CITY OF
HAYWARD
HEART OF THE BAY

City Council Agenda

July 26, 2011

Mayor Michael Sweeney
Mayor Pro Tempore Francisco Zermeño
Council Member Barbara Halliday
Council Member Olden Henson
Council Member Bill Quirk
Council Member Marvin Peixoto
Council Member Mark Salinas

Table of Contents

Agenda 5

Approval of the Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on June 28, 2011

Draft Minutes 11

Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on July 12, 2011

Draft Minutes 23

Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on July 19, 2011

Draft Minutes 41

Resolution for the City of Hayward to Join the League of California Cities' Healthy Eating Active Living (HEAL) Cities Campaign

Staff Report 47

Attachment I 52

Adoption of City Salary Plan for Fiscal Year 2012

Staff Report 55

Attachment I Salary Plan Resolution 58

Atachment II Resolution Approving FY 2012 Salary Plan 65

Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for Dixon Street Improvements, Tennyson Road to Valle Vista Avenue (Transportation for Livable Communities Project)

Staff Report 67

Attachment I - Resolution (Appropriation) 71

Attachment II - Resolution (Agreement) 72

Attachment III - Location Map 73

Signal Timing and Controller Replacement Program: Approval of Contracts and Amendment of Professional Services Agreement with TJKM Transportation Consultants

Staff Report 74

Attachment I - Resolution 78

Attachment II - Project Corridors Map 79

Sidewalk Rehabilitation and Wheelchair Ramps FY11 – Districts 2 and 3: Award of Contract

Staff Report 80

Attachment I - Resolution 83

Attachment II - Project Map District 2 85

Attachment III - Project Map District 3 88

Attachment IV - Project Map District 7 90

Attachment V - Bid Summary 91

West Winton Landfill Drainage Culvert Repair and Cap Replacement Project: Approval of Plans and Specifications and Call for Bids

Staff Report 94
Attachment I - Resolution 97
Attachment II - Location Map 99

Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code By Rezoning Certain Property in Connection with Zone Change Application No. PL-2010-0403 Relating to the Residual Burbank School Site Residential Development

Staff Report 100
Attachment I 102

Banking and Cash Management Services Contract Extension

Staff Report 103
Attachment I Resolution 105

Authorization for City Manager to Execute a Master Agreement and Lease with Hayward Area Recreation and Park District for Park Sites and Designation of Alden E. Oliver Sports Park as an Additional Park Site

Staff Report 106
Attachment I - Resolution 108
Attachment II - Master Lease Agreement 110

Airport Noise Monitoring Program: Approval of Support Services Contract

Staff Report 117
Attachment I - Resolution 119

Resolution Authorizing the City Manager to Enter Into an Agreement With IntelliBridge Partners to Provide Temporary Staffing in the Finance Department

Staff Report 121
Attachment I Resolution 123

Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Approving the Engineer’s Report, Confirming the Assessment Diagrams and Assessments, and Ordering the Levy and Collection of Assessments for Fiscal Year 2012

Staff Report 125
Attachment I Resolution 131
Attachment II Engineer's Report 135

Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012

Staff Report 216
Attachment I Draft Resolution 219
Attachment II - Engineer Report 223
Attachment III - Public Information April 20, 2011 Meeting Letter 244

Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012

Staff Report 246
Attachment I Resolution. 249
Attachment II Engineer's Report 253

Certification of a Supplemental Environmental Impact Report, Adoption of Amendments to the General Plan, and Introduction of Ordinances involving Zoning Reclassifications and Text Changes to the Zoning Ordinance and Related Municipal Code Sections, to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code (Continued to September 13, 2011)

Memorandum 276

Introduction of an Ordinance to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act

Staff Report 277
Attachment I Opt in Ordinance 288
Attachment II July 19 Presentation 292
Attachment III Keyser Marston Analysis 306

Reauthorization of the approval to execute the Standard Agreement and Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds; Approval to Negotiate and Execute an Owner Participation Agreement (OPA) with the Developers of the South Hayward BART Station Transit-Oriented Development; Modification / Clarification of Certain Conditions of Approval for the South Hayward BART Station Transit-Oriented Development (TOD Project); and Approval to Execute a Joint Powers Authority (JPA) Agreement with the Bay Area Rapid Transit District (BART) to Address BART Parking and Access Issues

Staff Report 319
Attachment I HCD Resolution. 335
Attachment II OPA Resolution 338
Attachment III Conditions Modification Resolution 342
Attachment IV BART JPA Resolution 346
Attachment V BART JPA Agreement 348
Attachment VI OPA Term Sheet 370
Attachment VII OPA Security Chart. 372
Attachment VIII Letter to BART Director Blalock 375

Authorizing the City Manager to Negotiate a Disposition and Development Agreement with Habitat for Humanity East Bay for the Development of Certain Real Property Located at 123-197 “A” Street in Hayward as an Affordable Ownership Housing Project and to Submit an Application for State Grant Funds under the Building Equity and Growth in Neighborhoods (BEGIN) Program

Staff Report 379
Attachment I Resolution for DDA Negotiation. 384
Attachment II Resolution BEGIN Application 386
Attachment III Site Elevations. 388

Designation of Voting Delegates and Alternates for the League of California Cities 2011 Annual Conference
Staff Report 389
Attachment I 390
Attachment II 392

CITY OF HAYWARD
HEART OF THE BAY

CITY COUNCIL MEETING FOR TUESDAY, JULY 26, 2011

BOARD, COMMISSIONS, COMMITTEE AND TASK FORCE
Room 2B – 4:30 PM

1. **PUBLIC COMMENTS**

2. Selection of New Members (Continued)

CLOSED SESSION
Closed Session Room 2B – 4:35 PM

3. Conference with Real Property Negotiators
   Pursuant to Government Code 54956.8
   - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Assistant City Attorney Conneely, Project Manager DeClerq, Development Services Director Rizk, Public Works Director Bauman;
     Heather Gould, Polly Marshall, and Rafael Yaquian, Goldfarb & Lipman
     Under Negotiation: South Hayward BART Transit Oriented Development Project
     APN 078C-0441-001-29 and 078C-0441-001-28
     APN 078C-0441-001-16 and 078C-0441-001-17
     APN 078C-0441-001-23

4. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Pending Litigation
     Reid, et al. v. City of Hayward, et al, Alameda County Superior Court, No. HG10542462

5. Conference with Labor Negotiators
   Pursuant to Government Code 54957.6
   - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, and Human Resources Director Robustelli, Interim Finance Director Stark
     Under Negotiation: All Bargaining Units

6. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Pending Litigation
     California Redevelopment Association, et al v. Ana Matosantos, et al
     California Supreme Court Case No. S194861

7. Adjournment to Special Joint Meeting

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/
HOUSING AUTHORITY MEETING
Council Chambers - 7:00 PM

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

ROLL CALL

CLOSED SESSION ANNOUNCEMENT (July 19, 2011 and July 26, 2011)

PRESENTATION **Taste of Hayward Presentation of Proceeds to the Friends of the Library**

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.)*

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

CONSENT

1. Approval of the Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on June 28, 2011
   Draft Minutes

2. Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on July 12, 2011
   Draft Minutes

3. Approval of Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on July 19, 2011
   Draft Minutes

4. Resolution for the City of Hayward to Join the League of California Cities' Healthy Eating Active Living (HEAL) Cities Campaign
   Staff Report
   Attachment I

5. Adoption of City Salary Plan for Fiscal Year 2012
   Staff Report
   Attachment I Salary Plan Resolution
   Atachment II Resolution Approving FY 2012 Salary Plan

6. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for Dixon Street Improvements, Tennyson Road to Valle Vista Avenue (Transportation for Livable Communities Project)
   Staff Report
   Attachment I - Resolution (Appropriation)
   Attachment II - Resolution (Agreement)
   Attachment III - Location Map

7. Signal Timing and Controller Replacement Program: Approval of Contracts and Amendment of Professional Services Agreement with TJKM Transportation Consultants
   Staff Report
   Attachment I - Resolution
   Attachment II - Project Corridors Map

8. Sidewalk Rehabilitation and Wheelchair Ramps FY11 – Districts 2 and 3: Award of Contract
   Staff Report
   Attachment I - Resolution
   Attachment II - Project Map District 2
   Attachment III - Project Map District 3
   Attachment IV - Project Map District 7
   Attachment V - Bid Summary

9. West Winton Landfill Drainage Culvert Repair and Cap Replacement Project: Approval of Plans and Specifications and Call for Bids
   Staff Report
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   Attachment II - Location Map

10. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code By Rezoning Certain Property in Connection with Zone Change Application No. PL-2010-0403 Relating to the Residual Burbank School Site Residential Development
    Staff Report
    Attachment I

11. Banking and Cash Management Services Contract Extension
    Staff Report
    Attachment I Resolution

12. Authorization for City Manager to Execute a Master Agreement and Lease with Hayward Area Recreation and Park District for Park Sites and Designation of Alden E. Oliver Sports Park as an Additional Park Site
    Staff Report
    Attachment I - Resolution
    Attachment II - Master Lease Agreement

13. Airport Noise Monitoring Program: Approval of Support Services Contract
    Staff Report
    Attachment I - Resolution

14. Resolution Authorizing the City Manager to Enter Into an Agreement With IntelliBridge Partners to Provide Temporary Staffing in the Finance Department
    Staff Report
    Attachment I Resolution

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*

PUBLIC HEARING

15. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Approving the Engineer's Report, Confirming the Assessment Diagrams and Assessments, and Ordering the Levy and Collection of Assessments for Fiscal Year 2012
    Staff Report
    Attachment I Resolution
    Attachment II Engineer's Report

16. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012
    Staff Report
    Attachment I Draft Resolution
    Attachment II - Engineer Report
    Attachment III - Public Information April 20, 2011 Meeting Letter

17. Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012
    Staff Report
    Attachment I Resolution
    Attachment II Engineer's Report

18. Certification of a Supplemental Environmental Impact Report, Adoption of Amendments to the General Plan, and Introduction of Ordinances involving Zoning Reclassifications and Text Changes to the Zoning Ordinance and Related Municipal Code Sections, to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code (Continued to September 13, 2011)
    Memorandum

LEGISLATIVE BUSINESS

19. Introduction of an Ordinance to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act
    Staff Report
    Attachment I Opt in Ordinance
    Attachment II July 19 Presentation
    Attachment III Keyser Marston Analysis

20. Reauthorization of the approval to execute the Standard Agreement and Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds; Approval to Negotiate and Execute an Owner Participation Agreement (OPA) with the Developers of the South Hayward BART Station Transit-Oriented Development; Modification / Clarification of Certain Conditions of Approval for the South Hayward BART Station Transit-Oriented Development (TOD Project); and Approval to Execute a Joint Powers Authority (JPA) Agreement with the Bay Area Rapid Transit District (BART) to Address BART Parking and Access Issues
    Staff Report
    Attachment I HCD Resolution
    Attachment II OPA Resolution
    Attachment III Conditions Modification Resolution
    Attachment IV BART JPA Resolution
    Attachment V BART JPA Agreement
    Attachment VI OPA Term Sheet
    Attachment VII OPA Security Chart
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21. Authorizing the City Manager to Negotiate a Disposition and Development Agreement with Habitat for Humanity East Bay for the Development of Certain Real Property Located at 123-197 “A” Street in Hayward as an Affordable Ownership Housing Project and to Submit an Application for State Grant Funds under the Building Equity and Growth in Neighborhoods (BEGIN) Program
    Staff Report
    Attachment I Resolution for DDA Negotiation
    Attachment II Resolution BEGIN Application
    Attachment III Site Elevations

22. Designation of Voting Delegates and Alternates for the League of California Cities 2011 Annual Conference
    Staff Report
    Attachment I
    Attachment II

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

ADJOURNMENT

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

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

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

NEXT SPECIAL MEETING – TUESDAY, AUGUST 9, 2011

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

MINUTES OF THE SPECIAL CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 28, 2011, 7:00 p.m.

MEETING

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that Council met with Real Property Negotiators pursuant to Government Code 54956.8, and took no reportable action.

PUBLIC COMMENTS

Mr. Jim Drake, Franklin Avenue resident, spoke about safety issues with the Route 238 Corridor/Mission Boulevard project and noted that Public Works Director Bauman informed him that Top Grade was required to follow Caltrans' safety criteria and the City was protected against any liability resulting from the construction.

Council Member Peixoto reported attending the Alameda County Board of Supervisors' meeting where he expressed the Council's position on supervisorial redistricting. Mr. Peixoto noted that the Board agreed to move Map E for adoption at its next meeting. Map E, which reflects new supervisorial boundaries, would keep Hayward entirely in Supervisor Lockyer's District 2.

Mr. Nicholas Vigil, Blossom Way resident, thanked Council and the City for supporting the Hayward Municipal Band and invited Council and the public to attend the concerts.

BOARDS AND COMMISSIONS

1. Appointments and Reappointments to the Hayward Youth Commission and Swearing in Ceremony

   Staff report submitted by City Clerk Lens, dated June 28, 2011, was filed.

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

> Resolution 11-096, "Resolution Appointing and Reappointing Members to the Youth Commission"

City Clerk Lens provided the oath of office to the new Youth Commission members as well as two alternates.

Consent items 2, 4, and 9 were removed for further discussion.

CONSENT

2. Approval of the Minutes of the Special City Council/Redevelopment Agency/Housing Authority Meeting on June 14, 2011

This item was held over for a week.

3. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2012, and Set July 26, 2011, as the Public Hearing Date for Such Actions

> Staff report submitted by Development Review Engineer Nguyen, dated June 28, 2011, was filed.

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

> Resolution 11-097, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2012 for Zone 1-13, and Setting July 26, 2011, as the Public Hearing Date Concerning Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13"

4. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Preliminarily Approve the Engineer's Report and Levy Assessment for Fiscal Year 2012, Adopt a Resolution of Intention and Set July 26, 2011, as the Public Hearing Date for Such Actions

> Staff report submitted by Development Review Engineer Nguyen, dated June 28, 2011, was filed.

Council Member Quirk noted he and Council Member Halliday were concerned about inadequate funds to maintain and repair the pumps for Maintenance District 1 (MD 1). Mr. Quirk suggested utilizing funds from the Landscape and Lighting District (LLD) to offset the cost incurred by MD 1, and build up a reserve fund, and consider measures to prevent additional repair cost. He asked staff to look into this and report back to Council. Mr. Quirk made a motion to move the item per staff

recommendation and Council Member Zermeño seconded the motion.

Council Member Halliday was concerned that LLD funds were already being utilized for MD 1 and were also fully maximized. Ms. Halliday was ultimately concerned that should the pumps need to be replaced, the district would not have enough funds. Ms. Halliday indicated she looked forward to staff's response.

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

> Resolution 11-105, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2012, and Setting July 26, 2011, as the Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane (MD-1)"

5. Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer - Preliminarily Approve the Engineer's Report and Levy Assessment for Fiscal Year 2012, Adopt a Resolution of Intention and Set July 26, 2011, as the Public Hearing for Such Actions

> Staff report submitted by Development Review Engineer Nguyen, dated June 28, 2011, was filed.

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

> Resolution 11-098, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2012, and Setting July 26, 2011, as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer (MD-2)"

6. Adoption of Resolutions for Paying and Reporting the Value of Employer Paid Member Contributions for City of Hayward Employee Bargaining Groups to California Public Employees Retirement System

> Staff report submitted by Human Resources Director Robustelli, dated June 28, 2011, was filed.

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

Resolution 11-099, "Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for the City of Hayward Council Appointed Officers"

Resolution 11-100, "Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for the City of Hayward Unrepresented Management, Human Resources & City Attorney Employees"

Resolution 11-101, "Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for the City of Hayward Association of Management Employees (HAME)"

7. Agreement with Wells Fargo Insurance Services, USA, Inc. for Group Insurance Broker and Advisory Services and Inclusion of the City of Hayward with the Wells Fargo Municipality Pool for Delta Dental Coverage

Staff report submitted by Human Resources Director Robustelli, dated June 28, 2011, was filed.

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

Resolution 11-102, "Resolution Authorizing the City Manager to Extend an Agreement with Wells Fargo Insurance Services, USA, INC. for Group Insurance Broker and Advisory Services"

Resolution 11-103, "Resolution Authorizing the City Manager to Enter into an Agreement with Wells Fargo Insurances Services, USA, Inc. for Dental Coverage to City of Hayward Employees Through the Wells Fargo Municipality Pool"

8. Authorization for the Executive Director to Negotiate and Execute a Contract with TRC Solutions, Inc. (TRC), and to Appropriate Funds for Additional Phase II Investigation of the Residual Burbank School Site and to Prepare a Removal Action Completion Report (RAC)

Staff report submitted by Redevelopment Project Manager Ortega, dated June 28, 2011, was filed.

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

Redevelopment Resolution 11-12, "Authorization for the Executive Director to Negotiate and Execute a Contract with TRC Solutions, Inc. (TRC), and to Appropriate Funds for Additional Phase II

Investigation of the Residual Burbank School Site and to Prepare a Removal Action Completion Report (RAC)"

Redevelopment Resolution 11-13, "Resolution Amending Resolution RA 10-11, as Amended, The Redevelopment Budget Resolution for Fiscal Year 2011, Relating to an Appropriation of Funds from the Redevelopment Agency's Fund 451, for Professional Services to be Performed by TRC, Solutions, Inc."

9. Election of Mayor Pro Tempore

Staff report submitted by City Clerk Lens, dated June 28, 2011, was filed.

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

Resolution 11-106, "Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2011-2012"

Council Member Zermeño made a motion to nominate Council Member Halliday as Mayor Pro Tempore of the City of Hayward for FY 2011-2012. Council Member Henson seconded the motion.

Council Member Halliday thanked her fellow Council Members for the nomination and the support.

10. Authorization of Inter-fund Transfer in Connection with Assignment of First-Time Homebuyer Down Payment Assistance Program Loans from the City to the Housing Authority

Staff report submitted by Housing Development Specialist Cortez, dated June 28, 2011, was filed.

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

Resolution 11-104, "Resolution Authorizing Interfund Transfer in Connection with Assignment of First-Time Homebuyer Down Payment Assistance Program Loans to the Housing Authority"

Housing Authority Resolution 11-04, "Resolution Authorizing Acceptance of Assignment and Subsequent Interfund Transfer of First-Time Homebuyer Down Payment Assistance Program Loans

from the City"

11. Approval of Redevelopment Agency Budget Transfer of $450,000 to Capital Improvement Program Budget, Street System Improvement Fund, for Transportation for Livable Communities Grant Matching Funds

Staff report submitted by Assistant City Manager/Interim Redevelopment Agency Director Morariu and Public Works Director Bauman, dated June 28, 2011, was filed.

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

Redevelopment Resolution 11-14, "Resolution Amending Resolution RA 10-11, as Amended, The Redevelopment Budget Resolution for Fiscal Year 2011, Relating to a Transfer of Funds from the Redevelopment Agency, Fund 451, to the Street System Improvement Fund, Fund 413, to Fund the Local Match Requirement for Transportation for Livable Communities Grant Award"

PUBLIC HEARING

12. Downtown Business Improvement Area Consideration of Annual Levy

Staff report submitted by Redevelopment Project Manager Ortega, dated June 28, 2011, was filed.

Assistant City Manager/Interim Redevelopment Agency Director Morariu provided a synopsis of the report.

There being no questions or public comments, Mayor Sweeney opened and closed the public hearing at 7:22 p.m.

