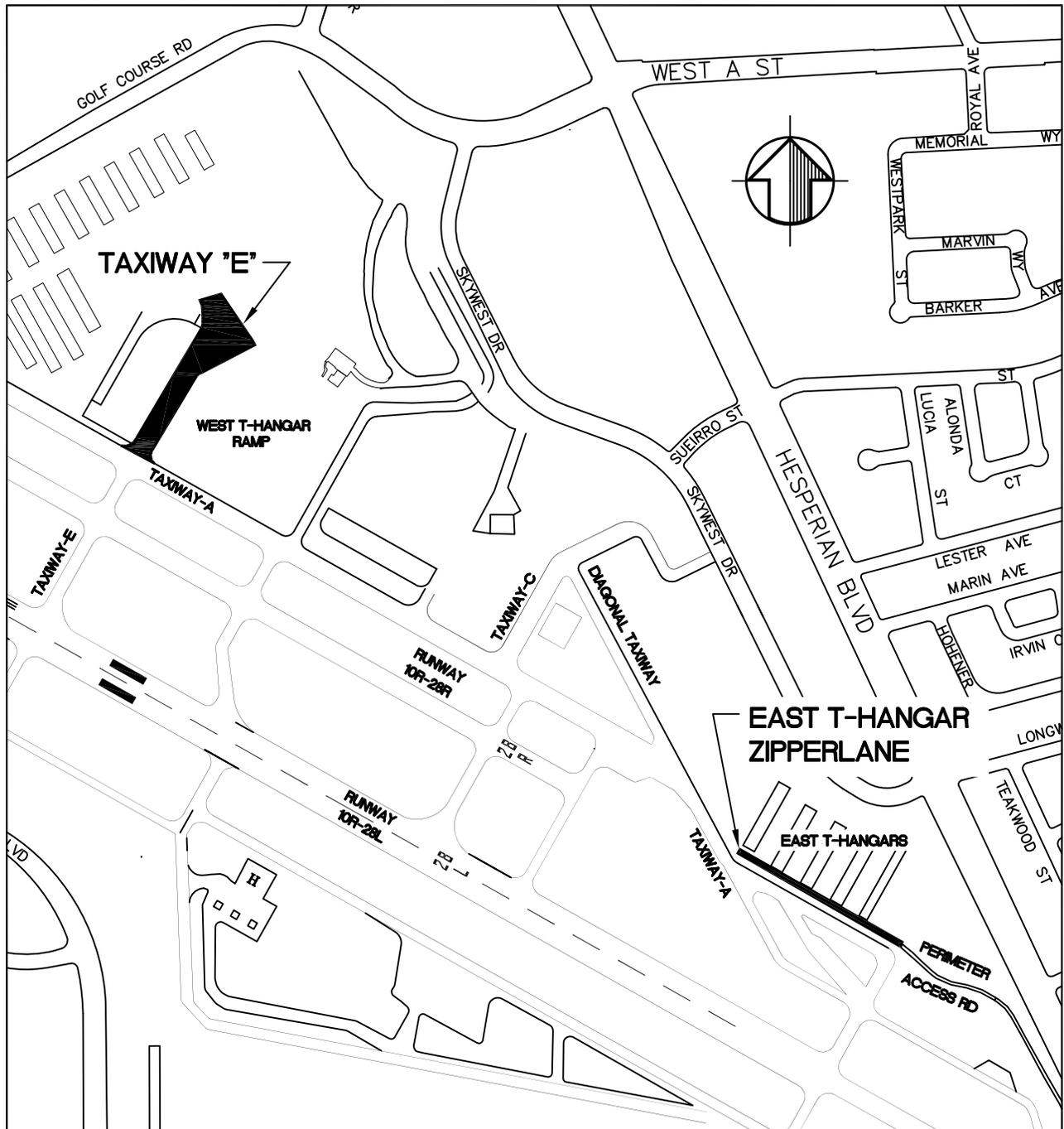
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



## PROJECT LOCATION MAP

PAVEMENT RECONSTRUCTION FY11: TAXIWAY "E" AND  
EAST T-HANGAR ZIPPERLANE AT HAYWARD EXECUTIVE AIRPORT  
PROJECT NO. 6810

**DATE:** May 17, 2011

**TO:** Mayor and City Council

**FROM:** Robert A. Bauman, Director of Public Works

**SUBJECT:** Authorization for Approval of the Issuance by the California Statewide Communities Development Authority of Taxable Obligations to Hayward FBO LLC

**RECOMMENDATION**

That Council adopts the attached resolution approving the issuance of taxable obligations in an amount not to exceed \$7,000,000 by the California Statewide Communities Development Authority (CSCDA), with the proceeds loaned to Hayward FBO LLC.

**SUMMARY**

On April 19, 2011, Council adopted Resolution 11-031 authorizing execution of an assignment and assumption of the commercial aviation site lease with Atlantic Aviation FBO Holdings, LLC (“Atlantic”) and the second amendment to the lease. This facilitated the proposed sale of the Atlantic Aviation operation and the transfer of its lease to Hayward FBO LLC (“Hayward FBO”). Hayward FBO intended to complete the purchase with private funding, but, due to a misunderstanding with its investment banker, it is now necessary to fund the purchase through the CSCDA. As the purchase is deemed to be in the best interest of the City, approval of the attached resolution will allow the transaction to be completed.

**BACKGROUND**

Atlantic has been a full service fixed base operator (FBO) at the Airport since May 2007. Hayward FBO has operated a full service FBO at the airport since December 2009. In January 2011, Hayward FBO informed staff of an impending purchase of the Atlantic operation. After the parties successfully concluded negotiations and the City negotiated certain amendments to the lease with Hayward FBO, City Council adopted a resolution authorizing the assignment and assumption of the lease on April 19, 2011. Hayward FBO assumed occupancy and began business operations on the former Atlantic leasehold on April 28, 2011, with closing scheduled for the same day.

At closing, Hayward FBO determined the sale could not move forward due to a technicality in securities law. Hayward FBO had relied on the recommendations of its investment banker in structuring a deal to finance the purchase. During the closing process, it was subsequently

discovered that, unbeknownst to Hayward FBO, certain provisions recommended by the investment banker were not in full compliance with the regulations of the Securities and Exchange Commission. The closing date was rescheduled, tentatively for late May 2011, to allow Hayward FBO the opportunity to find alternative means of financing the sale.

Hayward FBO has elected, again, to use the CSCDA to fund this transaction using taxable Airport Facility Revenue Bonds anticipated to be for thirty years with variable interest rates. . Because these are not tax-free bonds, a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing is not required. As previously discussed, the CSCDA is a “joint powers issuer” and represents a number of municipalities in California, including Hayward, to issue industrial development bonds on their behalf. The issuance of these bonds requires the approval of the municipality in which the project is located; however, the City incurs no financial liability as a result of the bond issuance and the name of the municipality is not associated with the issuance of the bonds.

The City of Hayward adopted a resolution in December 2009 authorizing the CSCDA to issue tax-free bonds for a similar project involving the purchase of other aviation properties by Hayward FBO. Hayward FBO has formally submitted an application and provided all necessary documentation to the CSCDA for approval at their meeting scheduled for May 11, 2011. Hayward FBO has respectfully requested the adoption of the attached resolution (Attachment I) by Council to facilitate this transaction and close the sale with Atlantic.

## **DISCUSSION**

Since 2009, the City of Hayward has enjoyed a very satisfactory business relationship with Hayward FBO. Hayward FBO’s payments to the City required under the terms of the existing lease agreement have been made in a timely manner, producing significant revenue for the Airport. The principals of the company have considerable business management and aviation experience with four fixed-base operations located throughout the United States, and they have demonstrated a willingness to provide excellent customer service and to invest in airport facilities.

Hayward FBO has agreed to make significant capital improvements to the Atlantic leasehold to provide an enhanced customer experience. This should serve to attract additional transient corporate aircraft to the Airport, increasing fuel sales and providing additional revenue. Hayward FBO has agreed to install a self-service fueling facility that should lower the retail price of Aviation gas in comparison to full-service from fuel trucks, primarily benefiting based recreational aircraft owners. Hayward FBO has also agreed to the collection of transient commercial landing fees, fully comply with the airport’s approved Stormwater Pollution Prevention Plan, and increase the base insurance rates for FBO operations.

Adoption of the attached resolution will allow these benefits to inure to the City of Hayward and the aviation community. Staff supports this action.

## **FISCAL AND ECONOMIC IMPACT**

As noted above the City is not financially liable for these bonds and even in the event the borrower defaults on the bond payments, the trustee could foreclose on APP’s leasehold interest and take

over operation of the FBO until a subsequent operator was found. Also, as noted with Council's April 19, 2011 approval of the related lease transactions, it is anticipated that the airport and the City should benefit from the financed transaction.

**SCHEDULE**

Hayward FBO will meet with the CSCDA on May 11, 2011 for approval of its application and formal adoption of its financing documents. Once Council adopts the resolution, the sale will be completed within the next seven days.

*Prepared by:* DouglasMcNeeley, Airport Manager

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

Approved by:



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Fran David, City Manager

Attachments:

Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROVING THE ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF TAXABLE OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000, FOR THE FACILITY (AS DEFINED BELOW), AND AUTHORIZING RELATED ACTIONS

WHEREAS, Hayward FBO LLC, a California limited liability company (the “Borrower”), the managing member of which is Airport Property Partners LLC, a Delaware limited liability company desires to: (i) acquire certain leasehold and related rights in a full service fixed base of operations, including two aircraft hangars of 20,000 square feet each, a passenger terminal and an underground fuel storage system, including related equipment located on an 9.7 acre site located at the Hayward Executive Airport in Hayward, California; and (ii) pay the costs of issuance of the Bonds ((i) and (ii) collectively, the “Project”) ; and

WHEREAS, the Borrower desires to finance the Project through the issuance by the California Statewide Communities Development Authority (the “Authority”) of taxable obligations in an aggregate principal amount not to exceed \$7,000,000 (the “2011 Obligations”); and

WHEREAS, the City has determined that there are significant public benefits in financing the Project; and

WHEREAS, the Authority intends to assist the City in financing the Project by issuing the 2011 Obligations; and

WHEREAS, all acts, things, and conditions required by the laws of the State of California and the City Charter to exist, to have happened and to have been performed precedent to and in connection with the issuance of the 2011 Obligations and the undertakings of the Authority and the City hereunder and thereunder exist, have happened and have been performed in regular and due time, form and manner as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that:

Section 1. The foregoing recitals are true and correct and this City Council does hereby so find and determine.

Section 2. The issuance by the Authority of the 2011 Obligations in an aggregate principal amount not to exceed \$7,000,000 (the "Financing") is hereby approved, and this City Council hereby acknowledges and consents to the financing of the Project through the issuance of the 2011 Obligations, at one or more interest rates which are federally taxable. This approval constitutes approval of the Financing given in satisfaction of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority dated as of June 1, 1988, as amended, among certain local agencies, including the City.

Section 3. The City Manager, Director of Finance, City Treasurer, City Attorney, City Clerk and all other officers, agents and employees of the City are, and each of them is, hereby authorized and directed to take any and all actions and execute and deliver any and all documents necessary or convenient to assist the Authority in the issuance of the 2011 Obligations. This City Council hereby ratifies, confirms and approves all other documents and all actions heretofore taken by the officers and agents of the City Council or the City with respect to the Financing.

Section 4. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

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



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** May 17, 2011  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of Ordinance Amending Chapter 10, Article 1, of the Hayward Municipal Code by Rezoning Certain Property at the Southwest Corner of B and Grand Streets in Connection with Zone Change Application No. PL-2010-0369 Relating to a 22-Unit Senior Housing Facility

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on May 3, 2011.

**BACKGROUND**

The ordinance was introduced by Council Member Halliday at the May 3, 2011 meeting of the City Council with the following vote:

**AYES:** Council Members: Zermeño, Quirk, Halliday, Peixoto, Salinas, Henson  
Mayor Sweeney  
**NOES:** Council Members: None  
**ABSENT:** Council Members: None  
**ABSTAIN:** Council Members: None

The ordinance was published in the Hayward Daily Review on Saturday, May 14, 2011. Adoption at this time is therefore appropriate.

*Recommended by:* Miriam Lens, City Clerk

Approved by:

\_\_\_\_\_  
Fran David, City Manager

Attachment I: Draft Ordinance Published on May 14, 2011

**PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1, OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY AT THE SOUTHWEST CORNER OF B AND GRAND STREETS IN CONNECTION WITH ZONE CHANGE APPLICATION NO. PL-2010-0369 RELATING TO A 22-UNIT SENIOR HOUSING FACILITY

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the property at the corner of B and Grand Streets (APNs 431-0040-012-02, 431-0040-011, and 431-0040-010) from Medium Density Residential to Planned Development District.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonable interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

Introduced at a meeting of the Hayward City Council held May 3, 2011, the above-entitled ordinance was introduced by Council Member Halliday.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on May 17, 2011, at 7:00 p.m., in the Council Chamber, 777 B Street, Hayward, California.

Dated: May 14, 2011  
Miriam Lens, City Clerk  
City of Hayward

**DATE:** May 17, 2011  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Resignation of Carole Bates Peck from the Keep Hayward Clean and Green Task Force

**RECOMMENDATION**

That the City Council accepts the resignation of Carole Bates Peck from the Keep Hayward Clean and Green Task Force.

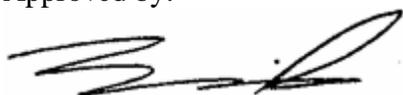
**BACKGROUND**

Ms. Carole Bates Peck was appointed to the Keep Hayward Clean and Green Task Force on September 14, 2010. Her resignation is effective May 7, 2011. Ms. Peck'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:



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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 CAROLE BATES PECK FROM THE KEEP HAYWARD CLEAN AND GREEN TASK FORCE

WHEREAS, Ms. Carole Bates Peck was appointed to the Keep Hayward Clean and Green Task Force on September 14, 2010; and

WHEREAS, Ms. Carole Bates Peck has submitted her written resignation effective May 7, 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Carole Bates Peck from the Keep Hayward Clean and Green Task Force 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

**From:** Carole Peck [mailto:peckhayward@gmail.com]  
**Sent:** Saturday, May 07, 2011 8:32 PM  
**To:** Michael Sweeney  
**Cc:** Bill Quirk; Stacey Sorensen; Blytha Bowers  
**Subject:** Ending my term on the Clean and Green Task Force

Mr. Mayor:

I need to resign from the Keep Hayward Clean and Green Task Force. I should have taken this action months ago, but I am not used to being a "quitter." I was injured in a fall at work on October 30, 2010 and am just now being released to return to my duties at Lincoln Child Center's Kinship Program, as I continue with Physical Therapy. Lincoln Child Center has been so good to me during this period that I now need to be prepared to give them my all, without any other commitments clouding my vision.

I so admire the work of this Task Force and the dedication of its members. I am also pleased Kinship Kids continue to participate in Keep Hayward Clean and Green. I have advised Blytha that Kinship is interested in adopting 'A' Street, perhaps between Mission Blvd. and Second Street when KHCG kicks off the downtown Adopt A Block Program. This pleases me greatly because it is our children who will carry on our efforts and KHCG teaches respect and responsibility for our community.

The City of Hayward is more pleasing to the eye, today, than it has ever been! The City and the Task Force are to be commended. Again, I feel terrible about quitting the Task Force and not living up to your and my expectations and if there is anything I can do for you, some type of one time effort, I hope you will call me.