Council Member Peixoto made a motion to move the item per staff recommendation and Council Member Quirk seconded the item.

In response to Council Member Henson's question regarding the funding for the Downtown Business Improvement Area (DBIA) should the Redevelopment Agency (RDA) be eliminated, Assistant City Manager/Interim Redevelopment Agency Director Morariu clarified that if redevelopment agencies are eliminated and funding is not available for the annual RDA contribution to the DBIA, then the $55,000 budget would be in effect.

Council Member Halliday suggested that, should the redevelopment agencies be eliminated, staff consider how the City could contribute to the BIA, similar to how businesses are assessed.
Council Member Salinas asked if other neighborhoods could apply a levy to themselves for neighborhood enhancements or activities. Assistant City Manager/Interim Redevelopment Agency

Director Morariu said there was an assessment and levy process in which neighborhoods could form maintenance districts for certain improvements.

Council Member Quirk suggested adding to the motion to direct staff to report back to Council what the City's contribution would be if the City's assessment were similar to businesses. Ms Morariu explained that businesses were assessed based on gross sales receipts and assessing the City in the same manner would present a challenge for the City. Mr. Quirk withdrew his motion.

Council Member Zermeño offered a friendly amendment that if redevelopment agencies were eliminated, then the City would pay $55,000 from the General Fund. The friendly amendment died from the lack of support.

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

> Resolution 11-107, "Resolution Confirming the Annual Report and Authorizing the Downtown Business Improvement Area (DBIA) Levy for Calendar Year 2012"

13. Request to Change the Zoning from Medium Density Residential/SD-4 to Planned Development and to Subdivide the Property to Construct Fifty-Seven Detached Single Family Homes - Zone Change Application No. PL-2010-0403 and Vesting Tentative Tract Map Application No. PL-2010-0405 – Perry Hariri of Urban Dynamic (Applicant); City of Hayward (Owner). The project site is located at the Southwest Corner of B Street and Myrtle Street east of Burbank Elementary School

> Staff report submitted by Senior Planner Buizer, dated June 28, 2011, was filed.

Development Services Director Rizk introduced the report and introduced Senior Planner Buizer who provided a synopsis of the report and noted there were corrections to the Fiscal and Economic Impact section of the report regarding property transfer tax, and clarified that per the sales and purchase agreement, both the City and the applicant, would split the property transfer tax from the initial sale. Also, since the project is located in the redevelopment project area, the calculation applied would be estimated at $250,000 to $300,000 per year in tax increment.

Council Member Quirk mentioned meeting with Mr. Hariri, Mr. Armas, and Mr. Guy Warren, where they discussed the project and there was additional information about the cost to the developer for underground utilities which was estimated at $300,000. He noted there were concerns from the community about the community center. Discussion ensued between Mr. Quirk and Public Works Director Bauman about the development of undergrounding utilities on B Street and the costs and Rule 20A.

Mr. Bauman said the limited Electric Underground Program Rule 20A (Rule 20A) funds were being utilized for priority projects such as the Route 238 Corridor/Mission Boulevard project and mentioned PG&E reported the Rule 20A funds had been cut by 15%. Mr. Bauman noted that staff has estimated the cost to underground utilities at $180,000.

Council Member Halliday referred to the Planning Commission Minutes of May 26, 2011 and asked if the two concerns had been addressed regarding not having a bathroom on the ground floor of Plan 1 and the safety concern of having the garage located at the back of the house. Senior Planner Buizer confirmed that Plan 1 has a toilet and sink on the first floor and added the project was routed to the Police Department for review and no concerns were registered regarding the placement of the garage.

Council Member Peixoto expressed past concerns about lack of a community center within the project space and asked how residents could use the Burbank School facilities. Senior Planner Buizer explained the process for renting the facilities. Public Works Director Bauman confirmed for Mr. Peixoto that the sycamore trees would not be harmed by the required work for underground utilities.

Council Member Henson said he was a strong proponent of Rule 20A and the undergrounding of utilities for the entire city. Discussion ensued about the process to underground utilities on B Street. In response to Mr. Henson's inquiry about green elements in the proposal, Senior Planner Buizer explained the developer has agreed to the condition of approval regarding the green elements and noted the developer has the option to meet the one hundred points on the GreenPoint rating or seek Leadership in Energy and Environmental Design (LEED) Silver certification for each home.

In response to Council Member Salinas' inquiry about the maintenance of the Burbank School facilities, City Manager David noted that when the school and park were built there was the understanding that they would be heavily used by the community and thought that HUSD and HARD had set fees to cover the on-going maintenance of the facilities.

Council Member Zermeño suggested working with HUSD to utilize school facilities as community centers. In response to Mr. Zermeño's question, Public Works Director Bauman responded that funds were not available to perform the undergrounding of utilities for all of B Street.

In response to Council Member Halliday's inquiry of why the undergrounding of utilities was not performed during the Burbank School/Cannery Park projects, Director of Public Works Bauman said the funding of the projects was complicated and involved different agencies and the decision was made to not underground utilities as the costs incurred for this would have been paid for by public funds and not by the developer.

Mayor Sweeney referred to the Condition of Approval No. 106 that governs the green elements and suggested that staff clarify the language by adding "requirement" for the baseline 2.5kW solar energy package, garage charging stations, and the solar water heaters. At the request of the Mayor, staff responded that Condition of Approval No.104 (m) governs the homeowner's use of garage, and the Community Facility District is covered under Condition of Approval No.102.

Mayor Sweeney opened the public hearing at 8:23 p.m.

Mr. Jesús Armas, with business address on Main Street, noted he would speak on behalf of Urban Dynamic and introduced Perry Hariri, Principal of Urban Dynamic, and Jill Williams, Project Architect.

Mr. Perry Hariri, of Urban Dynamic, thanked staff for working with Urban Dynamic and noted that Urban Dynamic incorporated staff's suggestions and requests into the project, especially the green elements. Mr. Hariri explained how the cost of the project is increased by prevailing wage, solar and enhancement features, four-sided elevation, and added that these were costs that similar projects would not incur. Mr. Hariri asked Council to consider reviewing the total project including the required underground utility.

In discussion with Council Member Quirk about the utility lines detracting from the frontage on B Street, Mr. Hariri said the utility lines would not take away from the frontages as they would be covered by the trees' canopy.

Ms. Jill Williams, project architect with KTGY Group, spoke about the process of designing and creating floor plans to incorporate staff requests. She described the key elements of sustainable features and explained the elements that count toward attaining the 100 GreenPoint Rating.

Council Member Halliday expressed concern about the lack of open space accessible to all residents. Ms. Halliday disclosed meeting with Mr. Hariri and Mr. Armas to review the project and noted that the group open space appeared larger than what was presented. At Ms. Halliday's request, Ms. Williams explained that the design of the central gathering space was to promote connectivity, and said the water treatment space was not useable as common open space.

Mr. Jesús Armas said the underground matter had become a concern for Mr. Hariri because of the associated cost. Mr. Armas referred to a previous staff report related to the Burbank School/Cannery Park projects and mentioned it included "installation and relocation of new and existing utilities" and was surprised that the undergrounding of utilities was not done. Mr. Armas suggested Council view private funds similar to public funds, as both are investments. He respectfully requested Council not to approve the condition requiring the undergrounding of existing overhead utility lines along the project B Street frontage.

Council Member Halliday asked if the City considered sharing the cost to underground utilities, and if a plan were developed that would substantially lower the cost to underground utilities for the developer, would the applicant agree. Mr. Armas requested time to consult with Mr. Hariri.

Mr. Armas confirmed for Council Member Henson the language from the February 2007 staff report describing the Burbank project and that improvements were to include "installation of and relocation

of new and existing utilities."

Mr. John Supper, Myrtle Street resident and member of the Neighborhood Task Force, expressed concern that when the 970 Cannery Place units were completed, the existing Burbank School would not have sufficient room for prospective students. Mr. Supper requested Council to deny the zoning change as it was too dense for the neighborhood.

Mr. Jim Drake, Franklin Avenue resident, said when a project is too dense there will be parking problems. Mr. Drake asked if the roadways in the complex can accommodate a fire ladder truck and asked if this was going to be a gated neighborhood.

Mr. Armas said Mr. Hariri, after hearing Director of Public Works Bauman estimate of $180,000 for the cost of the underground utility, was amenable to contributing $100,000 to the City to be deposited in a fund.

Mayor Sweeney closed the public hearing at 8:51 p.m.

Senior Planner Buizer responded to Mr. Drake's question indicating that the proposed project is not gated and the Fire Department reviews all projects to make sure all fire emergency vehicles can access the development and provide service. She further explained all the units will be equipped with a fire sprinkler system as required in the conditions of approval.

Senior Planner Buizer confirmed for Council Member Henson that each unit has a two-car garage and six units have private driveways that would accommodate parking in the driveway. Ms. Buizer said staff was comfortable that surrounding streets can accommodate needed parking and pointed out the uniqueness of this location in proximity to public transit. The project was within walking distance to downtown BART, AC Transit, AMTRAK, and neighborhood services. Ms. Buizer mentioned the Homeowner's Association (HOA) has jurisdiction to maintain and manage on-site street parking.

In response to Mayor Sweeney's question about enforcing HOA jurisdiction, Senior Planner Buizer responded that residents could report problems through ACCESS Hayward and then the City would work with the HOA to resolve them. She confirmed the Cannery development has an HOA with parking stipulations in their Covenants, Conditions and Restrictions. Mayor Sweeney said according to the speakers' comments, the HOA's parking enforcement may be inadequate and staff may need to monitor this.

Council Member Quirk said funding to build or staff additional community centers was unavailable and felt the facilities at Burbank School were adequate. He said given staff's estimate of $180,000 for the underground utilities, Mr. Hariri's offer of contributing $100,000 towards future underground utility projects was an acceptable compromise. Mr. Quirk moved the item per staff recommendation with the exception of the underground utilities requirement and added that the applicant, Urban Dynamic, would deposit $100,000 towards future underground utility projects on B Street. Council Member Zermeño seconded the motion. Public Works Director Bauman pointed out that undergrounding the utilities at a future date would be more costly and disruptive. Mr. Quirk said he felt undergrounding utilities was not essential and amended his motion to move the

item per staff recommendation removing the requirement to underground utilities. City Manager David suggested that Council could approve the project per staff recommendation and accept the developers commitment of $100,000, and set the undergrounding issue aside to allow staff time to work out a plan that would be acceptable to Council.

Discussion ensued and Council Member Quirk moved to continue this item until July 12, 2011, noting staff could work with the developer and bring back a report. Council Member Zermeño seconded the motion.

Council Member Halliday said she based her suggestion on the City's commitment to perform the undergrounding and pointed out the applicant made a commitment to contribute $100,000. Ms. Halliday indicated she would like to see the underground utility work accomplished with participation by both the applicant and the City. She was not opposed to continuing the item until July 12, 2011.

Council Member Henson was in agreement with Council Member Halliday in regards to having the underground utility work accomplished and said he would like to see all of B Street included. Mr. Henson was not opposed to continuing the item until July 12, 2011, and commented that there was work to be done by staff and Council to determine the type of commitment needed to underground utilities.

Council Member Zermeño commented that after reviewing the project, there were a lot of positives to be considered and suggested Council approve the item and remove the condition for the required underground utility.

Council Member Quirk noted that the cost to underground the six houses and church on the north side of B Street is negligible; therefore, the undergrounding should be absorbed by the City.

Council Member Salinas commented this was a solid project where the developer had made a lot of concessions. He felt the project was beneficial to the neighborhood and was willing to approve it.

It was moved by Council Member Quirk, seconded by Council Member Zermeño, and carried unanimously, to move the item to July 12, 2011.

LEGISLATIVE BUSINESS

14. Agreement for the Purchase and Sale of Real Property between the City of Hayward and Urban Dynamic, LLC for the Construction and Sale of Fifty-Seven Detached Single Family Homes - the Property is Located at 353 B Street

    Staff report submitted by Redevelopment Project Manager Ortega, dated June 28, 2011, was filed.

Assistant City Manager Morariu noted that the item accompanied the prior item and suggested also moving it to July 12, 2011.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 9:12 p.m.

It was moved by Council Member Quirk, seconded by Council Member Halliday, and carried unanimously, to continue the item to July 12, 2011.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Henson reported on the Alameda County Transportation Commission's consolidation of Alameda County Transportation Authority (ACTA), Alameda County Transportation Improvement Authority (ACTIA), and Alameda County Congestion Management Agency (CMA), and noted that after the consolidation there was a savings of $1 million in salaries and $2 million in annual contracts.

Council Member Salinas noted he took part in the Youth Commission interview process and congratulated all new members. Mr. Salinas noted the importance of seizing opportunities to make the City a better place and said he would have preferred that Council approved the Urban Dynamic project.

City Manager David noted the State legislature had not voted on the Redevelopment Agencies (RDA) item yet and it was projected that the two bills associated with the RDA were unlikely to pass.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 9:19 p.m.

APPROVED:

_____

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency/Housing Authority

ATTEST:

_____

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency/Housing Authority

MINUTES OF THE SPECIAL CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 12, 2011, 7:00 p.m.

MEETING

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that Council met with Real Property Negotiators pursuant to Government Code 54956.8, and took no reportable action.

PRESENTATIONS

Peter Sategna Scholarship Award - José Ochoa

Mayor Sweeney noted that the scholarship was made possible by Peter Sategna's life and work. Mayor Sweeney and Council Members Zermeño and Salinas interview qualified students and selected José Ochoa, an outstanding Hayward High School student, as the recipient of the $10,000 Peter Sategna Scholarship. José Ochoa was presented with a Certificate of Commendation and a giant check as a symbol of the award. José Ochoa thanked Council and his parents for their support. Mr. Gary Smith, Peter Sategna's nephew and Chairman of the Peter Sategna Educational Foundation, congratulated José Ochoa for his hard work and dedication. Mr. Smith added that Peter Sategna was a coal miner and a butcher, and at the end of his life he wished that a foundation be created, and since 2008, the foundation has awarded local scholarships.

Business Recognition Award - Plastikon Industries, Inc.

The Business Recognition Award for the month of July 2011 was presented to Plastikon Industries, Inc., for being one of the top suppliers of precision tools and plastic parts for medical, diagnostic, automotive, electronic, and industrial/consumer industries. Headquartered at 688 Sandoval Way, Plastikon owns five other properties in Hayward and currently has 400 employees. It was noted that the San Francisco Business Times wrote that "Plastikon is Alameda County's shining example of a company that learned new skills to make itself relevant in the absence of NUMMI." The Business Recognition Award was given in recognition of the contributions this company has made to the

community by locating their headquarters, manufacturing, and distribution facilities in Hayward; developing and implementing new technologies in Hayward; providing job opportunities to local residents; and contributing to the vitality and overall economic well being of the Hayward community. Mr. Fred Soofer, Plastikon Industries President and CEO, accepted the award and thanked Council for the recognition**.**

PUBLIC COMMENTS

Mr. Jim Drake, Franklin Avenue resident, spoke on behalf of a senior citizen regarding the lack of senior discount tickets at the Hayward Cinema Place Theater. Mr. Drake noted his disapproval of the treatment he received from staff concerning questions about the mini-loop and safety issues. He also pointed out that deep potholes on Mission Boulevard could potentially cause vehicle damage.

Mr. Doug Ligibel, Grand Terrace Avenue resident, spoke about the inadequate response from police concerning illegal fireworks over the July 4th weekend. Mr. Ligibel did not agree with the FY 2012 Recommended Operating Budget proposed elimination of seven sworn police positions and thanked Mayor Sweeney for restoring two of them. Mayor Sweeney asked staff to produce a report regarding the July 4th weekend incidents and requested that staff work with the police department to address the list of problem properties provided by Mr. Ligibel.

Mr. Charlie Peters, Main Street resident and with Clean Air Performance Professionals, thanked Council for addressing the issue of chloro-ethanol in gasoline and requested that Council consider a resolution in support of the California Air Resources Board's efforts to improve compliance with the California Partial Zero-emission Vehicles (PZEV) standards. Mr. Peters provided Council with written materials regarding the matter.

Council Member Zermeño acknowledged Chabot College Political Science students in attendance.

Mayor Sweeney announced that if anyone wanted to protest the proposed increases for water and sewer services related to Public Hearing Item #15, they would need to submit a written protest prior to the close of the public hearing that included their name, service address or utility account number and signature. He added that the City Clerk would report the final number of protests at the end of the public hearing.

Mayor Sweeney noted there was a request to continue Work Session Item #2 to a later time in the meeting to allow for participation by the developer. There was Council consensus to continue Work Session Item #2 to a later time to allow for participation by the developer.

WORK SESSION

1. 2010 Census Results

> Staff report submitted by Senior Planner Pearson, dated July 12, 2011, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Pearson

who provided a synopsis of the report.

Council Member Zermeño encouraged staff to challenge the 2010 Census results and inform the Census Bureau that Hayward was the fifth largest city in the Bay Area.

Council Member Salinas said the Census undercount was fraud and Census data impacted Community Development Block Grant funding. Mr. Salinas pointed out the significant increase in Hayward's Asian and Hispanic populations and noted Hayward was the second most diverse city in California. He added that Census data reflected good patterns in the City, especially in the area of education and suggested the City invest in educating the community about the importance of the Census.

Council Member Henson noted the importance of having an accurate Census count and said the population difference between the Department of Finance's estimate of 153,104 and the Census Bureau's data of 144,186 was significant and asked staff to research what could be done. Mr. Henson noted a population count of 150,000 opened doors for funding opportunities with the federal government.

Mayor Sweeney noted that if there was Council consensus to challenge the 2010 Census results, there was time for staff to conduct the necessary research.

Council Member Halliday agreed with Council Member Henson that the figure of 150,000 would put the City in a better position. Ms. Halliday commented that according to the data, 50% of Hayward's households do not speak English at home, which creates the challenge of surpassing language barriers to work together as a community. She felt the City did not have a good basis for the challenge, but said if the City was to proceed in challenging the results, she would like to know the cost involved.

City Manager David clarified that staff was not recommending challenging the 2010 Census results, but asking direction from Council. She added that staff shared Council's concern that the City was undercounted and the impact the undercount would have on federal funding.

Council Member Peixoto found the data enlightening and was pleased to see the increase in the area of median income. Mr. Peixoto noted that data for economically disadvantaged populations was missing and this would have enabled the City to identify where to focus services. Mr. Peixoto was proud that Hayward was the second most diverse city in California.

Council Member Quirk agreed with Council Member Halliday and staff that there was not a basis for a challenge at the present time.

Council Member Salinas shared that 72% of children attending schools in Hayward participate in the free or reduced lunch program.

Senior Planner Pearson confirmed for Council Member Henson that the Census Bureau does not have foreclosure information. Council Member Henson requested staff to compile foreclosure information from the Bay East Association of Realtors and place it on a future agenda.

Mayor Sweeney noted that in terms of schools, income levels and homeownership rates, compared to other cities, the City faces challenges.

Work Session No. 2 was heard after Public Hearing No. 15.

2. Work Session to Consider: Negotiation of a Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds, to be Executed Jointly with the Developers of the South Hayward BART Station Transit-Oriented Development; Negotiation of an Owner Participation Agreement with the Developers of the South Hayward BART Station Transit-Oriented Development; Modification of Conditions of Approval for the South Hayward BART Station Transit-Oriented Development, as requested by Developer; and Formation of a Joint Powers Authority (JPA) to Address BART Parking and Access Issues

> Staff report submitted by Public Works Director Bauman, Project Manager DeClerq, and Development Services Director Rizk, dated July 12, 2011, was filed.