Respectfully,

Carole Bates Peck  
22749 7th Street  
Hayward, CA 94541

[510.305.9893](tel:510.305.9893) CELL

cc/Miriam Lens  
City Clerk

**DATE:** May 17, 2011

**TO:** Mayor and City Council

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

**SUBJECT:** Approval to Negotiate Formation of a Joint Powers Authority (JPA) and a Joint Powers Agreement to Facilitate and Administer Parking around the South Hayward and Downtown Hayward BART Stations

## **RECOMMENDATION**

That the Council adopts the attached resolution authorizing the City Manager to negotiate the formation of a Joint Powers Authority (JPA) and a Joint Powers Agreement to facilitate and administer parking and access strategies around the South Hayward and downtown Hayward BART Stations, with said Joint Powers Agreement returning to Council for approval

## **BACKGROUND**

In the spring of 2009, the City, the Redevelopment Agency, Eden Housing (“Eden”), BART, and a private development group, Wittek Development, LLC and Montana Properties, Inc. (Wittek & Montana) joined forces to apply for State Housing & Community Development (HCD) Proposition 1-C Bond monies to develop a transit village at the South Hayward BART station. The project was designed to utilize both of the South Hayward BART station parking lots (i.e. the main lot and the “satellite” lot or “East lot” on the east side of Dixon Street), the privately-owned former Perry & Key site along Mission Boulevard, and property owned by the State Department of Transportation as part of the previously pursued Route 238 Bypass Freeway right-of-way.

The Proposition 1-C application was successful, and the City and other applicants were awarded \$47 million in HCD Proposition 1-C monies from Round II for the South Hayward BART Transit-Oriented Development Project (the “Project,” also known as the “Wittek-Montana Project”). Of the total Proposition 1C award amount, \$17 million was awarded to Eden as a permanent loan for the affordable housing component of the Project.

In January 2011, Eden and Wittek & Montana (jointly “the developers”) rephased the Project and advised that they would move forward with "Phase I", which would include 151 affordable units (64 senior units + 87 family units) and 195 market-rate rental units (mapped for future sale

as condos) on the sites between Dixon Street and Mission Boulevard. A work session with the City Council was held on March 8, 2011, to explain the reasons for the rephrasing of their activity. The developers have recently submitted an application and plan for rephrasing the Project, which also incorporates minor changes to the Project and the site plan (i.e. moving the main access of the replacement parking garage to the southern end of the garage and reconfiguring the streets to accommodate same). Once the application is deemed complete, the Planning Director will analyze the modifications being made and determine what type of environmental impact analysis, if any, would be required.

The developers have advised HCD of this rephrasing and have been advised that the re-phased Project would now qualify for \$30.9 million in Proposition 1-C monies, of which \$15.8 million would be for infrastructure and \$15.1 would be the modified award for the permanent loan for the affordable housing component of the Project

## **DISCUSSION**

In order to proceed with the Project, and before any land transaction/agreement between the developers and BART with respect to the BART East parking lot is executed, it was necessary that the BART Board receive an analysis of the impact of the Project vis-à-vis its adopted Transit Oriented Development (TOD) Policy. Toward this end, Nelson\Nygaard Consulting Associates was retained and issued its draft report, *South Hayward BART Access Study* (the draft "Access Study"). On September 14, 2010, the City/Agency conducted a work session regarding the Access Study.

The purpose of the Access Study was to complement the planning efforts of the City and of BART and to supplement them with specific guidance and recommendations for the South Hayward BART station site. The primary goals for this study include the following:

- Integrate the approved South Hayward Mixed Use (SHMU) project into the adjacent neighborhoods by improving access for all transportation modes;
- Support planned land use, population growth, and transportation improvements in the coming years;
- Increase transit ridership;
- Increase multiple-occupancy vehicle access to BART;
- Upgrade pedestrian and bicycle access facilities at and near the station;
- Provide adequate taxi and passenger drop-off facilities;
- Identify appropriate transportation demand management (TDM) strategies targeting BART patrons and the SHMU; and
- Promote sustainability and reduce carbon footprints.

One of the core questions that the study analyzed was the appropriate level of replacement parking for BART patrons, including consideration of the construction of a BART replacement garage. On August 12, 2010, the City Manager sent a letter to BART Board Member Thomas Blalock (Attachment II) requesting his support for the Wittek/Montana development at the South Hayward BART Station and acknowledging that a Joint Powers Authority (JPA) may be the most viable approach to addressing BART's concerns related to future station access issues, particularly commuter parking. BART has had some experience with JPAs. Notably, a JPA was

established at the Pleasant Hill BART station to facilitate the TOD development at that station. Creating a JPA would align both the City and BART's objectives by having the JPA manage parking for BART patrons as well as pursue future alternative modes of access to the station (e.g., walk, bicycle, shuttle bus, fixed-route transit). By aligning the City and BART's objectives through a JPA, the public agencies can ensure continued and sustainable access to the station while protecting the surrounding neighborhoods. As noted in the letter to Director Blalock, the City offered to make parking on public streets available when sufficient need was demonstrated by consistently filled BART parking lots.

As proposed, the South Hayward BART development may modify BART's current parking access. In addition, BART projects that ridership will increase as a matter of course and that parking lots and facilities will be used to capacity such that parking charges and alternate access measures will be needed. Parking charges have been implemented at the stations nearest the Hayward stations as those stations have reached high levels of occupancy: Bay Fair (most recently, as of 1/31/2011); San Leandro (as of 1/18/2011); Union City (as of 4/2009); and Fremont (as of 9/2007). The current charge at all of these stations is \$1 per day.

Further, BART and the City have discussed the need /desire to charge for parking at the South Hayward BART Station facilities consistent with BART's system-wide parking management policies. Should that occur, BART patrons could easily change their parking routine and travel to the downtown Hayward BART station to park. Therefore, it became evident that the JPA's authority should extend to all BART access points in the City as well as to the committed on-street parking identified by the City. The JPA would exist to identify, implement, and finance solutions to parking and access issues at the South Hayward BART Station and the downtown BART Station. For example, the JPA could create a mechanism to capture BART lot and on-street parking fees, if and when such are needed, which would be used to protect the surrounding neighborhoods' residential parking and provide for access improvements in the neighborhood, so that adverse potential impacts will be significantly reduced. The JPA could also market alternative transportation and access strategies, which would support the City's Climate Action Plan goals.

The JPA Agreement would set forth how the parties would preserve and manage BART patron access and parking. The initial JPA Agreement would likely contain the following elements:

- The parties to the Agreement would be BART and the City;
- The governing board of the JPA would include four members, two members each appointed by the BART Board and the City Council;
- Decisions of the JPA would be by unanimous consent;
- The JPA would have two co-executive directors, one from BART and one from the City;
- The JPA would have the ability to implement specific details related to access and parking management (including parking charges, enforcement, etc.).

In summary, by this action, the Council would authorize the City Manager to negotiate the formation of a Joint Powers Authority and a Joint Powers Agreement with BART. After completing initial negotiations, the City Manager would return to Council for approval of the preliminary JPA and its respective elements.

## **ECONOMIC IMPACT**

The successful development of the Project will have an immense positive economic impact on south Hayward. The commencement of this housing construction in this area should spur the development of the area. Proposed nearby projects would likely re-commence their planning, leading to construction. The development of housing in the area should lead to stronger interest from retailers, and thereby, planning and construction of retail centers. Initial development under Phase 1 of the Project would also have a positive economic impact by creating approximately 500 immediate high-quality construction, design, and engineering services jobs through the four-year development cycle and new housing in the area. The project will increase BART ridership and decrease vehicle miles traveled, and thus will help reduce greenhouse gas emissions associated with vehicles, which is in line with the goals in the City's Climate Action Plan. Total Phase I Project costs are estimated to be more than \$100 million, exclusive of land costs.

## **FISCAL IMPACT**

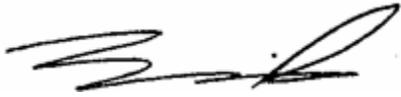
The proposed formation of a Joint Powers Authority does not impact the City's General Fund because it is anticipated that part of the obligation of the Joint Powers Authority would be to identify a financing strategy. As the JPA's management plan is not known at this time, it is difficult to estimate future costs. Revenue to the JPA can be roughly estimated. Simple calculations indicate that if just the South Hayward main parking lot has a \$1 per day parking charge and is eighty percent occupied each working day, approximately \$20,000 would be collected per month and \$240,000 annually.

This amount is generally believed to be adequate to cover the costs of permit enforcement and equipment maintenance, since the costs of maintenance of the existing lot that are currently paid by BART would not become an expense to the JPA, but rather, would continue to be a BART operations expense. The intent of the JPA is to create a stable financial entity that would prevent the General Fund from having to cover the costs of newly identified transportation and parking access measures.

*Prepared by:* Robert Bauman, Public Works Director  
John DeClercq, Project Manager  
Matt McGrath, Maintenance Services Director  
David Rizk, Development Services Director

*Recommended by:* Kelly McAdoo Morariu, Assistant City Manager

Approved by:



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Fran David, City Manager

Attachment:

- Attachment I: Resolution Authorizing the City Manager to Negotiate the Formation of Joint Powers Authority and Joint powers Agreement with BART
- Attachment II: Letter Dated August 12, 2010 from the City Manager to BART Board Member Thomas Blalock

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced By Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AUTHORIZING THE CITY MANAGER TO NEGOTIATE A JOINT  
POWERS AGREEMENT WITH SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT ("BART") TO FACILITATE PARKING AND ACCESS  
STRATEGIES AROUND THE SOUTH HAYWARD AND DOWNTOWN  
HAYWARD BART STATIONS

WHEREAS, the City of Hayward ("City") recognizes the benefits associated with managing parking and BART patron access issues at the South Hayward BART Station and at the downtown Hayward BART Station;

WHEREAS, in order to facilitate the management of parking and access issues at the South Hayward BART Station and the downtown Hayward BART Station, the City and BART desire to form a Joint Powers Authority ("JPA") pursuant to the Joint Exercise of Powers Act (California Government Code Section 65000 et seq.) which will operate within the jurisdiction of the City;

WHEREAS, the JPA's activities will include identifying, implementing and financing solutions to parking and access issues at the South Hayward BART Station and the downtown Hayward BART Station;

WHEREAS, in order to form the JPA, the City and BART will need to enter into a Joint Powers Agreement which will establish the governing and operational structure of the JPA in greater detail.

NOW, THEREFORE, BE IT RESOLVED that the City Council, finds the above recitals true and correct;

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to negotiate the formation of a JPA for the purposes of facilitating the management of parking and access issues at the South Hayward BART Station and the downtown Hayward BART Station.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to negotiate a Joint Powers Agreement with BART that will further the purposes of the JPA and is otherwise consistent with the Staff Report accompanying this Resolution.

IN COUNCIL, HAYWARD, CALIFORNIA, May 17, 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 for the City of Hayward



August 12, 2010

Director Thomas Blalock  
 BART  
 P.O. Box 12688  
 Oakland CA 94604-2688

RE South Hayward BART Station TOD

Director Blalock:

Thank you for taking the time to meet with us Monday regarding your concerns about adequate parking at the South Hayward BART station during and after the completion of the Transit Oriented Development (TOD) project planned by the partnership of BART, Eden Housing, Wittek-Montana, and the City of Hayward using, in part, \$47 million in State of California Proposition 1C bond money. Since resources for construction of the new BART garage are constrained and parking in the new garage is limited to just less than 75% of the current available surface lot parking, we fully understand that BART is concerned about what happens sometime in the future if/when the new garage reaches parking capacity: Where do additional BART patrons park? How is access to the South Hayward BART Station made available, attractive, and efficient for all the potential BART riders of the future?

Clearly we are all invested in the concept of TOD living that is designed to increase BART ridership without increasing the demand for parking; perhaps even decreasing parking needs. We are all aware of the intended future transit projects in Union City and Warm Springs that most transportation experts in this area believe have the strong potential to relieve parking demand at the South Hayward BART Station, at least in the midterm future.

Because this is a partnership involving BART property, State bond money, and private and public funds, resolution of any issues involving the Project are best placed on the shoulders of the partnership rather than solely on one partner. As you are aware, BART and the City have been discussing the development of a Joint Powers Authority (JPA) between our two jurisdictions that will be the vehicle to manage the South Hayward BART project for many years into the future. Logically, this is also the entity most likely responsible for addressing your concerns about future parking management, supported by our developer-partners, Eden Housing and Wittek-Montana.

As such, staff from the City has been discussing this issue with BART staff as well as with the project teams from Eden and Wittek-Montana. During the course of those various discussions, it

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has become clear that all parties are committed to working together to address BART patron parking demand when and if it exceeds the capacity of the new garage by as much as 15%. Clearly, as equal partners in the JPA, BART and the City will have the platform and structure to address the issue with support of and participation by the developers, such that the JPA can address additional parking once the garage achieves 85% use for a period of 3-4 months in preparation to implement a solution or solutions once the garage hits 90-95% capacity on a regular basis.

This could be done in a number of creative ways that the JPA can evaluate as needed over time, consistent with the actual available capacity along public streets, economics, riders' safety and needs, development of the area, and available resources. Some of the tools available to the City, BART, the developers, and the JPA identified during the above referenced staff discussions include:

1. Management of on-street parking and making some spaces available to BART patrons on City streets: This can be done through two primary avenues, one more immediate and feasible than the other.
  - a. Permit Parking, which could allow both residents and BART patrons the opportunity to purchase permits allowing them to park on residential streets at different times and for different time periods during the day. As you know, the Nelson/Nygaard Study identified an approximate 320-space capacity for BART patrons currently available on residential streets within a half mile radius of the station.

The City is committed to exploring and implementing a permit program of some type, depending on need and neighborhood input, when the time comes. Motivated in part by the needs of this project, the City has already commenced undertaking a review of its current residential parking permit program (RPP) throughout the City. It is anticipated that the current RPP ordinance will be modified in early 2011. With the garage providing 910 spaces, the 320 on-street spaces would achieve roughly a 100% replacement level.
  - b. Parking Benefit District: While there may be some attractive elements to this kind of approach, forming such a defined geographic district is not something the City can do unilaterally – it requires a vote of the affected property owners within the boundaries of such a district. The City is committed to exploring this option, but cannot guarantee it will be established. In fact, the City has already undertaken preliminary steps to commence planning for the creation of such a district to properly prepare for a smooth implementation of such a solution should it be needed and we are successful in forming a district.
2. Additional Paid On-Street Parking: A recent “quick” analysis by City staff indicates that we could add 125 spaces on Tennyson; through meters or permits. These could be managed to provide for all-day commuter parking or a mixture of all-day and partial day spaces. This could represent a more immediate step the City, as part of the JPA, could implement as necessary.