Assistant City Manager Morariu and Ms. Heather Gould with Goldfarb & Lipman provided a synopsis of the report.

Mr. Kurt Wittek, with Wittek/Montana Development, LLC and Danville resident, expressed a strong commitment to the proposed project in spite economic times. Mr. Wittek said the project was vital to the developers' and City's vision plan for the South Hayward BART area.

Mr. Joe Montana, with Wittek/Montana Development, LLC, reiterated the Development's commitment to the project.

Ms. Linda Mandolini, Eden Housing Executive Director, stated that Eden Housing and Wittek/Montana worked diligently on this project during challenging times with the redevelopment agency. She spoke about critical timing issues with the Proposition 1-C Funding and the need for the project to move forward in July.

Mr. Kurt Wittek was amenable to the Conditions of Approval, but requested a couple of modifications. Mr. Wittek requested that Condition of Approval No. 33, related to the Landscape and Lighting District (LLD), be removed. He explained how they will maintain the common areas to a high standard without the LLD. In terms of Condition of Approval No. 121, related to the acquisition and development of the Caltrans parcel, Mr. Wittek proposed that the developer make a performance allocation based on the units, pay park in-lieu fees totalling $2,313,185 and contribute an additional $455,000 towards the acquisition and development of the Caltrans parcel. Mr. Wittek mentioned that with the minor modification of Phase I, the project meets the open space

requirements without the Caltrans parcel.

Council Member Henson noted that Council needed a level of comfort related to the adequate maintenance of the common areas of the LLD and asked if the developer had other options. Mr. Wittek said the LLD funding set-up was cumbersome and they were open to new proposals. In response to Mr. Henson's question whether the City could acquire the Caltrans' property, City Manager David said staff was confident the City could acquire the property but the issue was the timing and cost of the acquisition.

Council Member Halliday noted that she has known that Wittek/Montana was committed to the project and appreciated that and said having a Transient-Oriented District (TOD) for the South Hayward BART was important. Discussion ensued related to the Landscape and Lighting District. Ms. Halliday was hopeful that Phase II would get developed. She also commented on the importance of the park and hoped the City and Wittek/Montana could work together.

Council Member Zermeño thanked Wittek/Montana for their commitment and asked if the Covenants, Conditions and Restrictions could incorporate language pertaining to the park. Director of Public Works Bauman explained that LLD funds paid Hayward Area Recreation and Park District (HARD) to maintain parks. Mr. Wittek noted that Wittek/Montana was willing to develop and maintain the park and reiterated the issue was the cumbersome funding process of the LLD and asked if there was another mechanism to ensure the obligation.

Council Member Salinas acknowledged Wittek/Montana and Eden Housing's commitment to the project. In response to Mr. Salinas' question about Wittek/Montana's flexibility in altering the park to match future surrounding developments, Mr. Wittek said they were committed to building and maintaining a very high end product. In response to Mr. Salinas, City Manager David noted that without knowing the features of the park, staff would not be able to estimate the cost of maintenance.

Council Member Quirk said staff reassured Council of Wittek/Montana's serious and strong commitment to the project. Mr. Quirk noted that because Department of Housing and Community Development (HCD) funds and General Fund monies were involved, security measures needed to be put in place. Mr. Quirk noted there was Council consensus on the importance of having the park and explained the need for a long term legal entity such as the LLD.

Council Member Peixoto expressed appreciation for Wittek/Montana's persistence and commitment, and in terms of security, he noted that Council had to protect the City. Mr. Peixoto mentioned the Redevelopment Agency and the "opt-in" process and asked whether this was feasible. Assistant City Manager Morariu said staff was conducting a cost benefit analysis for Council and noted the Agency would need to pay $4 million this year and approximately $950,000 annually thereafter. She noted staff was in the process of preparing a report to present to Council.

Council Member Zermeño said this project was a win-win for the City and the developers and encouraged staff and the developers to come together to resolve disagreements and move forward with the project.

Council Member Henson commented he was comfortable with the staff report and the only concerns he had were the four Conditions of Approval. Regarding Condition of Approval No. 121, he said he was amenable to the proposed contribution of $455,000 towards the acquisition of the Caltrans property. Mr. Henson emphasized the necessity of the LLD. Mr. Henson pointed out the timing issue presented by Ms. Mandolini related to funding and noted that July was a critical month. He wanted to see the project move forward and was comfortable with the Joint Powers Authority (JPA), the Owner's Participation Agreement (OPA), and security put in place. Mr. Henson encouraged staff to remind Caltrans of its prior commitment. He said the project was a necessity for South Hayward.

Mayor Sweeney said the item would be returning on July 26, 2011, and Council needed to have the RDA cost benefit analysis to decide whether the opt-in was financially feasible. He said Council was clear on certain items: there needed to be security measures put in place to protect the General Fund; the importance of the park to be a part of the plan; and the need to establish long-term credible maintenance. The Mayor mentioned that Council was comfortable with the establishment of the LLD, but was open to credible options. He thanked all the participants.

Assistant City Manager Morariu provided a summary of the Joints Powers Authority (JPA) with Bay Area Rapid Transit (BART) agreement.

Council Member Henson noted he was comfortable with the JPA, but the small details relating to City streets and parking adjacent to the City streets needed to be worked out. Mr. Henson mentioned involving the community in these discussions and was looking forward to the item returning on July 26, 2011.

Council Member Halliday commented she was also comfortable with the staff report and agreed with the Mayor's comments about protecting the General Fund. Ms. Halliday said protecting the neighborhoods and the City's ability to regulate parking in the neighborhood were primary concerns.

CONSENT

3. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on June 14, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member Zermeño, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of June 14, 2011.

4. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on June 21, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member

Zermeño, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of June 14, 2011.

5. Pavement Reconstruction FY11 – Taxiway "E" and East T-Hangar Zipperlane at Hayward Executive Airport: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated July 12, 2011, was filed.

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

Resolution 11-108, "Resolution Awarding Contract to Gallagher & Burk, Inc. for the Pavement Reconstruction FY11: Taxiway "E" and East T-Hangar Zipperlane at Hayward Executive Airport Project, Project No. 6810"

6. Report and Assessment for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences

Staff report submitted by Deputy Director of Public Works Ameri, dated July 12, 2011, was filed.

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

Resolution 11-109, "Resolution Confirming the Report and Special Assessment List Associated with Delinquent Garbage Bills Incurred by Residential Property Owners with Cart Service"

7. Report and Special Assessment for Residential Rental Inspection Fees Past Due

Staff report submitted by Supervising Housing Inspector Bragg, dated July 12, 2011, was filed.

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

Resolution 11-110, "Resolution Confirming the Report and Special Assessment List Associated with Overdue Residential Rental Inspection Fees for Calendar Year 2010 and through May 31, 2011"

8. Report and Assessment for Community Preservation Fees Past Due

Staff report submitted by Neighborhood Partnership Manager Sorensen, dated July 12, 2011, was filed.

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

Resolution 11-111, "Resolution Confirming the Report and Special Assessment List Associated with Overdue Community Preservation Charges for the Period from January 1, 2010 Through June 2, 2011"

9. Special Assessment Hearing and Report for Vehicle Abatement Fees Past Due

Staff report submitted by Neighborhood Partnership Manager Sorensen, dated July 12, 2011, was filed.

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

Resolution 11-112, "Resolution Confirming the Report and Special Assessment List Associated with Overdue Vehicle Abatement Charges for Period from January 1, 2010, Through June 2, 2011"

10. Sewer Replacement at Linden, Madrone and Beech Street Easement Areas- Award of Contract

Staff report submitted by Deputy Director of Public Works Ameri dated July 12, 2011, was filed.

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

Resolution 11-113, "Resolution Awarding the Contract to Casey Construction Inc., for the Sewer Replacement at Linden, Madrone and Beech Street Easement Areas Project, Project No. 7547"

11. Approval of Amended Memorandum of Agreement with the Bay Area Recycled Water Coalition and Authorization to Submit Grant Application to the United States Bureau of Reclamation for Recycled Water Planning Activities

Staff report submitted by Deputy Director of Public Works Ameri dated July 12, 2011, was filed.

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

Resolution 11-114, "Resolution Authorizing The City Manager to Execute the Amended Memorandum of Agreement for the Bay Area Recycled Water Coalition Federal Legislative Efforts"

Resolution 11-115, "Resolution Authorizing the City Manager to Submit a Grant Application to the United States Bureau of Reclamation for Recycled Water Feasibility and Facility Planning and Environmental Review"

12. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for Sulphur Creek Mitigation – Environmental Planning Project at the Hayward Executive Airport

Staff report submitted by Airport Manager McNeeley, dated July 12, 2011, was filed.

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

Resolution 11-116, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Reynolds, Smith and Hills, for Preparation of Environmental Documents for the Sulphur Creek Mitigation- Environmental Planning Project at Hayward Executive Airport"

13. First Responder Advanced Life Support (FRALS) Agreement Extension

Staff report submitted by Fire Chief Bueno, dated July 12, 2011, was filed.

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

Resolution 11-117, "Resolution Authorizing the City Manager to Execute an Extension of the First Responder Advanced Life Support Provider Agreement with the County of Alameda"

14. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for Final Design and Right-of-Way Acquisition Services for the I-880/SR-92 Reliever Route - Phase 1 Project

Staff report submitted by Deputy Director of Public Works Fakhrai, dated July 12, 2011, was filed.

This item was pulled by Council Member Halliday.

Council Member Halliday wanted to confirm and request that every effort be made to work with the owner of the Valero Gas Station to resolve issues during the final design and right-of-way acquisition. Mr. Bauman confirmed that staff would continue to work with the owner of the Valero Gas Station and hopefully reach a solution.

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

Resolution 11-118, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Final Design and Right-of-Way Services for the I-880/SR-92 Reliever Route-Phase I Project, Project No. 5197"

PUBLIC HEARING

Mayor Sweeney reiterated the announcement for Item No. 15, the public hearing related to water and sewer rate increase protests.

15. Proposed Fiscal Year 2012 and Fiscal Year 2013 Water and Sewer Rates and Connection Fees

Staff report submitted by Deputy Director of Public Works Ameri, dated July 12, 2011, was filed.

Director of Public Works Bauman gave a brief introduction and Deputy Director of Public Works Ameri provided a synopsis of the report.

Council Member Quirk acknowledged that two emails were received pertaining to this item; one from Ms. Florence Samuels and a second from Mr. Jesús Armas. Mr. Quirk relayed that Ms. Samuels' concern was why customer agencies, such as Hayward, did not have a say in the decision by the San Francisco Public Utilities Commission (SFPUC) to raise rates. Director of Public Works Bauman responded that suburban users had threaten to sue the SFPUC for seismic reliability to the system and as a result had been moving forward with seismic retrofit upgrades to the system, which was costing users via service increases. In reference to Ms. Samuel's question regarding the distribution and costs between the SFPUC and suburban users, Mr. Bauman explained that the Bay Area Water Supply & Water Conversation Agency (BAWSCA) represents the suburban users that receive water service from the SFPUC and the cost increases between San Francisco and suburban users was equitable. Council Member Quirk addressed Mr. Armas' suggestion to enable businesses with a higher fee the "right" to extend payment over time as an incentive. City Manager David recommended retaining the flexibility to offer that option to large users when appropriate. Ms. David added that by implementing fees by "right," staff could not assess whether or not the

extension of payments was warranted. Ms. David was amenable to bringing an item to Council when the connection of a large business warranted more than four years, or amending the current Ordinance to allow it, but not doing it by "right." Mr. Quirk suggested amending the Ordinance, Chapter 11, Article 3, section 255 (g) to allow the increased payment time but not by "right."

In response to Council Member Henson's question about the payment obligation for the $4.3 billion seismic upgrade, Deputy Public Works Director Ameri responded Hayward's portion was approximately $200 million, which was the rational for the increase in rates. In response to a plan for the economically needy, Mr. Ameri mentioned a savings of $10 every two month for customers who meet the required income thresholds. Mr. Henson was amenable to incentives and reductions for large users in terms of sewer connection fees. In response to Mr. Henson's question, Mr. Ameri responded that staff presented the minimum increase needed for the next three years. Mr. Henson added that the seismic retrofit was critical and staff was able to utilize the Water Balance Fund to help mitigate impacts to the rate increase.

In response to Council Member Peixoto's inquiry as to what extent conservation has contributed to the rate increase, Deputy Public Works Director Ameri responded there was a small amount of decrease associated with fuel and chemicals for treatment proportionate to the decrease in water usage, but there were fixed costs that did not fluctuate with the amount of water usage. In response to Mr. Peixoto's inquiry of why not switch to East Bay Municipal Utility District (EBMUD,) Mr. Ameri responded the City has a long standing contract with the SFPUC in perpetuity. It was mentioned that SFPUC did not prepare financially for the seismic upgrade.

In response to Council Member Halliday's question regarding the risk to the City if funds were not restored to the Water Fund, Director of Public Works Bauman explained the Water Fund was for conditions of uncertainty and emergencies and staff was comfortable in utilizing the funds to help mitigate the impacts from the rate increases. He also noted there were reserve funds in the Capital Reserve Fund. Ms. Halliday was amenable to increasing flexibility in the Ordinance for large users in terms of connecting fees. She pointed out the average household water user would see an increase of approximately $8 to $9 per month and there were discount rates for very low-income users.

Council Member Zermeño said he was not impressed with the $4.3 billion cost for the seismic retrofit during the recession or the 20-22% increase per year for the next two years for water savers. Mr. Zermeño also mentioned Ms. Samuel's email and questioned if the cost for the new SFPUC building was being paid for by other water users. Mr. Zermeño recommended educating the community by including with the water bill a flyer that indicates water costs for everyday activities, such as the cost to take a shower. He also favored the idea of a gradual time increase for large connectors. Deputy Public Works Director Ameri clarified that rate payers in Hayward were not responsible for the cost of improvements that solely benefit San Francisco. Mr. Ameri noted there were procedures in place for annual audits and an agreement that covered requirements between the SFPUC and all suburban users and this agreement would not allow SFPUC to build a building in San Francisco and pass the cost onto Hayward users.

Council Member Salinas pointed out the proposed rate increase was the minimum amount and it was an investment for quality water. Mr. Salinas asked if a new business that took over an existing facility would need to pay connection fees. Deputy Public Works Director Ameri responded there would only be costs involved if the new business was changing the use and would have a bigger impact to the sewer system. In response to Mr. Salinas' question of whether the fee structure in Hayward for business sewer connections was compatible to other neighboring East Bay cities, Mr. Ameri noted the City had compatible fees and incentives not offered in other neighboring cities. City Manager David noted that staff had been working diligently and had met with businesses to provide incentives and three-year payment plans for connection fees and would continue to do so.

Mayor Sweeney announced that if anyone wanted to protest the proposed increases for water and sewer related to Public Hearing Item No. 15, they would need to submit a written protest prior to the close of the public hearing that included their name, service address or utility account number and signature. He added the City Clerk would report the final number of protests at the end of the public hearing.

Mayor Sweeney opened the public hearing at 8:52 p.m.

Mr. Jim Drake, Franklin Drive resident, noted the proposed sewer rate increase would hurt retired people. Mr. Drake asked staff to explain the purpose of the meter reader and if the sewer rate increase was based on water consumption.

Mr. Corey Tremper, Darwin Street resident, noted that the proposed increase was going to create a hardship for his household and said that his payment for a household of one was going to go up by $20 per month. Mr. Tremper said the community was not informed of the proposed increased and added that materials were not available for non-English speakers and that was the reason staff did not receive a significant number of protests.

Mayor Sweeney closed the public hearing at 8:57 p.m.

At the request of Mayor Sweeney, City Clerk Lens reported that a total of 45 protests had been received; 37 prior to the meeting and 8 during the meeting.

Deputy Public Works Director Ameri pointed out the City's sewer rate was currently $25.70 per month and was proposed to go up to $26.47 per month compared to the City of Oakland sewer charge of $40.30 per month and City of San Leandro charge of $28.98 per month. Mr. Ameri noted the City's charge for meter reading was one of the lowest in the Bay Area and would increase to $6 per month. Mr. Ameri mentioned the public notice contained a paragraph in Spanish, was included with the water bill, and gave the opportunity for residents to call City staff. He added that the cost of water for an average household was currently $33.10 per month and would increase to $39.60 per month.

Council Member Quirk addressed the $4.3 billion seismic retrofit project noting that its movement started a decade ago and it was taking longer than expected because of the region's earthquake fault challenges and upgrades. Mr. Quirk commented that San Francisco's water increase was six-fold while Hayward rates were only two-fold. He clarified that the water rates were fixed and residents

were not penalized for water conservation. Mr. Quirk moved to approve the item per staff recommendation with a recommendation that staff bring back to Council a proposal that gives staff the discretion for an option for extending payments for large users' connection fees over a longer period of time. Council Member Halliday seconded the motion.

In response to Council Member Halliday's question regarding to the speakers' comments being in disagreement to the information presented by staff, Deputy Public Works Director Ameri explained the sewer rate had a maximum cap of $26.47 per month and the City was one of a few cities with sewer rates proportionate to water usage. Mr. Ameri offered to look into the individuals' bills and to resolve any issues. Ms. Halliday said she understood the reasons for the rate increases and reminded everyone that water and sewer services were essential items that make life more comfortable.

Council Member Salinas noted the City staff does an incredible job of getting the word out and educating the residents. Mr. Salinas noted that Hayward citizens needed to be more engaged and mentioned that information is on the City's website and residents can call City offices. Mr. Salinas supported the motion.

Council Member Henson said he also supported the motion.

It was moved by Council Member Quirk, seconded by Council Member Halliday, and carried unanimously, to adopt the following with a recommendation for staff to bring back to Council a proposal for an option that gives staff the discretion to extend the payment for large users' connection fees over a longer period of time.

> Resolution 11-119, "Resolution Amending the Master Fee Schedule and Approving Water and Sewer Rates"
>
> Resolution 11-120, "Resolution Amending the Master Fee Schedule and Approving Water System Facilities Fees and Sewer Connection Fees"

16. Request to Change the Zoning from Medium Density Residential/SD-4 to Planned Development and to Subdivide the Property to Construct Fifty-Seven Detached Single Family Homes - Zone Change Application No. PL-2010-0403 and Vesting Tentative Tract Map Application No. PL-2010-0405 – Perry Hariri of Urban Dynamic (Applicant); City of Hayward (Owner). The Project Site is Located at the Southwest Corner of B Street and Myrtle Street East of Burbank Elementary School **Continued from 6/28/2011**

> Staff report submitted by Senior Planner Buizer, dated July 12, 2011, was filed.

Development Services Director Rizk announced the item noting this item was continued from June

28, 2011, and introduced Senior Planner Buizer, who provided a synopsis of the report.

Staff provided clarification for Council Member Quirk regarding Condition of Approval No. 70(a), that if the costs of the underground utilities exceed $300,000, the underground work would not need to be done as shown on page 349 of the Conditions of Approval.

Mayor Sweeney opened the public hearing at 10:32 p.m.