3. **Shared Parking:** As you are aware, there are several other planned garages on the project site – one underneath the grocery store, one underneath the senior housing shared by the family housing, and a third garage very proximate to the station serving the 241 market-rate rental units. Both Eden and Wittek-Montana have agreed to explore developing a shared parking program for the two residential garages and a parking management program in the retail/grocery garage, which will allow BART patrons to utilize some spaces at varying times of the day in one or more garages (e.g., commuter and City-visitor during non-commute hours.) This of course assumes success on lease negotiations with their retail/commercial tenant(s) and successful residential marketing to their tenants – all of which require strong JPA participation and management to monitor and adjust to parking demand from customers/tenants, and pricing possibilities.
4. **Satellite Parking and Associated Shuttle Service:** This is a possibility that could be monitored, recommended, and provided by the JPA, which would be empowered to address issues involving available land, zoning approvals from the City (involving neighborhood input/participation and review/approval by the Planning Commission and the City Council) and workable economics (i.e., sufficient cash flow off the project through the JPA). BART and the City could agree that at the time of the creation of the JPA, a certain amount of funds would be placed into a reserve for implementation of this option, should it be required in the future.

We want to assure you that proper, safe, and convenient access to the station for current and future BART riders is a high priority for the City and for this project. We share BART's focused priority on increasing ridership, especially via non-automobile mode, with the improvements being proposed for this station, as well as high density zoning that exists in close proximity to the station. In fact, as you may know, a recent market study completed by the City anticipates conservatively the construction of over 1,770 new housing units, including the 788 units approved at the site, within a half-mile of the BART station by 2030.

From the above discussion, you can see that various options exist going forward. How successful we are in each of those efforts depends on the goodwill and cooperation of all of the partners, as well as thoughtful and flexible agreements at the start of the project.

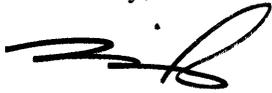
Director Blalock, we hope that this confirmation of the Project's commitment will enable you to support the South Hayward BART project without any conditions other than as above outlined. Time is getting to be of the utmost essence in this project. We must nail down the details, agree on the matter of parking, and essentially have approval of terms and conditions of a JPA Agreement acceptable to all parties within the next two months.

Eden Housing only has two opportunities a year to seek and secure tax-credit allocation funding (TCAC) (i.e. March and July.) If they miss the targeted July 2011 application deadline, they cannot timely commence construction and we will be sorely pressed to meet the current February 2013 completion deadlines imposed by the State Department of Housing and Community Development related to the Proposition 1C bond funding. In order to secure these TCAC funds, Eden must be able to show site control. Eden cannot demonstrate site control until we resolve

this parking matter, agree upon the terms and structure of the JPA, and conclude negotiations with both developers (Eden and Wittek-Montana) and between the City and BART. As each step is absolutely dependent upon the successful completion of the precedent, it is critical that the parking matter be resolved so that we can move on to the next challenging step.

We look forward to your considered and necessary support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fran David', with a stylized flourish at the end.

Fran David  
City Manager

Cc: Jeff Ordway, BART  
Eden Housing  
Wittek Development  
Montana Group  
Relevant City staff

**DATE:** May 17, 2011

**TO:** Mayor and City Council

**FROM:** Human Resources Director

**SUBJECT:** Introduction of Ordinance Revising Municipal Code Chapter 2, Article 3 – Boards and Commissions and Chapter 2, Article 4 – Employees

### **RECOMMENDATION**

That the Council adopts an Ordinance revising the Hayward Municipal Code, Chapter 2, Articles 3 and 4.

### **BACKGROUND**

The revisions proposed herein affect the Municipal Code, Chapter 2, Article 3 and Article 4. The changes are recommended to update the Code, obtain compliance with discrimination laws, and to provide consistency with the City Charter, Personnel Rules, and best practices. Therefore, the updated Code complies with all Federal and State anti-discrimination laws and reflects modern business practices and terminology.

### **DISCUSSION**

The Municipal Code articles proposed for revision as part of this report have been updated and clarified to bring them consistent with applicable sections of the Charter, Personnel Rules, and accurately reflect current best practices. For a detailed review of the proposed changes in comparison to current language, redline versions of the Municipal Code, Chapter 2, Article 3 and Article 4 which show all changes are attached as Attachments I and II respectively.

Highlights of the changes include: 1) revisions to meet the legal requirements of Proposition 209, which delete or update all references to affirmative action, including renaming the Personnel and Affirmative Action Commission to the Personnel Commission; 2) clarifications to the responsibilities of the Commission to reflect its role as an advisory body in alignment with the City Charter, ( e.g., the Commission reviews appeals related to employment registers and the Human Resources Director establishes and approves them); 3) changing the names of the Personnel Director and Personnel Department to Human Resources Director and Human Resources Department, respectively, throughout the relevant Code sections; and 4) clarifying the language related to the classification and salary plans and removing references to “positions” in either plan, as funding of “positions” is taken through the budget approval process. “Classifications” (position

descriptions) should be the only activities covered as part of this Chapter of the Municipal Code. Overall, the changes were administrative in nature and now provide for consistency between other City documents and public employment best practices.

### **ECONOMIC IMPACT**

There is no economic impact to the Hayward community associated with this report.

### **FISCAL IMPACT**

There is no direct fiscal impact associated with this report.

### **PUBLIC NOTICE**

In October 2010, the Human Resources Director presented to the Personnel and Affirmative Action Commission an overview of the current Municipal Code language and proposed changes that would align the Code language with the City Charter and Personnel Rules. Additional Personnel and Affirmative Action Commission meetings were held on January 13, 2011, February 24, 2011, and March 7, 2011 to further review the proposed language changes. As a result of their deliberations, the Commission recommends that Council approve the revisions of the Municipal Code, Chapter 2, Article 3 and Article 4.

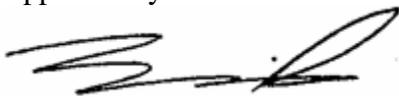
### **SCHEDULE**

Second Reading: May 17, 2011

Effective Date: June 17, 2011

*Recommended by:* Fran Robustelli, Human Resources Director

Approved by:



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Fran David, City Manager

Attachments: Attachment I - Redlined Version of Proposed Municipal Code Chapter 2, Article 3  
Attachment II - Redlined Version of Proposed Municipal Code Chapter 2, Article 4  
Attachment III - Ordinance Providing for the Revision of The City  
Of Hayward Municipal Code Article 3: Board and Commissions and  
Article 4: Employees

ARTICLE 3  
BOARDS AND COMMISSIONS

Section                      Subject Matter

PLANNING COMMISSION

2-3.00                      PLANNING COMMISSION. MEMBERS  
2-3.01                      PLANNING DEPARTMENT  
2-3.02                      POWERS AND DUTIES

BOARD OF ADJUSTMENTS

(Repealed by Ord. No. 93-23, adopted October 12, 1993)

~~PERSONNEL AND AFFIRMATIVE ACTION COMMISSION~~  
PERSONNEL COMMISSION

(Amended by Ord. No. 97-07, adopted May 20, 1997)

2-3.10                      ~~PERSONNEL AND AFFIRMATIVE ACTION~~  
~~COMMISSION~~PERSONNEL COMMISSION.  
MEMBERS  
2-3.11                      ~~PERSONNEL DEPARTMENT~~HUMAN RESOURCES  
DEPARTMENT  
2-3.12                      POWERS AND DUTIES

PUBLIC SERVICES/INDUSTRIAL COMMISSION

(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

AIRPORT COMMISSION

(Repealed by Ord. No. 81-037 C.S., adopted October 27, 1981)

ENVIRONMENTAL QUALITY COMMISSION

(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

Section	Subject Matter
LIBRARY COMMISSION	
2-3.50	LIBRARY COMMISSION. MEMBERS
2-3.51	LIBRARY DEPARTMENT
2-3.52	POWERS AND DUTIES

INDUSTRIAL COMMISSION

(Repealed by Ord. No. 81-036 C.S., adopted October 27, 1981)

HUMAN SERVICES COMMISSION

2-3.70	POLICY
2-3.71	HUMAN SERVICES COMMISSION. MEMBERS
2-3.72	HUMAN SERVICES DEPARTMENT
2-3.75	POWERS AND DUTIES

SOCIAL DEVELOPMENT COMMISSION

(Repealed by Ord. No. 81-035 C.S., adopted October 27, 1981)

CITIZENS ADVISORY COMMISSION

2-3.85	POLICY
2-3.86	CITIZENS ADVISORY COMMISSION. MEMBERS
2-3.87	HUMAN SERVICES DEPARTMENT
2-3.88	POWERS AND DUTIES

ARTICLE 3  
BOARDS AND COMMISSIONS  
PLANNING COMMISSION

SEC. 2-3.00 PLANNING COMMISSION. MEMBERS. The Planning Commission shall consist of seven (7) members, one of whom shall be designated Chairman in the manner provided in Section 904 of the Charter.

The Chairman shall preside at all meetings and shall report to the Council on all recommendations of the Commission.

SEC. 2-3.01 PLANNING DEPARTMENT. The Planning Director or his authorized representative shall attend all meetings of the Commission, furnish necessary information, data, maps and records, submit proposals and recommendations, and provide technical assistance and advise as required.

The Planning Department shall provide clerical help and maintain files and records for the Commission.

SEC. 2-3.02 POWERS AND DUTIES. The Commission shall have the general powers and duties specified in Section 906 of the Charter and pursuant thereto shall have the power and duty to:

1. Perform all of the functions assigned to a City planning commission by the Conservation and Planning Act and other statutes of the State of California relating to planning and zoning, insofar as they are not inconsistent with the provisions of the Charter of the City of Hayward.
2. Perform all the functions assigned to said Commission by the Zoning Ordinance and other ordinances of the City of Hayward relating to planning and zoning.
3. Prepare and recommend the adoption by the City Council of plans based on the master plan or any portions thereof and regulations and programs as may in its judgment be required for the systematic execution of the master plan or such other plan or plans as it or the City Council may deem appropriate.
4. Advise and recommend to the proper officials of the City the approval, disapproval or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the State of California, or as may be provided by ordinance.
5. Hold hearings on planning and zoning matters as prescribed in the Conservation and Planning Act of the State of California, or by ordinance.

- 6. Advise and recommend to the proper officials of the City regarding the acquisition, use, or disposition of City-owned real property.

2-3-1

- 7. Hear and decide original applications and appeals on land use matters as may be provided by ordinance.
  - 8. Hear and decide referrals regarding the interpretation or administration of the Zoning Ordinance or the Sign and Parking Regulations as submitted by the Planning Director or as may be provided by ordinance.
  - 9. Review and submit annually a report of its activities to the City Council.
  - 10. Perform such other duties relating to planning and zoning as may be directed by the City Council.
- (Amended by Ord. 93-23, adopted October 12, 1993)

BOARD OF ADJUSTMENTS  
(Repealed by Ord. 93-23, adopted October 12, 1993)

~~PERSONNEL AND AFFIRMATIVE ACTION COMMISSION~~PERSONNEL COMMISSION

~~SEC. 2-3.10 PERSONNEL AND AFFIRMATIVE ACTION COMMISSION. MEMBERS. The former members of the Personnel Board and the Affirmative Action Committee, who are eligible to serve on the Personnel and Affirmative Action Commission, shall serve as members of the Personnel and Affirmative Action Commission, which shall result in initial membership of nine persons. Vacancies created on the commission by resignation, removal, or expiration of term shall not be filled until the number of commission members drops below seven.~~

~~The terms of the former members of the Personnel Board shall be deemed to have begun at the time of their original appointment or subsequent reappointment to the former Personnel Board.~~

~~The terms of the former Affirmative Action Committee members shall be treated as new appointments to the commission. Pursuant to the City of Hayward Charter Section 902, one of the former Affirmative Action Committee member shall be chosen by lot to serve an initial term of two years to allow for the staggering of terms.~~

~~The Personnel Commission shall consist of seven members whose regular term shall be four years, terminating on June 30. Successors shall be appointed and qualified in accordance with the provisions of Section 902 of the Charter.~~

One of the appointees shall be designated Chairperson in the manner provided in Section 904 of the Charter. The Chairperson shall preside at all meetings and shall report directly to the City Council and City Manager on all recommendations of the commission.

The regular term for the members of the ~~Personnel and Affirmative Action~~

~~Commission~~Personnel Commission shall be four years, terminating on June 30. Successors shall be appointed and qualified in accordance with the provisions of Section 902 of the Charter. (Amended by Ord. 97-07, adopted May 20, 1997)

SEC. 2-3.11 PERSONNEL DEPARTMENT HUMAN RESOURCES

DEPARTMENT. The ~~Personnel Director~~Human Resources Director, or his or her authorized representative, shall attend all meetings of the ~~Personnel Commission~~commission; furnish necessary information, data, and records; submit proposals and recommendations; and provide technical assistance and advice as required. The ~~Personnel Department~~Human Resources Department shall provide clerical assistance and

~~2-3-2~~

maintain files and records for the commission. (Amended by Ord. 97-07, adopted May 20, 1997)

SEC. 2-3.12 POWERS AND DUTIES. High morale and efficiency of employees

~~will be fostered by cooperative efforts with regular consultation between the Personnel Commission, the City Manager and the Human Resources Director, and representatives of employee associations. Therefore, as an advisory agency to the City Council and The City Manager, the Personnel Commission shall have the power and duty to: and ensuring compliance with the City's affirmative action goals and timetables will be fostered by cooperative efforts with regular consultation between the Personnel and Affirmative Action Commission, the City Manager, the Personnel Director, and representatives of employee associations. Therefore, as an advisory agency to the City Council and the City Manager, the Personnel and Affirmative Action Commission shall have the power and duty to:~~

- (a) Advise the Council, City Manager, and ~~Personnel Director~~Human Resources Director on matters of ~~personnel administration employment and personnel policy and administration, affirmative action goals, and the progress of the Affirmative Action Program.~~
- (b) Ensure ~~the City's employment and personnel practices comply with all applicable Federal and State anti-discrimination laws. that the employment and personnel practices of the City: (1) do not discriminate against any person on the basis of race, color, national origin, ancestry, religion, or sex; (2) do not constitute unlawful discrimination on the basis of age or handicap; (3) do not foster invidious discrimination on the basis of sexual preference, marital status, or responsibility for dependents; and (4) do not constitute sexual harassment.~~
- (c) Recommend to the City Council, after a public hearing thereon, the adoption, amendment, or repeal of personnel rules and regulations.
- (d) ~~Review and adopt, after a public hearing thereon, a classification plan for each position in the City's classified service. Provide recommendations on the formulation of goals and establishment of timetables for achieving representation of women and minorities at all levels of City employment to the extent of their~~

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~~proportionate availability in the appropriate labor markets.~~

- (e) ~~Review and recommend to the City Council for adoption, after a public hearing thereon, a salary plan for the City's classified service. Establish employment registers and review class specifications to ensure that employment standards are job-related.~~
- (f) ~~Hear-Review appeals regarding employment registers and report its findings and recommendations to the City Manager. Review class specifications to ensure that employment standards are job-related. of any person in the classified service relative to any suspension, demotion, or dismissal consistent with the provisions of the respective Memoranda of Understanding, and report its findings and recommendations to the City Manager.~~
- (g) ~~Hear grievances involving discrimination and sexual harassment consistent with the provisions of the Affirmative Action Administrative Rule, and report its findings and recommendations to the City Manager. Review recruitment and selection equal employment opportunity data and make recommendations related to the outreach program to support a program which includes communication to a diverse pool of qualified candidates.~~
- (h) ~~Hear appeals of any person in the classified service relative to any suspension, demotion, or dismissal consistent with the provisions of his/her respective Memorandum of Understanding and report its findings and recommendations to the City Manger.~~
- (i) Make any investigation which it may consider desirable concerning the administration of personnel in City service and report its findings to the City Council and City Manager.
- (j) Review the training programs provided to City employees regarding the intent and content of the Administrative Rule Against Harassment and Retaliation to ensure City employees are aware of and comply with the provisions of the program.
- (k) Perform other related duties as directed by Council.  
(Amended by Ord. 97-07, adopted May 20, 1997)

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PUBLIC SERVICES/INDUSTRIAL COMMISSION

(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

AIRPORT COMMISSION

(Repealed by Ord. No. 81-037 C.S., adopted October 27, 1981)

ENVIRONMENTAL QUALITY COMMISSION

(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

LIBRARY COMMISSION

SEC. 2-3.50 LIBRARY COMMISSION. MEMBERS. The Library Commission shall consist of seven (7) members, one of whom shall be designated Chairman in the manner

provided in Section 904 of the Charter. The present trustees of the Board of Library Trustees shall constitute the Library Commission and shall serve to the expiration of their present terms of office and the appointment and qualifications of their successors.  
(As amended by Ord. No. 74-028 C.S., adopted Oct. 15, 1974)

SEC. 2-3.51 LIBRARY DEPARTMENT. The Librarian or his authorized representative shall attend all meetings of the Commission, furnish necessary information, data and records, submit proposals and recommendations, and provide technical and professional assistance and advice to the Commission, as required.

The Library Department shall provide clerical help and maintain files and records for the Commission.

SEC. 2-3.52 POWERS AND DUTIES. As an advisory agency to the City Council, the Library Commission shall have the power and duty to:

1. Study, consider, and develop long-range plans for municipal library service in the City of Hayward, giving due consideration to the Master Plan for the City of Hayward.
2. Review and study library policy and operation and make recommendations from time to time to the City Manager concerning rules and regulations for operation of the Library, and also to the City Council when it deems it proper.
3. At regular intervals, and at least annually, report on its activities and give recommendations on library policies and plans for development of library service to the City Council.

4. Coordinate its activities and planning with other agencies concerned with library services in the Hayward area which are not under jurisdiction of the City of Hayward.
5. Perform other related duties as directed by Council.

INDUSTRIAL COMMISSION

(Repealed by Ord. No. 81-036 C.S., adopted October 27, 1981)

HUMAN SERVICES COMMISSION

(Amended by Ord. No. 81-035 C.S., adopted October 27, 1981)

SEC. 2-3.70 POLICY. It is the public policy of the City of Hayward to (1) encourage the development of a planned and orderly approach to the development of community services in the city; and (2) to create an environment which will encourage and bring about mutual understanding and respect among all groups of the City, eliminate prejudice, discrimination, and disorder, and guarantee equal rights and opportunities for all.

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute an official, responsible, community-oriented body within the City government in order to identify the needs for community services, to plan for the coordinated delivery of such services to citizens in need through both private and public resources so as to avoid duplication and conflict of effort, to evaluate the effectiveness of the services provided and to advise the City Council in regard to these functions.

SEC. 2-3.71 HUMAN SERVICES COMMISSION. MEMBERS. The Human Services Commission shall consist of eleven (11) members, one of whom shall be designated Chairperson in the manner provided in Section 904 of the Charter. Present members of the Human Services Commission who were originally appointed or subsequently reappointed as members of the former Human Relations Commission or the Social Development Commission shall continue to serve until their terms of office, which terms shall be deemed to have begun at the time of their original appointment or subsequent reappointment to the former commissions, shall expire and their successors are appointed and qualified in accordance with the provisions of Section 902 of the Charter.

(Amended by Ord. No. 90-15 C.S., adopted June 26, 1990)

The Chairperson shall preside at all meetings and shall report directly to the City Council on all recommendations of the Commission.

The Commission shall adopt rules and regulations for the conduct of its business, for the time and place of its meetings, and any such rules and regulations shall be printed and be made available to the public. (Amended by Ord. No. 81-035 C.S., adopted October 27, 1981 and Ord. No. 83-008 C.S., adopted March 15, 1983)

SEC. 2-3.72 HUMAN SERVICES DEPARTMENT. The Housing and Community Services Director, or his authorized representative, shall attend all meetings of the

Commission, furnish necessary information, data and records, submit proposals and recommendations and provide technical assistance and advice as required. The Human Services Department shall provide clerical help and maintain files and records of the Commission.

SEC. 2-3.75 POWERS AND DUTIES. As an advisory agency to the City Council, the Human Services Commission shall have the power and duty to:

1. Advise the City of Hayward as to the most effective means of allocating available resources for community services.
2. Promote interagency and intergroup coordination in the development of community social resources.
3. Cooperate with governmental and nongovernmental agencies and organizations having like or kindred functions.
4. Review and study problems and needs of the community programs and develop effective support needed to secure additional resources either through private channels or through the City or other instrumentalities of the government.
5. Monitor relationship/balance of funding patterns by public and private agencies insuring fair distribution for the local jurisdiction.
6. Work together with other governmental agencies in keeping abreast of new and current developments in the field of social services in order to maximize the beneficial impact of social programs on the City.
7. By persuasion and conference seek to arrive at voluntary solutions designed to discourage and prevent any and all recognized discriminations based upon race, sex, religion, national origin, age, handicap, and sexual orientation, and particularly those discriminations in the areas of housing, employment, and education.

(Amended by Ord. No. 91-10, adopted April 23, 1991)

8. Hold hearings and take testimony of any person relating to any matter under investigation or in question before the Commission.
9. Make recommendations which will help to develop a sense of community among those concerned with people serving efforts in Hayward and to create awareness and cooperation between the City and those groups doing social service work in the area.
10. Make and issue reports respecting its studies, research, investigations and other activities, and make information available to other commissions and staff as required.
11. Recommend to the City Council legislation or other remedial steps which the Commission should find to be necessary and desirable.
12. Perform other related duties as directed by the City Council.

2-3-6

CITIZENS ADVISORY COMMISSION

(Added by Ordinance No. 75-017 C.S., adopted July 15, 1975.)

SEC. 2-3.85 POLICY. It is the public policy of the City of Hayward to create a Citizens Advisory Commission which will be broadly representative of the community in terms of ethnic background, economic and occupation status, and geographic distribution of residences.

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute an official, responsible, community-oriented body within the City Government in order to identify the social aspects of physical planning, and to support community improvement goals, to help solve community problems and to serve as the Citizens Review mechanism on federally financed or aided projects.

SEC. 2-3.86 CITIZENS ADVISORY COMMISSION MEMBERS. In order to further the public policy of the City of Hayward there is hereby created a Citizens Advisory Commission which shall consist of fifteen (15) members, who have shown themselves qualified, by evidence of previous experience and involvement in the social aspects of physical planning. In nominating and appointing said members the City Council shall make every reasonable effort to insure that a wide cross section of community groups and/or interest areas are represented. Such community groups and/or interest areas shall include, but not be limited to, low-income persons, Spanish speaking, senior citizen, Portuguese, black, youth, and neighborhood organizations.

One of the Commission members shall be designated Chairperson in the manner provided in Section 904 of the Charter.

The Chairperson shall preside at all meetings and shall report directly to the City Council on all recommendations of the Commission.

The Commission shall adopt rules and regulations for the conduct of its business, for the time and place of its meetings, and any such rules and regulations shall be published and be made available to the public. (Amended by Ordinance No. 77-010 C.S., adopted February 15, 1977 and Ordinance No. 82-017 C.S., adopted August 10, 1982.)

SEC. 2-3.87 HUMAN SERVICES DEPARTMENT. The Human Services Director or his authorized representative shall attend all meetings of the Commission, furnish necessary information, data and records, submit proposals and recommendations and provide technical assistance and advice as required. The Human Services Department shall provide clerical help and maintain files and records for the Commission.

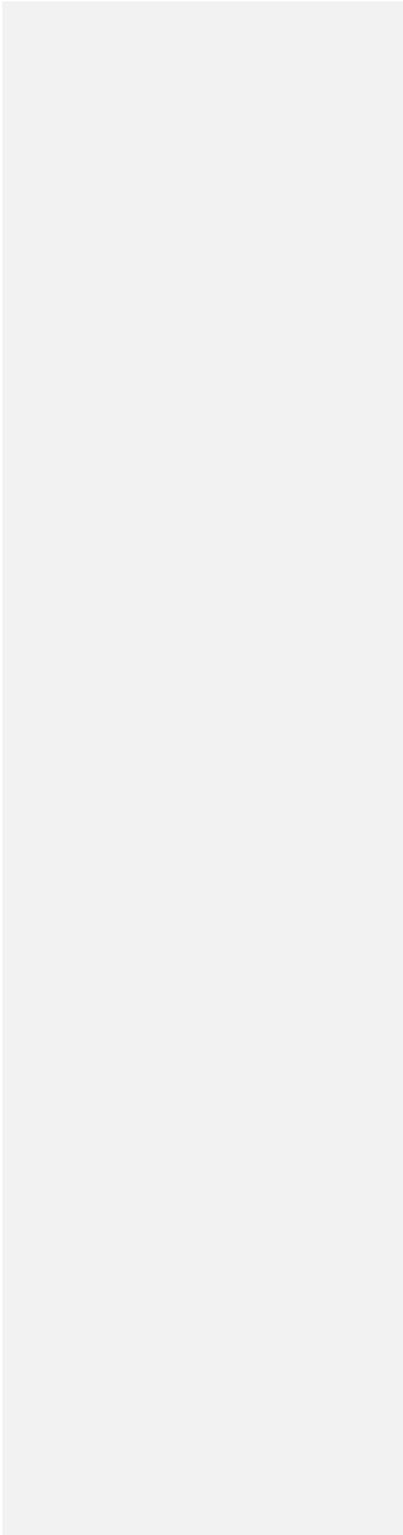
SEC. 2-3.88 POWERS AND DUTIES. As an advisory body to the City Council, the Citizens Advisory Commission shall have the power and duty to:

1. Inform themselves of their community's renewal activities.
2. Assist in developing objectives and goals.

3. Inventory community resources for accomplishing these objectives.

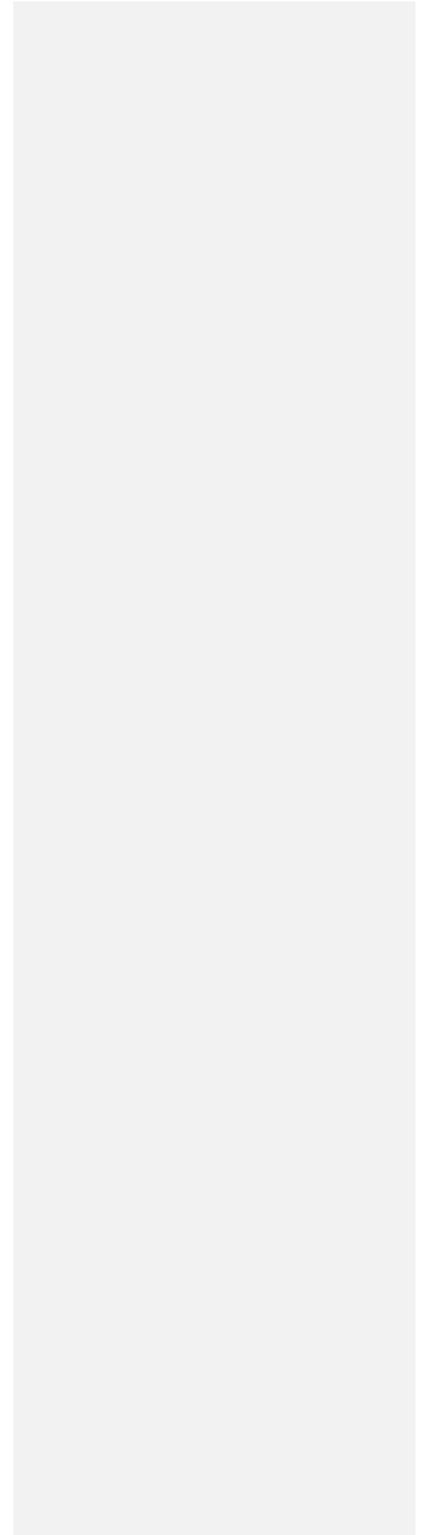
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4. Learn and pursue the methods of achieving the goals.
5. Serve as a medium for bringing private resources into the program.
6. Perform other related duties as directed by Council.



ATTACHMENT I

2-3-8



ARTICLE 4  
EMPLOYEES

Section	Subject Matter
2-4.00	PERSONNEL SYSTEM. PURPOSE
2-4.01	UNCLASSIFIED SERVICE
2-4.02	CLASSIFIED SERVICE
2-4.03	PERSONNEL SYSTEM. APPLICATION
2-4.10	ADMINISTRATION, <del>PERSONNEL DIRECTOR</del> <u>HUMAN</u>
<u>RESOURCES DIRECTOR</u>	
2-4.11	PERSONNEL RULES AND REGULATIONS
2-4.12	RULES AND REGULATIONS. MANNER OF ADOPTION
2-4.20	CLASSIFICATION <del>OF POSITIONS</del> <u>PLAN</u>
2-4.21	CLASSIFICATION PLAN. <del>REVISION</del> <u>MANNER OF</u>
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<u>2-4.21</u>	<u>CLASSIFICATION PLAN. MANNER OF ADOPTION</u>
<u>2-4.22</u>	<u>CLASSIFICATION PLAN. REVISION</u>
2-4.30	SALARY PLAN
2-4.31	SALARY PLAN. MANNER OF ADOPTION
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2-4.41	PROMOTIONS
2-4.42	PROVISIONAL <del>OR TEMPORARY</del> APPOINTMENTS
<u>2-4.43</u>	<u>TEMPORARY APPOINTMENTS</u>
<u>2-4.44</u>	<u>PART-TIME APPOINTMENTS</u>

2.4.45      REGULAR APPOINTMENTS

- 2-4.50      EMPLOYMENT REGISTERS
- 2-4.51      EMPLOYMENT REGISTERS. ORDER OF  
PRIORITY
- 2-4.52      EMPLOYMENT REGISTERS. ADMINISTERING
- 2-4.53      EMPLOYMENT REGISTERS. APPOINTMENTS

- | Section | Subject Matter                             |
|---------|--|
| 2-4.60  | PROBATION                                  |
| 2-4.61  | PROBATIONARY PERIOD. WORK EVALUATION       |
| 2-4.62  | EMPLOYEES. REGULAR STATUS                  |
| 2-4.70  | HOURS OF WORK                              |
| 2-4.71  | RULES ADOPTING AGE LIMITS                  |
| 2-4.72  | AGE LIMITS. POLICE; FIREMEN;<br>EXCEPTIONS |
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~~2-4.81~~      ~~APPEAL TO PERSONNEL BOARD~~  
~~(Repealed by Ord. No. 70-027 C.S.,~~  
~~adopted Nov. 10, 1970.)~~

~~2-4.82~~      ~~APPEAL. HEARING BY PERSONNEL BOARD~~  
~~(Repealed by Ord. No. 70-027 C.S.,~~  
~~adopted Nov. 10, 1970.)~~

~~2-4.83~~      ~~ACTION ON APPEAL~~  
~~(Repealed by Ord. No. 70-027 C.S.,~~  
~~adopted Nov. 10, 1970.)~~

~~2-4.84~~      ~~APPEAL. REVIEW BY COUNCIL~~  
~~(Repealed by Ord. No. 70-027 C.S.,~~  
~~adopted Nov. 10, 1970.)~~

2-4.90      EMPLOYEES. LAY-OFF

## ARTICLE 4

## EMPLOYEES

SEC. 2-4.00 PERSONNEL SYSTEM. PURPOSE. Pursuant to the authority granted by Article XI of the Charter of the City of Hayward, the following Personnel System is hereby adopted in order to insure that employment in the City government shall be based on merit and fitness, and be free of personal and political considerations; just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of City government; high morale shall be maintained by fair administration of this Article and by every consideration of the rights and interests of employees consistent with the best interests of the public and the City.