Mr. Jesús Armas, with business address on Main Street, thanked staff for working with Urban Dynamic on the issue of undergrounding the utilities and noted how critical it was to establish a cost limit of $300,000. He also offered an amendment to Condition of Approval No. 70 (a) related to the properties along the north side of B Street. That the homeowners would have to grant permission for the service on their home to be undergrounded, and if the permission was not granted, the applicant would not be able to underground the utilities. Mr. Armas urged Council to approve the item.

Mayor Sweeney closed the public hearing at 10:30 p.m.

Development Services Director Rizk confirmed for Mayor Sweeney that staff was amenable to Mr. Armas' proposed suggestion.

Council Member Halliday thanked staff and Urban Dynamic for resolving the cost issue related to undergrounding utilities. Ms. Halliday moved the item per staff recommendation with an amendment to Condition of Approval 70 (a) to reflect that the applicant will provide undergrounding utility service to the properties along the north side of B Street, if permission by those property owners is granted.

Council Member Zermeño seconded the motion.

Council Member Quirk commented he was pleased with the outcome and acknowledged the work of staff and Urban Dynamic's contribution of $100,000 towards the undergrounding of utilities.

It was moved by Council Member Halliday, seconded by Council Member Zermeño, and carried unanimously, to adopt the following and with an amendment to Condition of Approval 70 (a) to reflect that the applicant will provide undergrounding utility service to the properties along the north side of B Street, if permission by those property owners is granted.

> Resolution 11-121, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map Application PL-2010-0405 and Zone Change Application PL-2010-0403 Pertaining to a Proposed 57-Unit Single-Family Residential Community at the Residual Burbank Site"
>
> Introduction of Ordinance 11-_, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2010-

0403 Relating to the Residual Burbank School Site Residential Development"

LEGISLATIVE BUSINESS

17. Agreement for the Purchase and Sale of Real Property between the City of Hayward and Urban Dynamic, LLC for the Construction and Sale of Fifty-Seven Detached Single Family Homes - the Property is Located at 353 B Street

Staff report submitted by Project Manager Ortega, dated July 12, 2011, was filed.

This item was continued from June 28, 2011. Assistant City Manager Morariu and Project Manager Ortega provided a synopsis of the report.

In response to Council Member Henson's question about the removal of toxins, Project Manager Ortega said the removal of toxins would commence after the sale agreement and project were approved.

Mayor Sweeney opened the public hearing at 10:46 p.m.

Mr. Jesús Armas, with business address on Main Street, reiterated the applicant's appreciation and thanked Assistant City Manager Morariu and Project Manager Ortega. Mr. Armas said the project would greatly enhance the neighborhood and was looking forward to the commencement of the project in spring of 2012.

Mayor Sweeney closed the public hearing at 10:49 p.m.

Council Member Zermeño made a motion per staff recommendation and Council Members Henson and Halliday seconded the item.

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

Resolution 11-122, "Resolution Approving an Agreement between the City of Hayward and Urban Dynamic, LLC, for the Purchase and Sale of Real Property Located at 353 B Street (the "Residual Burbank School Site") for the Construction and Sale of Fifty-Seven Detached Single Family Homes"

18. Recommendation to the California Department of Transportation Regarding the Disposition of Property in the Bunkerhill Neighborhood as Part of the Settlement Agreement Associated with the Route 238 Land Disposition Process

Staff report submitted by Senior Planner Buizer, dated July 12, 2011, was filed.

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

In response to Council Member Salinas' question about how the City was going to persuade California Department of Transportation (Caltrans) to sell some of the homes in the Bunkerhill neighborhood, City Manager David noted that the opportunity to purchase the homes would occur through the 238 Corridor Settlement Agreement.

Council Member Henson expressed concern about the safety condition of the properties within the Bunkerhill neighborhood. City Manager David said the buyers of the property must agree to an assessment district to pay for roadway and utility improvements and if a home was in poor condition and could not be financed, it could not be purchased.

Mayor Sweeney noted that the language in the resolution does not seem as complete as the staff report.

Mayor Sweeney opened the public hearing at 10:58 p.m.

Ms. Debbie Frederick, Bunkerhill Boulevard resident, thanked Council, staff, and the Public Interest Law Project representing the tenants. Ms. Frederick shared her personal experience living in that area and said tenants were motivated to address Council's concerns, were willing to work with developers, and respected the need for the assessment district. She supported the resolution, but questioned if the map should be appended to the resolution.

Mr. Steve Ronfeldt, representing the Public Interest Law Project, spoke in support of the proposal and emphasized that it was a part of the Opportunity for the Home Purchase Program, administered by the City, which was a critical part of the settlement process. Mr. Ronfeldt said the tenants were now acting as partners with the City to implement the settlement. Mr. Ronfeldt spoke about the purchase process for long-term residents who had improved their homes and agreed to pay for the assessment district for improvement. He said the proceeds of the sale will go to LATIP to offset the cost of needed transportation projects. Finally, he said this was part of a resolution process that included community meetings.

Mr. Anthony Fidel, Bunkerhill Boulevard resident, thanked staff for their hard work on the project, expressed interest in purchasing his home, and shared his personal attachment to his home and the City. Mr. Fidel added that other tenants have expressed the desire to purchase their homes and asked if the deadline could be extended for those who had not submitted the required paperwork.

Mayor Sweeney closed the public hearing at 11:06 p.m.

Mayor Sweeney pointed out the staff report said that tenants who live in existing structures on Bunkerhill Boulevard would be allowed to purchase, but other tenants in other areas in the corridor would not be allowed to purchase these homes. City Attorney Lawson said since the language in the resolution was not consistent with the staff report, he suggested the language in the last paragraph of the resolution be deleted and be replaced with the language provided by the City Attorney. Mr. Lawson also suggested that the map in the staff report be attached to the resolution.

City Manager David asked to have some leeway in extending the deadline for allowing existing tenants on the Bunkerhill neighborhood the opportunity to qualify to purchase their homes due to the possibility that tenants may come forward with the required paperwork.

City Manager David confirmed for Council Member Zermeño that the homes would be assessed pertinent to the year the assessment district was established. Mr. Zermeño made a motion to move the item inclusive of the revised language. Council Member Henson seconded the motion and added that the map be attached to the resolution.

Council Member Quirk commented this was not an easy process and thanked staff for being sensitive to the needs of the community.

Council Member Henson echoed Council Member Quirk's comments and commended staff for their diligence and Ms. Frederick for her persistence.

It was moved by Council Member Zermeño, seconded by Council Member Henson, and carried unanimously, to adopt the following with revised language for the resolution as suggested by the City Attorney and appending a copy of the map.

> Resolution 11-123, "Resolution Recommended Caltrans Sell Properties in the Bunkerhill Neighborhood to the Interested Tenants in Accordance with the 238 Settlement Agreement"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas commended the Hayward Police Department and their Junior Giants Program for enrolling 516 kids to play baseball this summer. Mr. Salinas reported that the "Let's Do Lunch Hayward… and Breakfast Too" program served 77,879 meals over the past five weeks and thanked the various supporters.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 11:14 pm

APPROVED:

_____

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency/Housing Authority

ATTEST:

_____

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency/Housing Authority

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

MEETING

The Special Meeting of the City Council was called to order by Mayor Sweeney at 1:00 p.m., in Room 2B.

PUBLIC COMMENTS

Council Member Quirk shared with Council a letter from Hayward Area Shoreline Planning Agency (HASPA) to Bay Conservation and Development Commission (BCDC).

BOARD, COMMISSIONS, COMMITTEE AND TASK FORCE INTERVIEWS

The Council interviewed 22 qualified applicants from a pool of 27 applications received by the City Clerk. At the conclusion of the interviews, the Council identified 11 individuals for formal appointment and swearing in at the Council meeting on Tuesday, September 20, 2011. Due to potential consolidation, City Council withheld reappointment of existing members and selection of new members for the Human Services Commission and Citizens Advisory Commission.

Mayor Sweeney adjourned the meeting at approximately 6:30 p.m., to a Special Joint Council meeting.

MEETING

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

ROLL CALL

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

PUBLIC COMMENTS

Mr. Charlie Peters, Main Street resident and representing Clean Air Performance Professionals, distributed to Council materials pertaining to corn fuel ethanol and asked for Council's continuing support for corn fuel ethanol due to its positive impact on the environment and the economy.

Mr. Jim Drake, Franklin Avenue resident, referred to a document outlining the 4-1 slope provided by Public Works staff and reiterated his concern that Top Grade was not being required to follow Caltrans' safety criteria.

Mr. Kim Huggett, Fairview Avenue resident and representing the Hayward Chamber of Commerce, shared a Tri-City Voice newspaper article about the Hayward's Downtown Street Party - Wild West Days, and invited everyone to attend on July 21, 2011 from 5:30 to 8:30 p.m.

Mr. Doug Jones, San Leandro resident and representing Hayward's healthcare workers and patients of the Gateway Care and Rehabilitation Center and Baypoint Healthcare Center, spoke about unfair labor practices and inadequate patient care at the facilities. Mr. Jones shared that Hayward's healthcare workers will participate in a one-day unfair labor practice strike at the two facilities on July 20, 2011, and invited Council and the public.

LEGISLATIVE BUSINESS

1. Consideration of Options Related to Alternative Voluntary Redevelopment "Opt-In" Program

> Staff report submitted by Assistant City Manager/Interim Redevelopment Agency Director Morariu, dated July 19, 2011, was filed.

Assistant City Manager/Interim Redevelopment Agency Director Morariu provided an overview of the preliminary analysis noting that a more comprehensive report would follow on July 26, 2011.