SEC. 2-4.01 UNCLASSIFIED SERVICE. The Unclassified Service shall comprise the following officers and positions:

1. All elected officers.
2. City Manager, City Attorney, City Clerk, the head of each department, and one private secretary and all administrative assistants in the Office of the City Manager.
3. All members of boards and commissions.
4. Positions in any class or grade created for a special or temporary purpose for a period of not longer than six (6) months.
5. Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
6. Part-time employees paid on an hourly or per diem basis.

SEC. 2-4.02 CLASSIFIED SERVICE. The Classified Service shall comprise all positions not specifically included in the Unclassified Service.

SEC. 2-4.03 PERSONNEL SYSTEM. APPLICATION. The provisions of this Article shall apply only to the Classified Service unless otherwise specifically provided.

SEC. 2-4.10 ADMINISTRATION. ~~PERSONNEL DIRECTOR~~HUMAN RESOURCES DIRECTOR. The Personnel System hereby established and the rules adopted thereunder shall be administered by the ~~Personnel Director~~Human Resources Director who shall be the custodian of, and maintain the personnel records; attend all meetings of the ~~Personnel Board~~Personnel Commission or assign an authorized representative to attend commission meetings and serve as its Secretary; prepare and recommend revisions and amendments to the personnel rules for consideration of the ~~Personnel Board~~Personnel Commission and City Council. The City Attorney shall approve the legality of such revisions and amendments prior to their submission to the Council.

The ~~Personnel Director~~Human Resources Director shall also advise the City Manager and assist department heads in promoting an effective program of personnel management; provide employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service; and consult, whenever practicable, with representatives of any employee organizations on matters of personnel policy or procedure.

2-4-1

SEC. 2-4.11 PERSONNEL RULES AND REGULATIONS. The ~~Personnel Director~~Human Resources Director shall draft, in consultation with the City Manager, such rules as may be necessary to carry out the purposes of this Article, and for examinations, appointments, promotions, appeals, leaves of absence and vacations.

All rules and regulations and all changes shall be printed for distribution.

SEC. 2-4.12 RULES AND REGULATIONS. MANNER OF ADOPTION. After public hearing thereon rules and regulations shall be recommended by the ~~Personnel Board~~Personnel Commission for adoption by the City Council. Upon such adoption, the rules and regulations shall have the force and effect of law.

2-4-2

SEC. 2-4.20 CLASSIFICATION OF POSITIONS PLAN. The ~~Personnel Director~~Human Resources Director shall assign each position in the Classified Service to a job class on the basis of ~~its duties and responsibilities. the kind of level of its duties and responsibilities.~~

Positions, having comparable duties and responsibilities, which are sufficiently alike to permit use of a single descriptive title, the same qualification standards, test of competence and same pay scale, may be grouped in the same class.

Periodically the ~~Personnel Director~~Human Resources Director shall accomplish an analysis of the duties and responsibilities of any or all positions in the Classified Service and determine whether the current classification is correct.

SEC. 2-4.21 CLASSIFICATION PLAN. REVISION MANNER OF ADOPTION.:  
The Human Resources Director shall prepare a classification plan which includes all classifications within the classified service. The classification plan shall become effective upon adoption by the Personnel Commission after holding a public hearing thereon.

Sec 2.4.22 CLASSIFICATION PLAN. REVISION The classification plan may be revised as changing conditions require, upon recommendations of the ~~Personnel~~Human Resources Director and with the approval of the ~~Personnel Board~~Personnel Commission. Such revisions may consist of the addition, abolishment, consolidation, division, or amendment of existing classes.

2-4-3

SEC. 2-4.30 SALARY PLAN. At least once each year the ~~Personnel Director~~Human Resources Director shall prepare a salary plan for each classification within the City's classified service. The all positions of employment in the City. The rate or range for each ~~position or class of position classification~~ shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to salaries for comparable positions in other places of public and private employment.

SEC. 2-4.31 SALARY PLAN. MANNER OF ADOPTION. The ~~Personnel Board~~Personnel Commission shall review the salary plan and after a public hearing thereon,

recommend a salary plan to the Council for adoption. The Council may approve, modify, or reject, wholly or partly, the salary plan recommended by the ~~Personnel Board~~Personnel Commission, and may make such decision or determination as the facts warrant.

In adopting a salary plan, the Council may provide for its effective date to be retroactive to a date no earlier than the first day of the month within which said plan is adopted. (As amended by Ord. No. 62-002 C.S., adopted Jan. 9, 1962.)

#### 2-4-2

SEC. 2-4.32 SALARY PLAN. REVISION. The salary plan may be revised or amended, wholly or partly, if circumstances so require, in the same manner as originally adopted.

#### 2-4-4

SEC. 2-4.40 EXAMINATIONS. All applicants for appointment to the Classified Service shall be subjected to examination, which shall be public, competitive and free and shall be in such form as will fairly appraise the abilities and aptitudes of applicants for the duties to be performed, and shall not include any inquiry into the political or religious affiliations of any applicant. When, as determined by the ~~Personnel Director~~Human Resources Director, any or all phases of an examination administered to applicants by other governmental or private agencies with which the City participates for recruitment and testing services meet the above criteria, such examination or portions thereof shall be accepted by City in satisfaction of the examination requirements of this section.

Any applicants possessing all the minimum qualifications for a position shall be eligible to participate in the examination process for said position. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.41 PROMOTIONS. Vacancies in positions above the entrance level shall be filled by promotions whenever the ~~Personnel Director~~Human Resources Director, in consultation with the appropriate department head, finds that it is in the best interests of the City to do so.

Promotion shall be made on the basis of ascertained merit and standing upon competitive examination. Provided, however, where three or less applicants are eligible for promotion, a formal competitive examination may be waived by the Human Resources Director~~dispensed with~~.

SEC. 2-4.42 PROVISIONAL ~~OR TEMPORARY~~ APPOINTMENTS. A provisional appointment is an appointment to a classified position, in the absence of an eligible register, of a person who meets the minimum employment standards for the position. Pending the availability of eligibles from an employment register for a position or class, vacancies may be filled by provisional or temporary appointment. Such appointments shall be for a maximum a maximum duration of six (6) months and shall expire at the end of the six month period or no later than not continue beyond two (2) pay periods after the establishment of an employment register for a position or class, whichever is sooner. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.43 TEMPORARY APPOINTMENTS. A temporary appointment is an appointment to a position for a special or temporary purpose for a period not longer than six (6) months. A temporary appointment does not receive vacation or holiday pay, sick leave or other

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fringe benefits and is not part of the classified service.

SEC. 2-4.44 PART-TIME APPOINTMENTS. A part-time appointment is an appointment to a classified position in which the employee will be regularly schedule to work fewer hours than an employee appointed to a full-time position.

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SEC. 2-4.45 REGULAR APPOINTMENTS. A regular appointment is an appointment to a classified position, subject to a probationary period, where an action of release may be taken prior to the expiration of such period and where, in the absence of such an action, the appointee attains regular status.

2-4-5

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SEC. 2-4.50 EMPLOYMENT REGISTERS. Applicants who qualify for employment shall be placed on an employment register for the appropriate job class in the order of the grades/scores they obtained as a result of the examination process. ~~on the examination. Registers shall be come effective when certified by the Human Resources Director.~~ (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.51 EMPLOYMENT REGISTERS. ORDER OF PRIORITY.

Employment registers shall be utilized to fill vacant position in the following ~~in the~~ order of ~~their~~ priority: (1) ~~shall be~~ re-employment registers, (2) promotional registers, and (3) original employment registers. Original employment registers may include or consist entirely of eligibles whose names appear on said registers as a result of cooperative recruitment and testing efforts between the City and other governmental or private agencies.

Re-employment registers shall contain the names of regular employees and probationary employees laid off in good standing for lack of funds or work. Promotional registers shall contain the names of regular and probationary employees who have completed the examination process and obtained passing scores. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

2-4-3

SEC. 2-4.52 EMPLOYMENT REGISTERS. ADMINISTERING. Policies and procedures for administering employment registers shall be provided in the personnel rules covering the duration, cancellation, replacement, or consolidation of such registers, and the removal or suspension of the names of eligibles therefrom. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.53 EMPLOYMENT REGISTERS. APPOINTMENTS. When an appointment is to be made to a vacancy in the Classified Service, the ~~Personnel Director~~ Human Resources Director shall submit to the department head the names of available eligibles in the order in which they appear on an appropriate register. The department head shall submit his or her recommendations for appointment to the City Manager or other authorized appointing authority.

No regular or promotional appointment shall be made except from the employment register so submitted. All persons not appointed shall remain in their relative position on the employment register. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

2-4-6

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SEC. 2-4.60 PROBATION. A ~~regular n~~-appointment from an original employment register or from a promotional register shall ~~be subject to a not be permanent until after the expiration of a~~ probationary period. An appointment from a re-employment register of a person who has previously satisfied the probationary period in the class to which the appointment is made shall not be subject to an additional probationary period. The regular period of probation shall be six (6) months, ~~unless the classification descriptions or applicable Memoranda of Understanding may specify a longer or shorter period of probation for certain designated job classes. provided that the classification descriptions may specify a longer or shorter period of probation for certain designated job classes.~~ Extension of probationary periods in individual cases may be made by the City Manager up to a maximum of six (6) months. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.61 PROBATIONARY PERIOD. WORK EVALUATION. The work and conduct of probationary employees shall be subject to close scrutiny and evaluation. Department heads shall be responsible for the preparation and submission of performance appraisals as required by the appointing authority. The probationer may be ~~released at any time during the removed or demoted at any time during the~~ probationary period. Such action, ~~if taken prior to the expiration of the probationary period,~~ shall not be subject to review or appeal, ~~notwithstanding that the effective date of such action may be after the expiration date of said period.~~ (As amended by Ord. No. 62-004 C.S., adopted January 16, 1962.)

SEC. 2-4.62 EMPLOYEES. REGULAR STATUS. An employee shall be entitled to regular status at the end of the probationary period only if no action of release or demotion is taken prior to the expiration of said period. (As amended by Ord. No. 62-004 C.S., adopted January 16, 1962.)

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SEC. 2-4.70 HOURS OF WORK. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. The rules shall cover ~~the following including but not limited to, among others,~~ vacations, sick leaves, and leaves for military service.

2-4-4

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SEC. 2-4.71 RULES ADOPTING AGE LIMITS. No rule adopted pursuant to this Article shall establish any maximum age limit beyond mandatory retirement age, for any position in the Classified Service, however, the provisions of the California Child Labor Laws shall be followed in setting minimum age limits for all positions of employment in the City.

~~SEC. 2-4.72 AGE LIMITS. POLICE; FIREMAN; EXCEPTIONS. Notwithstanding the provisions of Section 2-4.71 to the contrary, nothing herein shall prevent the establishment of minimum and maximum age limits for the employment of City policemen and City firemen.~~

SEC. 2-4.80 REMOVAL - SUSPENSION - FINE. All persons having regular status

in the Classified Service shall be subject to removal, suspension or fine from office or employment, by the City Manager, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office; but subject to the appeal of the aggrieved party as provided by the City Charter, applicable Personnel Rules and/or Memoranda of Understanding, applicable thereto. (As amended by Ord. No. 70-027 C.S., adopted November 10, 1970.)

~~SEC. 2-4.81 (Repealed by Ord. No. 70-027 C.S., adopted Nov. 10, 1970.)~~

~~SEC. 2-4.82 (Repealed by Ord. No. 70-027 C.S., adopted Nov. 10, 1970.)~~

~~SEC. 2-4.83 (Repealed by Ord. No. 70-027 C.S., adopted Nov. 10, 1970.)~~

~~SEC. 2-4.84 (Repealed by Ord. No. 70-027 C.S., adopted Nov. 10, 1970.)~~

SEC. 2-4.90 EMPLOYEES. LAY-OFF. Whenever there is lack of work or lack of funds requiring reductions in a department or division of the City government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class, all provisional employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any regular employees.

Lay-off to the next lower class is authorized provided that the employee to be laid off has previously served in said lower class and whose original date of appointment to that class predates at least one employee presently serving therein.  
(As amended by Ord. No. 65-044 C.S., adopted Nov. 23, 1965.)

ORDINANCE NO. 11-\_\_

AN ORDINANCE PROVIDING FOR THE REVISION OF THE CITY OF HAYWARD MUNICIPAL CODE CHAPTER 2, ARTICLE 3: BOARD AND COMMISSIONS AND ARTICLE 4: EMPLOYEES TO ALIGN THE CODE WITH THE CITY CHARTER AND TO REFLECT CHANGES TO FEDERAL AND STATE ANTI-DISCRIMINATION LAWS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City of Hayward Municipal Code, Chapter 2, Article 3: Board and Commissions and Chapter 2, Article 4: Employees and all amendments thereto are hereby repealed and replaced with the revised City of Hayward Municipal Code, Chapter 2, Article 3: Board and Commissions and Chapter 2, Article 4: Employees, hereby enacted to read as follows:

ARTICLE 3

BOARDS AND COMMISSIONS

Section	Subject Matter
PLANNING COMMISSION	
2-3.00	PLANNING COMMISSION. MEMBERS
2-3.01	PLANNING DEPARTMENT
2-3.02	POWERS AND DUTIES

BOARD OF ADJUSTMENTS

(Repealed by Ord. No. 93-23, adopted October 12, 1993)

PERSONNEL COMMISSION

(Amended by Ord. No. 97-07, adopted May 20, 1997)

2-3.10	PERSONNEL COMMISSION. MEMBERS
2-3.11	HUMAN RESOURCES DEPARTMENT
2-3.12	POWERS AND DUTIES

PUBLIC SERVICES/INDUSTRIAL COMMISSION  
(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

AIRPORT COMMISSION  
(Repealed by Ord. No. 81-037 C.S., adopted October 27, 1981)

ENVIRONMENTAL QUALITY COMMISSION  
(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

LIBRARY COMMISSION

2-3.50	LIBRARY COMMISSION. MEMBERS
2-3.51	LIBRARY DEPARTMENT
2-3.52	POWERS AND DUTIES

INDUSTRIAL COMMISSION  
(Repealed by Ord. No. 81-036 C.S., adopted October 27, 1981)

HUMAN SERVICES COMMISSION

2-3.70	POLICY
2-3.71	HUMAN SERVICES COMMISSION. MEMBERS
2-3.72	HUMAN SERVICES DEPARTMENT
2-3.75	POWERS AND DUTIES

SOCIAL DEVELOPMENT COMMISSION  
(Repealed by Ord. No. 81-035 C.S., adopted October 27, 1981)

CITIZENS ADVISORY COMMISSION

2-3.85	POLICY
2-3.86	CITIZENS ADVISORY COMMISSION. MEMBERS
2-3.87	HUMAN SERVICES DEPARTMENT
2-3.88	POWERS AND DUTIES

ARTICLE 3

BOARDS AND COMMISSIONS

PLANNING COMMISSION

SEC. 2-3.00 PLANNING COMMISSION. MEMBERS. The Planning Commission shall consist of seven (7) members, one of whom shall be designated Chairman in the manner provided in Section 904 of the Charter.

The Chairman shall preside at all meetings and shall report to the Council on all recommendations of the Commission.

SEC. 2-3.01 PLANNING DEPARTMENT. The Planning Director or his authorized representative shall attend all meetings of the Commission, furnish necessary information, data, maps and records, submit proposals and recommendations, and provide technical assistance and advise as required.

The Planning Department shall provide clerical help and maintain files and records for the Commission.

SEC. 2-3.02 POWERS AND DUTIES. The Commission shall have the general powers and duties specified in Section 906 of the Charter and pursuant thereto shall have the power and duty to:

1. Perform all of the functions assigned to a City planning commission by the Conservation and Planning Act and other statutes of the State of California relating to planning and zoning, insofar as they are not inconsistent with the provisions of the Charter of the City of Hayward.
2. Perform all the functions assigned to said Commission by the Zoning Ordinance and other ordinances of the City of Hayward relating to planning and zoning.
3. Prepare and recommend the adoption by the City Council of plans based on the master plan or any portions thereof and regulations and programs as may in its judgment be required for the systematic execution of the master plan or such other plan or plans as it or the City Council may deem appropriate.
4. Advise and recommend to the proper officials of the City the approval, disapproval or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the State of California, or as may be provided by ordinance.

5. Hold hearings on planning and zoning matters as prescribed in the Conservation and Planning Act of the State of California, or by ordinance.
6. Advise and recommend to the proper officials of the City regarding the acquisition, use, or disposition of City-owned real property.
7. Hear and decide original applications and appeals on land use matters as may be provided by ordinance.
8. Hear and decide referrals regarding the interpretation or administration of the Zoning Ordinance or the Sign and Parking Regulations as submitted by the Planning Director or as may be provided by ordinance.
9. Review and submit annually a report of its activities to the City Council.
10. Perform such other duties relating to planning and zoning as may be directed by the City Council. (Amended by Ord. 93-23, adopted October 12, 1993)

BOARD OF ADJUSTMENTS

(Repealed by Ord. 93-23, adopted October 12, 1993)

PERSONNEL COMMISSION

SEC. 2-3.10 PERSONNEL COMMISSION. MEMBERS. The Personnel Commission shall consist of seven members whose regular term shall be four years, terminating on June 30. Successors shall be appointed and qualified in accordance with the provisions of Section 902 of the Charter.

One of the appointees shall be designated Chairperson in the manner provided in Section 904 of the Charter. The Chairperson shall preside at all meetings and shall report directly to the City Council and City Manager on all recommendations of the commission.

SEC. 2-3.11 HUMAN RESOURCES DEPARTMENT. The Human Resources Director, or his or her authorized representative, shall attend all meetings of the Personnel Commission; furnish necessary information, data, and records; submit proposals and recommendations; and provide technical assistance and advice as required. The Human Resources Department shall provide clerical assistance and maintain files and records for the commission. (Amended by Ord. 97-07, adopted May 20, 1997)

SEC. 2-3.12 POWERS AND DUTIES. High morale and efficiency of employees will be fostered by cooperative efforts with regular consultation between the Personnel Commission, the City Manager and the Human Resources Director, and representatives of employee associations. Therefore, as an advisory agency to the City Council and the City Manager, the Personnel Commission shall have the power and duty to:

- (a) Advise the Council, City Manager, and Human Resources Director on matters of personnel administration.
- (b) Ensure the City's employment and personnel practices comply with all applicable Federal and State anti-discrimination laws.
- (c) Recommend to the City Council, after a public hearing thereon, the adoption, amendment, or repeal of personnel rules and regulations.
- (d) Review and adopt, after a public hearing thereon, a classification plan for each position in the City's classified service.
- (e) Review and recommend to the City Council for adoption, after a public hearing thereon, a salary plan for the City's classified service.
- (f) Review appeals regarding employment registers and report its findings and recommendations to the City Manager. Review class specifications to ensure that employment standards are job-related.
- (g) Review recruitment and selection equal employment opportunity data and make recommendations related to the outreach program to support a program which includes communication to a diverse pool of qualified candidates.
- (h) Hear appeals of any person in the classified service relative to any suspension, demotion, or dismissal consistent with the provisions of his/her respective Memorandum of Understanding and report its findings and recommendations to the City Manger.
- (i) Make any investigation which it may consider desirable concerning the administration of personnel in City service and report its findings to the City Council and City Manager.
- (j) Review the training programs provided to City employees regarding the intent and content of the Administrative Rule Against Harassment and Retaliation to ensure City employees are aware of and comply with the provisions of the program.
- (k) Perform other related duties as directed by Council.  
(Amended by Ord. 97-07, adopted May 20, 1997)

PUBLIC SERVICES/INDUSTRIAL COMMISSION

(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

AIRPORT COMMISSION

(Repealed by Ord. No. 81-037 C.S., adopted October 27, 1981)

ENVIRONMENTAL QUALITY COMMISSION

(Repealed by Ord. No. 87-032 C.S., adopted November 10, 1987)

LIBRARY COMMISSION

SEC. 2-3.50 LIBRARY COMMISSION. MEMBERS. The Library Commission shall consist of seven (7) members, one of whom shall be designated Chairman in the manner provided in Section 904 of the Charter. The present trustees of the Board of Library Trustees shall constitute the Library Commission and shall serve to the expiration of their present terms of office and the appointment and qualifications of their successors. (As amended by Ord. No. 74-028 C.S., adopted Oct. 15, 1974)

SEC. 2-3.51 LIBRARY DEPARTMENT. The Librarian or his authorized representative shall attend all meetings of the Commission, furnish necessary information, data and records, submit proposals and recommendations, and provide technical and professional assistance and advice to the Commission, as required.

The Library Department shall provide clerical help and maintain files and records for the Commission.

SEC. 2-3.52 POWERS AND DUTIES. As an advisory agency to the City Council, the Library Commission shall have the power and duty to:

1. Study, consider, and develop long-range plans for municipal library service in the City of Hayward, giving due consideration to the Master Plan for the City of Hayward.
2. Review and study library policy and operation and make recommendations from time to time to the City Manager concerning rules and regulations for operation of the Library, and also to the City Council when it deems it proper.
3. At regular intervals, and at least annually, report on its activities and give recommendations on library policies and plans for development of library service to the City Council.
4. Coordinate its activities and planning with other agencies concerned with library services in the Hayward area which are not under jurisdiction of the City of Hayward.
5. Perform other related duties as directed by Council.

INDUSTRIAL COMMISSION

(Repealed by Ord. No. 81-036 C.S., adopted October 27, 1981)

HUMAN SERVICES COMMISSION

(Amended by Ord. No. 81-035 C.S., adopted October 27, 1981)

SEC. 2-3.70 POLICY. It is the public policy of the City of Hayward to (1) encourage the development of a planned and orderly approach to the development of community services in the city; and (2) to create an environment which will encourage and bring about mutual understanding and respect among all groups of the City, eliminate prejudice, discrimination, and disorder, and guarantee equal rights and opportunities for all.

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute an official, responsible, community-oriented body within the City government in order to identify the needs for community services, to plan for the coordinated delivery of such services to citizens in need through both private and public resources so as to avoid duplication and conflict of effort, to evaluate the effectiveness of the services provided and to advise the City Council in regard to these functions.

SEC. 2-3.71 HUMAN SERVICES COMMISSION. MEMBERS. The Human Services Commission shall consist of eleven (11) members, one of whom shall be designated Chairperson in the manner provided in Section 904 of the Charter. Present members of the Human Services Commission who were originally appointed or subsequently reappointed as members of the former Human Relations Commission or the Social Development Commission shall continue to serve until their terms of office, which terms shall be deemed to have begun at the time of their original appointment or subsequent reappointment to the former commissions, shall expire and their successors are appointed and qualified in accordance with the provisions of Section 902 of the Charter. (Amended by Ord. No. 90-15 C.S., adopted June 26, 1990)

The Chairperson shall preside at all meetings and shall report directly to the City Council on all recommendations of the Commission.

The Commission shall adopt rules and regulations for the conduct of its business, for the time and place of its meetings, and any such rules and regulations shall be printed and be made available to the public. (Amended by Ord. No. 81-035 C.S., adopted October 27, 1981 and Ord. No. 83-008 C.S., adopted March 15, 1983)

SEC. 2-3.72 HUMAN SERVICES DEPARTMENT. The Housing and Community Services Director, or his authorized representative, shall attend all meetings of the Commission, furnish necessary information, data and records, submit proposals and recommendations and provide technical assistance and advice as required. The Human Services

Department shall provide clerical help and maintain files and records of the Commission.

SEC. 2-3.75 POWERS AND DUTIES. As an advisory agency to the City Council, the Human Services Commission shall have the power and duty to:

1. Advise the City of Hayward as to the most effective means of allocating available resources for community services.
2. Promote interagency and intergroup coordination in the development of community social resources.
3. Cooperate with governmental and nongovernmental agencies and organizations having like or kindred functions.
4. Review and study problems and needs of the community programs and develop effective support needed to secure additional resources either through private channels or through the City or other instrumentalities of the government.
5. Monitor relationship/balance of funding patterns by public and private agencies insuring fair distribution for the local jurisdiction.
6. Work together with other governmental agencies in keeping abreast of new and current developments in the field of social services in order to maximize the beneficial impact of social programs on the City.
7. By persuasion and conference seek to arrive at voluntary solutions designed to discourage and prevent any and all recognized discriminations based upon race, sex, religion, national origin, age, handicap, and sexual orientation, and particularly those discriminations in the areas of housing, employment, and education. (Amended by Ord. No. 91-10, adopted April 23, 1991)
8. Hold hearings and take testimony of any person relating to any matter under investigation or in question before the Commission.
9. Make recommendations which will help to develop a sense of community among those concerned with people serving efforts in Hayward and to create awareness and cooperation between the City and those groups doing social service work in the area.
10. Make and issue reports respecting its studies, research, investigations and other activities, and make information available to other commissions and staff as required.
11. Recommend to the City Council legislation or other remedial steps which the Commission should find to be necessary and desirable.

12. Perform other related duties as directed by the City Council.

#### CITIZENS ADVISORY COMMISSION

(Added by Ordinance No. 75-017 C.S., adopted July 15, 1975.)

SEC. 2-3.85 POLICY. It is the public policy of the City of Hayward to create a Citizens Advisory Commission which will be broadly representative of the community in terms of ethnic background, economic and occupation status, and geographic distribution of residences.

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute an official, responsible, community-oriented body within the City Government in order to identify the social aspects of physical planning, and to support community improvement goals, to help solve community problems and to serve as the Citizens Review mechanism on federally financed or aided projects.

SEC. 2-3.86 CITIZENS ADVISORY COMMISSION MEMBERS. In order to further the public policy of the City of Hayward there is hereby created a Citizens Advisory Commission which shall consist of fifteen (15) members, who have shown themselves qualified, by evidence of previous experience and involvement in the social aspects of physical planning. In nominating and appointing said members the City Council shall make every reasonable effort to insure that a wide cross section of community groups and/or interest areas are represented. Such community groups and/or interest areas shall include, but not be limited to, low-income persons, Spanish speaking, senior citizen, Portuguese, black, youth, and neighborhood organizations.

One of the Commission members shall be designated Chairperson in the manner provided in Section 904 of the Charter.

The Chairperson shall preside at all meetings and shall report directly to the City Council on all recommendations of the Commission.

The Commission shall adopt rules and regulations for the conduct of its business, for the time and place of its meetings, and any such rules and regulations shall be published and be made available to the public. (Amended by Ordinance No. 77-010 C.S., adopted February 15, 1977 and Ordinance No. 82-017 C.S., adopted August 10, 1982.)

SEC. 2-3.87 HUMAN SERVICES DEPARTMENT. The Human Services Director or his authorized representative shall attend all meetings of the Commission, furnish necessary information, data and records, submit proposals and recommendations and provide technical assistance and advice as required. The Human Services Department shall provide clerical help and maintain files and records for the Commission.

SEC. 2-3.88 POWERS AND DUTIES. As an advisory body to the City Council, the Citizens Advisory Commission shall have the power and duty to:

1. Inform themselves of their community's renewal activities.
2. Assist in developing objectives and goals.
3. Inventory community resources for accomplishing these objectives.
4. Learn and pursue the methods of achieving the goals.
5. Serve as a medium for bringing private resources into the program.
6. Perform other related duties as directed by Council.

ARTICLE 4  
EMPLOYEES

Section	Subject Matter
2-4.00	PERSONNEL SYSTEM. PURPOSE
2-4.01	UNCLASSIFIED SERVICE
2-4.02	CLASSIFIED SERVICE
2-4.03	PERSONNEL SYSTEM. APPLICATION
2-4.10	ADMINISTRATION, HUMAN RESOURCES DIRECTOR
2-4.11	PERSONNEL RULES AND REGULATIONS
2-4.12	RULES AND REGULATIONS. MANNER OF ADOPTION
2-4.20	CLASSIFICATION PLAN
2-4.21	CLASSIFICATION PLAN. MANNER OF ADOPTION
2.4.22	CLASSIFICATION PLAN. REVISION
2-4.30	SALARY PLAN
2-4.31	SALARY PLAN. MANNER OF ADOPTION
2-4.32	SALARY PLAN. REVISION
2-4.40	EXAMINATIONS
2-4.41	PROMOTIONS
2-4.42	PROVISIONAL APPOINTMENTS
2.4.43	TEMPORARY APPOINTMENTS
2-4.44	PART-TIME APPOINTMENTS

2-4.45	REGULAR APPOINTMENTS
2-4.50	EMPLOYMENT REGISTERS
2-4.51	EMPLOYMENT REGISTERS. ORDER OF PRIORITY
2-4.52	EMPLOYMENT REGISTERS. ADMINISTERING
2-4.53	EMPLOYMENT REGISTERS. APPOINTMENTS
2-4.60	PROBATION
2-4.61	PROBATIONARY PERIOD. WORK EVALUATION
2-4.62	EMPLOYEES. REGULAR STATUS
2-4.70	HOURS OF WORK
2-4.71	RULES ADOPTING AGE LIMITS
2-4.80	REMOVAL - SUSPENSION - FINE
2-4.90	EMPLOYEES. LAY-OFF

#### ARTICLE 4

#### EMPLOYEES

SEC. 2-4.00 PERSONNEL SYSTEM. PURPOSE. Pursuant to the authority granted by Article XI of the Charter of the City of Hayward, the following Personnel System is hereby adopted in order to insure that employment in the City government shall be based on merit and fitness, and be free of personal and political considerations; just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of City government; high morale shall be maintained by fair administration of this Article and by every consideration of the rights and interests of employees consistent with the best interests of the public and the City.

SEC. 2-4.01 UNCLASSIFIED SERVICE. The Unclassified Service shall comprise the following officers and positions:

1. All elected officers.

2. City Manager, City Attorney, City Clerk, the head of each department, and one private secretary and all administrative assistants in the Office of the City Manager.
3. All members of boards and commissions.
4. Positions in any class or grade created for a special or temporary purpose for a period of not longer than six (6) months.
5. Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
6. Part-time employees paid on an hourly or per diem basis.

SEC. 2-4.02 CLASSIFIED SERVICE. The Classified Service shall comprise all positions not specifically included in the Unclassified Service.

SEC. 2-4.03 PERSONNEL SYSTEM. APPLICATION. The provisions of this Article shall apply only to the Classified Service unless otherwise specifically provided.

SEC. 2-4.10 ADMINISTRATION. HUMAN RESOURCES DIRECTOR. The Personnel System hereby established and the rules adopted thereunder shall be administered by the Human Resources Director who shall be the custodian of, and maintain the personnel records; attend all meetings of the Personnel Commission or assign an authorized representative to attend commission meetings and serve as its Secretary; prepare and recommend revisions and amendments to the personnel rules for consideration of the Personnel Commission and City Council. The City Attorney shall approve the legality of such revisions and amendments prior to their submission to the Council.

The Human Resources Director shall also advise the City Manager and assist department heads in promoting an effective program of personnel management; provide employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service; and consult, whenever practicable, with representatives of any employee organizations on matters of personnel policy or procedure.

SEC. 2-4.11 PERSONNEL RULES AND REGULATIONS. The Human Resources Director shall draft, in consultation with the City Manager, such rules as may be necessary to carry out the purposes of this Article, and for examinations, appointments, promotions, appeals, leaves of absence and vacations.

All rules and regulations and all changes shall be printed for distribution.

SEC. 2-4.12 RULES AND REGULATIONS. MANNER OF ADOPTION.

After public hearing thereon rules and regulations shall be recommended by the Personnel Commission for adoption by the City Council. Upon such adoption, the rules and regulations shall have the force and effect of law.

SEC. 2-4.20 CLASSIFICATION PLAN.

The Human Resources Director shall assign each position in the Classified Service to a job class on the basis of its duties and responsibilities.

Positions, having comparable duties and responsibilities, which are sufficiently alike to permit use of a single descriptive title, the same qualification standards, test of competence and same pay scale, may be grouped in the same class.

Periodically the Human Resources Director shall accomplish an analysis of the duties and responsibilities of any or all positions in the Classified Service and determine whether the current classification is correct.

SEC. 2-4.21 CLASSIFICATION PLAN. MANNER OF ADOPTION.

The Human Resources Director shall prepare a classification plan which includes all classifications within the classified service. The classification plan shall become effective upon adoption by the Personnel Commission after holding a public hearing thereon.

SEC 2.4.22 CLASSIFICATION PLAN. REVISION

The classification plan may be revised as changing conditions require, upon recommendations of the Human Resources Director and with the approval of the Personnel Commission. Such revisions may consist of the addition, abolishment, consolidation, division, or amendment of existing classes.

SEC. 2-4.30 SALARY PLAN.

At least once each year the Human Resources Director shall prepare a salary plan for each classification within the City's classified service. The rate or range for each classification shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to salaries for comparable positions in other places of public and private employment.

SEC. 2-4.31 SALARY PLAN. MANNER OF ADOPTION.

The Personnel Commission shall review the salary plan and after a public hearing thereon, recommend a salary plan to the Council for adoption. The Council may approve, modify, or reject, wholly or partly, the salary plan recommended by the Personnel Commission, and may make such decision or determination as the facts warrant.

In adopting a salary plan, the Council may provide for its effective date to be retroactive to a date no earlier than the first day of the month within which said plan is adopted. (As amended by Ord. No. 62-002 C.S., adopted Jan. 9, 1962.)

SEC. 2-4.32 SALARY PLAN. REVISION. The salary plan may be revised or amended, wholly or partly, if circumstances so require, in the same manner as originally adopted.

SEC. 2-4.40 EXAMINATIONS. All applicants for appointment to the Classified Service shall be subjected to examination, which shall be public, competitive and free and shall be in such form as will fairly appraise the abilities and aptitudes of applicants for the duties to be performed, and shall not include any inquiry into the political or religious affiliations of any applicant. When, as determined by the Human Resources Director, any or all phases of an examination administered to applicants by other governmental or private agencies with which the City participates for recruitment and testing services meet the above criteria, such examination or portions thereof shall be accepted by City in satisfaction of the examination requirements of this section.

Any applicants possessing all the minimum qualifications for a position shall be eligible to participate in the examination process for said position. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.41 PROMOTIONS. Vacancies in positions above the entrance level shall be filled by promotions whenever the Human Resources Director, in consultation with the appropriate department head, finds that it is in the best interests of the City to do so.

Promotion shall be made on the basis of ascertained merit and standing upon competitive examination. Provided, however, where three or less applicants are eligible for promotion, a formal competitive examination may be waived by the Human Resources Director.

SEC. 2-4.42 PROVISIONAL APPOINTMENTS. A provisional appointment is an appointment to a classified position, in the absence of an eligible register, of a person who meets the minimum employment standards for the position. Such appointments shall be for a maximum duration of six (6) months and shall expire at the end of the six month period or no later than two (2) pay periods after the establishment of an employment register for a position or class, whichever is sooner. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.43 TEMPORARY APPOINTMENTS. A temporary appointment is an appointment to a position for a special or temporary purpose for a period not longer than six (6) months. A temporary appointment does not receive vacation or holiday pay, sick leave or other fringe benefits and is not part of the classified service.

SEC. 2-4.44 PART-TIME APPOINTMENTS. A part-time appointment is an appointment to a classified position in which the employee will be regularly scheduled to work fewer hours than an employee appointed to a full-time position.

SEC. 2-4.45 REGULAR APPOINTMENTS. A regular appointment is an appointment to a classified position, subject to a probationary period, where an action of release may be taken prior to the expiration of such period and where, in the absence of such an action, the appointee attains regular status.

SEC. 2-4.50 EMPLOYMENT REGISTERS. Applicants who qualify for employment shall be placed on an employment register for the appropriate job class in the order of the scores they obtained as a result of the examination process. Registers shall become effective when certified by the Human Resources Director. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.51 EMPLOYMENT REGISTERS. ORDER OF PRIORITY. Employment registers shall be utilized to fill vacant positions in the following order of priority: (1) re-employment registers, (2) promotional registers, and (3) original employment registers. Original employment registers may include or consist entirely of eligibles whose names appear on said registers as a result of cooperative recruitment and testing efforts between the City and other governmental or private agencies.

Re-employment registers shall contain the names of regular employees and probationary employees laid off in good standing for lack of funds or work. Promotional registers shall contain the names of regular and probationary employees who have completed the examination process and obtained passing scores. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.52 EMPLOYMENT REGISTERS. ADMINISTERING. Policies and procedures for administering employment registers shall be provided in the personnel rules covering the duration, cancellation, replacement, or consolidation of such registers, and the removal or suspension of the names of eligibles therefrom. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.53 EMPLOYMENT REGISTERS. APPOINTMENTS. When an appointment is to be made to a vacancy in the Classified Service, the Human Resources Director shall submit to the department head the names of available eligibles in the order in which they appear on an appropriate register. The department head shall submit his or her recommendations for appointment to the City Manager or other authorized appointing authority.

No regular or promotional appointment shall be made except from the employment register so submitted. All persons not appointed shall remain in their relative position on the employment register. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.60 PROBATION. A regular appointment from an original employment register or from a promotional register shall be subject to a probationary period. An appointment

from a re-employment register of a person who has previously satisfied the probationary period in the class to which the appointment is made shall not be subject to an additional probationary period. The regular period of probation shall be six (6) months, unless the classification descriptions or applicable Memoranda of Understanding specify a longer or shorter period of probation for certain designated job classes. Extension of probationary periods in individual cases may be made by the City Manager up to a maximum of six (6) months. (As amended by Ord. No. 74-025 C.S., adopted September 3, 1974.)

SEC. 2-4.61 PROBATIONARY PERIOD. WORK EVALUATION. The work and conduct of probationary employees shall be subject to close scrutiny and evaluation. Department heads shall be responsible for the preparation and submission of performance appraisals as required by the appointing authority. The probationer may be released at any time during the probationary period. Such action shall not be subject to review or appeal. (As amended by Ord. No. 62-004 C.S., adopted January 16, 1962.)

SEC. 2-4.62 EMPLOYEES. REGULAR STATUS. An employee shall be entitled to regular status at the end of the probationary period only if no action of release or demotion is taken prior to the expiration of said period. (As amended by Ord. No. 62-004 C.S., adopted January 16, 1962.)

SEC. 2-4.70 HOURS OF WORK. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. The rules shall cover the following including but not limited to, vacations, sick leaves, and leaves for military service.

SEC. 2-4.71 RULES ADOPTING AGE LIMITS. No rule adopted pursuant to this Article shall establish any maximum age limit beyond mandatory retirement age, for any position in the Classified Service, however, the provisions of the California Child Labor Laws shall be followed in setting minimum age limits for all positions of employment in the City.

SEC. 2-4.80 REMOVAL - SUSPENSION - FINE. All persons having regular status in the Classified Service shall be subject to removal, suspension or fine from office or employment, by the City Manager, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office; but subject to the appeal of the aggrieved party as provided by the City Charter, applicable Personnel Rules and/or Memoranda of Understanding. (As amended by Ord. No. 70-027 C.S., adopted November 10, 1970.)

SEC. 2-4.90 EMPLOYEES. LAY-OFF. Whenever there is lack of work or lack of funds requiring reductions in a department or division of the City government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class, all provisional employees shall be laid off before probationary employees, and all

probationary employees shall be laid off before any regular employees.

Lay-off to the next lower class is authorized provided that the employee to be laid off has previously served in said lower class and whose original date of appointment to that class predates at least one employee presently serving therein. (As amended by Ord. No. 65-044 C.S., adopted Nov. 23, 1965.)

Lay-off to the next lower class is authorized provided that the employee to be laid off has previously served in said lower class and whose original date of appointment to that class predates at least one employee presently serving therein. (As amended by Ord. No. 65-044 C.S., adopted Nov. 23, 1965.)

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2011, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_

Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DATE:** May 17, 2011

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Consideration of a Resolution in Support of the Proposal Designating Saint Rose Hospital and San Leandro Hospital as District Hospitals Operating under the Authority of the Eden Township Healthcare District

## **RECOMMENDATION**

That Council considers the attached resolution (Attachment I) in support of the proposal to designate Saint Rose Hospital and San Leandro Hospital as District Hospitals operating under the authority of the Eden Township Healthcare District.

## **BACKGROUND AND DISCUSSION**

At the May 3, 2011 meeting, members of Council asked staff to return with a draft resolution for Council's consideration, which resolution was to reflect support for a recent proposal to designate both Saint Rose and San Leandro Hospitals as District Hospitals under the authority of the Eden Township Healthcare District, thereby allowing for a joint leadership and management structure of the two hospitals and maintaining San Leandro as an emergency and acute care facility.

The Eden Township Healthcare District encompasses the communities of Hayward, San Leandro, San Lorenzo, Castro Valley, and the unincorporated areas of Ashland, Cherryland, and Fairview (341,000 residents). The new proposed plan includes creating a new two-hospital system (San Leandro Hospital (SLH) and Saint Rose Hospital (SRH)) that would be governed by the currently elected District Board. It would entail both hospitals operating independently, under separate licensure, and would provide Acute Care and Emergency Services in both San Leandro and Hayward.

The proposal would consolidate the key management and leadership functions of the hospitals, which would potentially create operational efficiencies and cost savings. The Eden Township Hospital District (ETHD) Board would serve as the elected body that would oversee the two district hospitals. Attachment II includes a letter to the Director of the Alameda County Health Care Services Agency outlining the key components of the proposal along with a high-level financial pro-forma and organizational structure. Under the proposal, both facilities would remain as full service, acute care hospitals for the foreseeable future. SRH would forgo its status

as an independent community-based hospital and would join the ETHD as a full-service District Hospital. Additionally, SLH's license as an acute care hospital would be restored and it would return to service as a second full service District Hospital under the governance and operational control of ETHD.

The SRH/SLH proposal has been developed in response to a separate proposal by Sutter Health and the Alameda County Medical Center (ACMC) to change the current operational model of SLH. Under this Sutter proposal, SLH would remain open for five more years and would continue providing emergency room services, after which it would close to be converted to an acute care rehabilitation hospital. The Sutter proposal would potentially require a \$3-6 million subsidy (theoretically from County funding sources) to operate SLH as an acute care rehabilitation hospital and it would eliminate emergency room services at SLH. In 2009, there were more than 27,000 visits to the San Leandro Hospital ER. On April 19, the Alameda County Board of Supervisors asked that the 2009 MOU for the Sutter proposal not move forward.

Proponents of the responding SRH/SLH proposal indicate that the proposed collaboration would allow SLH to regain its license and remain fully operational, including operating its ER (27,175 visits in 2009) and Acute Care Services (17,280 inpatient days in 2009). Both hospitals are seismically retrofitted in accordance with State mandates through 2030; and the consolidation of purchasing, financial management, legal and compliance functions, and regulatory coordination will generate efficiencies and operational cost savings. The financial pro-forma put forth by SRH indicates that the SRH/SLH proposal would not require any operational subsidy, whereas the Sutter proposal would require a subsidy of between \$3-6 million annually. The proponents also argue that the SRH/SLH proposal will enhance the financial viability of both organizations and will improve the access and outreach of safety net providers in the County. Senator Ellen Corbett and several other local elected officials have expressed support for the SRH/SLH proposal.

There has been no organized opposition to the SRH/SLH proposal. However, some critics have argued that the financial model for the proposal is unclear and not fully vetted. There are also concerns that the ETHD Board has inappropriately spent a significant amount of money on legal fees in a recent lawsuit with Sutter, which does not appear to be warranted or on solid legal ground. Further, there have been concerns expressed about the loss of SRH autonomy by being under the direction of a regional, elected body; and the loss of the strong connection between the Hayward community and SRH as it is currently governed by a local Board of Trustees.

## **FISCAL AND ECONOMIC IMPACT**

There are no known or anticipated negative or positive financial impacts of this proposal directly on the City of Hayward. The SRH/SLH proposal would potentially improve the access and outreach of safety net providers in the larger County Eden Area, which could benefit low income and under-served residents in Hayward. The proposal, according to SRH representatives, would also allow continuation of community outreach initiatives, including: SRH Silva Pediatric Clinic; Community Care-A-Van; Women's Center; and other programs provided by SLH that provide low-income care to women, children, and seniors in the ETHD. It is unclear whether these programs would be eliminated if the SRH/SLH proposal does not move forward.

Staff does not have the technical expertise to evaluate the financial pro-forma presented in Attachment II, but representatives from SRH should be in attendance at this meeting to answer questions regarding the proposal. Neither does staff have the technical expertise at this time to evaluate the service gains or losses of either proposal.

*Prepared by:* Kelly McAadoo Morariu, Assistant City Manager

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I: Draft Resolution in Support of the Proposal to Designate Saint Rose Hospital and San Leandro Hospital as District Hospitals Operating Under the Authority of the Eden Township Healthcare District
- Attachment II: Letter to Director of the Alameda County Health Care Services Agency Outlining the Proposal for San Leandro and Saint Rose Hospitals

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member

WHEREAS, the Eden Township Healthcare District proposes to support the health care needs of the people living within the Eden area by designating Saint Rose Hospital and San Leandro Hospital as District Hospitals operating under the authority of the Eden Township Healthcare District. Both hospitals are full service acute care hospitals located within the District; and

WHEREAS, healthcare services are of vital importance to the Eden Township Healthcare District that encompasses the Cities of Hayward and San Leandro, and the unincorporated areas of San Lorenzo, Castro Valley, Ashland, Cherryland and Fairview (341,000 residents); and

WHEREAS, the emergency room services at San Leandro Hospital are in great need as is evidenced by more than 27,000 visits at San Leandro Hospital in 2009, and there are 98,000 emergency room visits that occur annually within the District; and

WHEREAS, Alameda County has only 2.3 beds per 1,000 residents well below the national average of 3.3 beds for every 1,000 residents, and thus the closure of a hospital will severely limit access to healthcare services in the County; and

WHEREAS, the lack of a hospital for the residents served by San Leandro Hospital will impact the capacity ability of the 9 remaining acute hospitals in Alameda County which are already overburdened and subject to ER diversion; and

WHEREAS, the overcrowding of these 9 hospitals would adversely affect healthcare in Hayward and the surrounding area because the existing hospitals could not meet the needs of the those currently being served by San Leandro Hospital; and

WHEREAS, the District proposal would allow San Leandro Hospital to regain its license and remain fully operational including ER (27,175 visits in 2009) and Acute Care Services (17,280 inpatient days in 2009); and

WHEREAS, the District proposal for two District Hospitals represents a comprehensive solution that offers enhanced access to two full service seismically safe hospitals and emergency rooms, without large ongoing financial subsidies, while achieving cost savings, efficiency of operation, elimination of duplication of services, and accountability to the voters of Eden Township; and

WHEREAS, the District proposal would strengthen negotiations and bargaining for managed care contracts and hospital reimbursement payments; and

WHEREAS, the District proposal would improve physician recruitment strategies with a 2-campus option; and

WHEREAS, District Hospital status will enhance both organizations financial viability and improve the access and outreach of safety net providers in the County; and

WHEREAS, District Hospital status will permit San Leandro Hospital and Saint Rose Hospital to maintain their role as a leading employer within the District; and

WHEREAS, District Hospital status will assure continuation of community outreach initiatives including Saint Rose Hospital's Silva Pediatric Clinic, Community Care-A-Van, and the Women's Center; and

WHEREAS, District Hospital status will assure continuation of programs provided by San Leandro Hospital which provide low-income care to women, children and seniors in the Eden Township Healthcare District; and

WHEREAS, recognizing this opportunity to keep San Leandro Hospital and its emergency services open as a full-service acute facility in the City, the Council supports the efforts of St. Rose Hospital and the Eden Township Healthcare District to implement the proposed comprehensive solution for health care services in Southern Alameda County including Acute Rehab Services; and

WHEREAS, the Eden Township Healthcare District's proposal provides for the health care needs of the Hayward and all the people of Eden Township; and the closing of San Leandro Hospital does not.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby urges Alameda County, the Alameda County Medical Center, and Sutter Health to work together with St. Rose Hospital and the Eden Township Healthcare District to bring into operation the proposed two hospital public healthcare system designed to preserve and enhance critically needed acute care and emergency services for the residents of central Alameda.

IN COUNCIL, HAYWARD, CALIFORNIA May 17, 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

April 12, 2011

Alex Briscoe, Director  
Alameda County Health Care Services Agency  
1000 San Leandro Boulevard, Suite 300  
San Leandro, CA 94577

Re: Operations Summary – Eden Township Healthcare District (ETHD) Vision for the Future

Dear Mr. Briscoe:

In my role as the Board Chair of ETHD, I am responding to your letter to Michael Mahoney of March 28, 2011 wherein you requested on behalf of Supervisor Wilma Chan, an Operations Summary concerning San Leandro Hospital (SLH), and the provision of other health care services within the ETHD.

The Health Care Services Agency has asked for information on how this can be achieved utilizing both St. Rose Hospital (SRH) and SLH operating as District Hospitals.

The ETHD and SRH have been working in collaboration to address continuation of Emergency Services and the overall health care needs of the District. What follows is a proposed operational structure for the combined operation of SRH & SLH as a two hospital system governed by the District.

We appreciate the opportunity of getting this proposal before the Health Care Services Agency and the Health Committee of the Board of Supervisors to further review the viability of this approach.

The following documents are attached:

1. ETHD Vision Statement outlining how the health care needs of the District can best be met
2. An organizational chart of the Governance structure, the combined management functions of the two hospital system, and a list of existing services at each hospital
3. Draft Financial Performance of the combined operation of SRH and SLH
4. A Statement of Support by the Board of Trustees of SRH

We believe the ETHD option is clearly the best of those being offered to meet the needs of the people being served. It provides ongoing emergency room access and hospital acute care services at two hospital sites. We also recognize that acute rehabilitation services and psychiatric care are pressing healthcare needs, which also need to be addressed. However, while very important, they do not rise to the same level of urgency as ER and hospital acute care services.

While the ETHD vision places ER and acute hospital services as the first priority, our proposed plan does offer several ways in which the rehabilitation need can be addressed when the seismic issues at Fairmont require that facility's closure in 2017.

It is our hope and expectation that this plan be given full and fair consideration by the Health Care Services Agency and the Board of Supervisors. We are confident that after all options are reviewed, the vision of the District will be seen as the most fiscally prudent and effective way to address the health care needs of the ETHD and Alameda County. We look forward to future discussions and the opportunity to commence this important undertaking.

Very truly yours,

Carol Rogers  
ETHD Board Chair

cc: Supervisor Wilma Chan  
Supervisor Nadia Lockyear  
ETHD Board Members  
Kathy Streeter  
Dev Mahadevan  
Michael Mahoney

bc: Senator Ellen Corbett  
Assemblymember Mary Hayashi

The Eden Township Healthcare District (ETHD) Vision Statement

1. Assumption of Governance Authority of St. Rose Hospital (SRH) and San Leandro Hospital (SLH)

The ETHD seeks to return to its elected responsibility and fiduciary role of assessing and attending to the health care needs of the people living within the District. It seeks to assume a governance role and overseeing the operations of SRH and SLH as District Hospitals operating under the authority of the ETHD. Both hospitals are full service acute care hospitals located within the District and are seismically retrofitted through 2030.

For this to occur, it is anticipated that SRH will forego its status as an independent community based hospital and join the ETHD as a full service District Hospital. Additionally, the ownership of SLH should likewise be returned to the District, its license as an acute care hospital must be restored, and it should return to service as the second full service District Hospital under the governance and operational control of ETHD.

2. The Plan

The ETHD's plan in providing for the health care needs of the people in the District stands in sharp contrast to what is currently being proposed by Alameda County Medical Center (ACMC) and Sutter Health (Sutter).

The ACMC/Sutter proposal calls for SLH to remain open for 5 more years, during which time it would provide ER services and then close to be converted to an acute care rehabilitation hospital. A hybrid approach suggests having one half of the hospitals beds be converted into rehabilitation with the other half remaining as full service acute care hospital beds. Again, after 5 years, acute care hospital services go away and the ER service component becomes an urgent care center. This in the District's view, while it attempts to address the rehabilitation beds, actually exacerbates the problem of lack of needed services by ultimately taking the ER and the SLH acute care capability out of service. It is clear that there are many unmet needs within Alameda County and ETHD. If those needs are prioritized, in the District's view, emergency room access would rank #1, acute care hospital beds rank #2, acute rehabilitation services is #3, and psychiatric services is #4.

That ER services is a great need is evidenced by more than 27,000 visits at SLH in 2009. Likewise, there are 98,000 ER visits that occur annually within the District. It is also a well documented fact that over 80% of the inpatient hospital admissions come from the emergency room.

The second greatest need is acute care hospital services. Statistics demonstrate that Alameda County ranks well below the national average of 3.3 beds for every 1,000 residents average, standing at only 2.3 beds per 1,000 residents. Even taking into account the opening of Sutter Castro Valley Medical Center in 2013, the new facility will have 30 fewer acute care beds and a smaller emergency room than the hospital it is replacing. Under such circumstances,

this perpetuates the critical void for the citizens of the District and limits access to critically needed health care services.

### 3. A Chart of the Organization

If the District is able to implement its vision, with SLH remaining as acute care facility and operating it collaboratively with SRH, effectively utilizes the resources available in the District. Importantly, this can be done in a financially prudent way, where two separately licensed hospitals would benefit from economies of scale with one governance structure, shared administrative functions, joint contracting and other cost saving and efficiency measures that would follow.

Attachment A is an organization chart which shows a proposed governance and management structure to be implemented. While the ETHD remains the overall governing authority, the actual operation and management of both hospitals would be addressed by a system leadership team covering important administrative responsibilities including the following: Executive Leadership, Patient Care Services, Finance, Legal, Business Development, Health Information Services, Quality and Risk Management, Information Technology, and Public Relations/Marketing.

### 4. Financial Data

Attachment B to this Statement sets forth an estimate of Revenues and Expenses of SRH and SLH in a combined model. Perhaps the most important message coming from these estimates are that contrary to the APMC/Sutter model of converting SLH to a rehab facility which would call for a subsidy of \$3-6M per year, the District proposal will not require any operational subsidy. An unknown factor is of course, facility and service enhancements that may be required over time.

### 5. Rehabilitation Services

We have stated the District's view on the prioritization of health care needs within the area. While emergency and acute care hospital beds are paramount, acute rehabilitation beds are also a critical need. However, with the Fairmount and facility still being able to operate until 2017, there is not the sense of urgency to address this need immediately. However, in the interim, rehabilitation services as well as psychiatric care need to be fully aired and a plan developed to provide for these needs.

There are many options that could be considered, i.e., completing the 4<sup>th</sup> floor at SLH and dedicate it to rehab services; consider SRH converting its skilled nursing unit into rehabilitation beds; explore the possibility of private investors developing a facility in partnership with Alameda County. While the need is substantial, there is time to come up with a prudent solution to meet the need. We are confident Alameda County, the District, Sutter, SRH and SLH working collaboratively will find a solution not only to the acute

rehabilitation bed issue, but also the psychiatric care concerns without the need to close down SLH.

6. Summary of the Vision Statement:

- SRH and SLH become District Hospitals operating under a single governance structure with shared management. Operating both SRH and SLH as a two hospital system will achieve cost savings, efficiency of operation and elimination of duplication of services.
- The financial pro forma indicates that the combined ER visits, patient admissions and other data of both hospitals, will permit the combined operation to occur without an operational subsidy.
- District hospital status would financially strengthen both hospitals and favorably impact the disparity of reimbursement they now receive from state and federal programs.
- Each hospital would be the ability to participate with other governmental agencies in intra-governmental transfers to receive matching federal dollars that are currently not available.
- The ETHD Board will be restored to its fiduciary role of assessing and attending to the health care needs of the people living within the District.

7. Conclusion

The District's plan is clearly the best option of those being discussed concerning the health care needs of the District and the future of SLH. First, it enhances, rather than erodes, vital health care services. Second, it can be accomplished in a way that requires no immediate financial subsidy. This vision offers the best approach for providing to the citizens of the District access to the care they need, when they need it. By working together, the ETHD, SRH, SLH and other health care providers will provide better access, better outcomes, and better value for those receiving and paying for needed health care services.

# Eden Township Healthcare District

Combined Hospital System Management including the following services:

- Executive Leadership
- Patient Care Services
- Human Resources
- Information Technology
- PR/Marketing
- Legal
- Finance
- Physician Recruitment/Development
- Health Information Services
- Support Services
- Business Development
- Quality/Risk Management

## San Leandro Hospital

Existing services as of 04/01/11:

- 24/7 Emergency Services**
- Cardiology
- Vascular Lab
- Gastrointestinal
- General Medicine
- Neurology
- Orthopedics
- Respiratory
- General Surgery
- Urology/Nephrology

## St. Rose Hospital

Existing services as of 04/01/11:

- 24/7 Emergency Services**
- Cardiology/Interventional Cardiology
- Vascular
- Gastrointestinal
- General Medicine
- Neurology
- Orthopedics
- Respiratory
- General Surgery
- Urology/Nephrology
- Obstetrics & Gynecology
- Occupational Health/Urgent Care
- Pediatric Clinic

**Eden Township Healthcare District  
San Leandro Hospital & St Rose Hospital Estimated Combined Financials for Acute Care Services  
Appendix B**

**CONFIDENTIAL**

	Two Hospital District Model - Scenario A	Two Hospital District Model - Scenario B
<b>Volume Assumptions:</b>		
Discharges	11316	11316
<b>Revenue:</b>		
Net patient revenue (net of bad debt)	\$ 190,632,843	\$ 190,632,843
Other operating revenue	\$ 5,225,261	\$ 5,225,261
<b>Total operating revenue</b>	<b>\$ 195,858,104</b>	<b>\$ 195,858,104</b>
<b>Operating Expenses:</b>		
Salaries, wages, & benefits	\$ 132,991,308	\$ 132,091,308
Professional fees	\$ 7,819,630	\$ 7,819,630
Purchases services	\$ 15,528,127	\$ 15,528,127
Supplies	\$ 22,272,671	\$ 22,272,671
Depreciation and amortization	\$ 4,567,856	\$ 4,567,856
Rent and leases	\$ 3,755,929	\$ 3,755,929
Interest	\$ 2,533,924	\$ 2,533,924
System allocation	\$ -	\$ -
Other expenses	\$ 5,609,048	\$ 5,609,048
<b>Total operating expenses (net of bad debt)</b>	<b>\$ 195,078,493</b>	<b>\$ 194,178,493</b>
<b>Operating income</b>	<b>\$ 779,611</b>	<b>\$ 1,679,611</b>
IGTF & UPL opportunity	\$ 7,000,000	\$ 7,000,000
<b>Oper income + IGTF UPL opportunity</b>	<b>\$ 7,779,611</b>	<b>\$ 8,679,611</b>

The above model comprises estimates of financial performance for the proposed two hospital district and includes the following assumptions:

- 1 This model maintains the same level of services that San Leandro Hospital and St Rose provide today.
- 2 Inpatient volumes by payor are based on historical data by payor (OSHPD patient level data).
- 3 Inpatient reimbursement: medicare is based on SLH current base rate & CMI; Medi-Cal based on SLH interim rate, Commercial & Managed Medi-Cal based on SRH commercial rates.
- 4 Emergency & OPSurgery: volumes are based on historical data (OSHPD patient level data). Reimbursement based on St Rose reimbursement per visit.
- 5 Other Outpatient: no base data available. Volumes are based on 80% of HFS year 1 projections. Reimbursement is based on St Rose reimbursement per visit.
- 6 In Scenario A, we estimate SLH's cost per day to be 6% higher than SRH's cost per day.
- 7 In Scenario B, we estimate SLH's cost per day to be 4% higher than SRH's cost per day.
- 8 Upper Payment Limit (UPL) opportunity represents a conservative estimate of uncompensated costs eligible for reimbursement through an Inter-Governmental Transfer Funding (IGTF) program.
- 9 The source of St. Rose Hospital's revenue and operating expenses is 2010 audited financial statements.

April 7, 2011

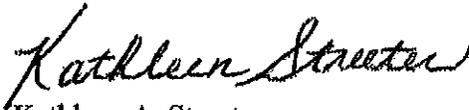
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To Whom It May Concern:

This letter is to document the unanimous support of the St. Rose Hospital Board of Trustees for the Vision Statement of the Eden Township Healthcare District and the important role that St. Rose will fulfill in bringing this Vision to fruition.

Respectfully submitted,



Kathleen A. Streeter  
Board Chair

c: Michael Mahoney

Enclosure: Membership List of Board of Trustees



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**January 2011**

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