Ms. Polly Marshall of Goldfarb & Lipman Attorneys provided an overview of the State legislation and the impacts from the ABx1 26 and ABx1 27. Ms. Marshall mentioned that if an "opt-in" ordinance had not been adopted by October 1, 2011, the dissolution would occur and a successor agency would be established. Ms. Marshall said a lawsuit was filed with the California Supreme Court on Monday, July 18, 2011, and the plaintiffs were the California Redevelopment Association (CRA) and the League of California Cities (League), City of Union City, City of San Jose, and taxpayers. She said the arguments of the lawsuit stated that the legislation violated both Proposition 13 and Proposition 22. She noted the lawsuit seeks a "stay" to prevent, during the suspension period, the "claw backs" of transferred assets; delays the need to adopt an Enforceable Obligation Schedule; prevents the dissolution; prevents the oversight board from being formed, and permits agencies to "opt-in," but delays the need to make the January 2012 payment. She noted the CRA had conducted a survey of local agencies and 50% of agencies had responded, with 80% deciding to "opt-in" and 20% deciding to dissolve.

Assistant City Manager/Interim Redevelopment Agency Director Morariu provided Council/Agency Board with the process and timeline as outlined in the staff report. Ms. Morariu said staff recommended that if Council/Agency Board choose the "opt-in" to the Voluntary Program, staff would schedule a special meeting in August to adopt the "opt-in" ordinance and if the Council/Agency Board choose to not "opt-in," there was still a need to schedule a special meeting prior to August 27, 2011, in order to file the Statement of Enforceable Obligations. Ms. Morariu

presented the PowerPoint presentation of the Review of Keyser Marston Baseline Fiscal Analysis and the Three Year Revenue Comparison with and without RDA.

City Manager/Executive Director David addressed the funding, should Council/Board Agency decide to "opt-in." Ms. David noted that the FY2012 remittance payment of $4.1 million, which would be due in two installments, could be funded by withholding FY2012 tax increment deposit to the Low/Mod Housing Fund, borrowing funds from Enterprise Fund reserves, and borrowing funds from General Fund reserves. She mentioned staff was leaning toward recommending to the Council/Agency Board to "opt-in" because it would maintain local control, retain more revenue, retain the powers of the RDA, and retain the ability to expand the RDA project area to other areas in the City. Ms. David concluded the presentation reiterating that the Council/Agency Board was not expected to make a decision at this meeting.

Mayor/Chair Sweeney thanked staff for the presentation and suggested that staff present the information in a spreadsheet form so Council could see, in detail, the City/Agency Board's obligations and measure them against the expenses.

Council/RA/HA Member Halliday reiterated the Mayor's request. Ms. Halliday inquired if the Council/Agency Board decided to "opt-in," could it then later decide to dissolve the Redevelopment Agency (RDA). Ms. Marshall said yes and added that one way would be to stop making the annual payment. Ms. Halliday expressed concern about the loan to the RDA of $7.8 million and about the fact that contract law would not apply to the cities. Ms. Marshall noted a federal constitution that prohibits impairment of contracts applied to contracts among private parties but not public agencies. Ms. Halliday commented that should the Council/Agency Board choose to "opt-in," one possible source of monies could be the $4 million for the Burbank School property.

In response to Council/RA/HA Member Zermeño's inquiry of the present RDA loan balance owed to the General Fund, Assistant City Manager/Interim Redevelopment Agency Director Morariu responded the current loan balance is $7.8 million. Mr. Zermeño expressed concern about the potential $4 million loss from the sale of the Burbank School site. Ms. Morariu noted those funds would be in jeopardy if the RDA dissolved. Mr. Zermeño said if the Council/Agency Board "opts-in," he did not want General Fund Reserve monies utilized.

In response to Mayor/Chair Sweeney's question about what would the disposition of the already paid funds to the State be if the lawsuit was successful, Ms. Marshall responded that if the "stay" was denied, payments had been made, and the lawsuit was successful, there would be an enforceable court order for the State to return any payments to the local agencies.

In response to Council/RA/HA Member Peixoto's question about "claw back" of assets, City Manager/Executive Director David explained that prior to the passing of the final State legislation, the City, in order to protect the RDA assets, transferred the RDA assets to the City. She continued that in response to this action, the State drew up terms to "claw back" those transferred assets. Mr.

Peixoto asked what would happen if the City decided to "opt-in" and the lawsuit prevailed. Ms. Marshall said that if the lawsuit was successful no redevelopment agencies would have the ability to issue debt in the future. Mr. Peixoto expressed concern about the $958,000 annual payment and City Manager/Executive Director David said it would come from increased tax increments and would remain cash positive.

Council/RA/HA Member Henson was concerned that if a local agency chose to "opt-in," then the agency had acquiesced to the State and there would be the probability of the State ceasing more assets. Mr. Henson was concerned that the Burbank sale could be in jeopardy because of the "claw-back" provision. Mr. Henson commented that the City could not allow the RDA to dissolve and felt the only option was to "opt-in." Staff confirmed the City would still have the Educational Revenue Augmentation Fund (ERAF) obligation.

Council/RA/HA Member Salinas commented the Economic Development Department was strongly tied in with the RDA and noted how it would affect development throughout the City. He said he was disenchanted that he had not seen input by other stakeholders. City Manager/Executive Director David mentioned the Building Industry Council and Construction Trades had testified in opposition to the State legislation and in defense of redevelopment.

In response to Council/RA/HA Member Quirk's expressed concern about available funds for affordable quality housing projects with the "opt-out" option, Assistant City Manager/Interim Redevelopment Agency Director Morariu said if the City chose to "opt-out," the City would no longer receive affordable housing funds. Mr. Quirk confirmed that if the City was to "opt-out" and there was a "stay," the City could proceed with redevelopment projects. City Manager/Executive Director David noted that if the lawsuit failed, there would be the additional risk to the City of needing to pay back any used monies. Mr. Quirk commented he was in agreement with Council/RA/HA Member Henson about the choice to "opt-in," but also wanted to hear from others.

In terms of the timeline, Mayor/Chair Sweeney commented that there may be benefits of waiting until closer to the deadline of October 1, 2011, and asked legal counsel for input. Ms. Marshall responded the lawsuit requested a decision on the request for the "stay" by August 15, 2011, but that had not been decided.

Mayor/Chair Sweeney opened the public hearing at 8:30 p.m.

Mr. Kim Huggett, Fairview Avenue resident and President and CEO of the Hayward Chamber of Commerce, relayed that Hayward businesses have expressed concern over the future of the RDA. Mr. Huggett submitted a petition from 17 B Street property and business owners urging Council to invest in the "opt-in" program to maintain the redevelopment agency. He suggested the Council Economic Development Committee review this issue. Mr. Huggett confirmed for Mayor Sweeney that the Chamber of Commerce had not contacted Senator Corbett or Assemblywoman Hayashi to communicate its position.

Ms. Linda Mandolini, Eden Housing Executive Director, stated that 75% of Eden Housing's affordable housing work was financed through redevelopment agencies. Ms. Mandolini urged Council to support the "opt-in" program to help maintain the affordable housing program. Ms.

Mandolini said in the short-term Eden has real concerns that the affordable and market rate housing at the South Hayward BART project would be in jeopardy. She said Eden had been in communication with Senator Corbett about options, but was not optimistic. Ms. Mandolini spoke about the housing improvements Eden had been able to accomplish throughout the City. She added that she is the Chair of the Policy Committee for the California Housing Consortium and had been vocal on behalf of redevelopment and affordable housing.

Mr. Jim Drake, Franklin Avenue resident, said the City had adequate affordable housing units and to retain the redevelopment agency would cost the City a lot of money in the long term. Mr. Drake encouraged Council to "opt-out," as the City would be better off financially.

Mayor/Chair Sweeney closed the public hearing at 8:39 p.m.

Council/RA/HA Member Quirk noted that with the "opt-in" program the City would benefit and be able to retain the RDA, and the money owed to the General Fund would not be lost. In response to Mr. Quirk's question about the benefit of waiting until late September, Assistant City Manager/Interim Redevelopment Agency Director Morariu noted that to have a decision sooner would give staff direction and time to prepare the Statement of Indebtedness due October 1. Mr. Quirk requested staff to report the pros and cons of Council taking action on August 9th, as opposed to waiting until late September.

Council/RA/HA Member Henson favored the "opt-in" program as the risks for the City were too high and stated the City needed to maintain a level of redevelopment. Mr. Henson said Council had received of a letter from Senator Corbett inviting Mayor/Chair Sweeney to participate in formulating legislation, but was not sure if that would help. Mr. Henson expressed concern about the State raiding more of local agencies' funds regardless of Proposition 22.

In reference to the letter, Council/RA/HA Member Halliday said a response to Senator Corbett would be appropriate. Mayor Sweeney favored sending the Senator a letter requesting the repeal of ABx1 26 and ABx1 27. In response to Ms. Halliday's question about the Statement of Enforceable Obligations, Assistant City Manager/Interim Redevelopment Agency Director Morariu responded that staff needed time to analyze the items to be included in the Statement. She said she was leaning toward the "opt-in" program, but felt trust had been broken between local agencies and the State, and this needed to be communicated to the State legislators.

Council/RA/HA Member Zermeño expressed support for the "opt-in" option and noted he would not be in attendance on July 26, 2011. He supported writing a response to Senator Corbett's letter, requesting the Senator do away with the two bills ABx1 26 and ABx1 27. Mayor Sweeney asked staff to prepare a resolution for Council in response to Senator Corbett's letter about repealing ABx1 26 and ABx1 27.

Mayor/Chair Sweeney thanked staff and requested a comprehensive spreadsheet and information that addressed Council's concern about tax increment assumptions. Additionally, Mayor Sweeney asked staff to address how the City could avoid an opt-in "black-hole," and consider an "opt-in" program while eliminating obligations so the City could "opt-out" to a better economic state at some point in the future. Mayor/Chair Sweeney thanked staff and his colleagues.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council/RA/HA Member Quirk referred to a letter from Hayward Area Shoreline Planning Agency (HASPA) to Bay Conservation and Development Commission (BCDC) concerning HASPA's desire to have primary responsibility for how HASPA plans to ameliorate the problems of sea level rise and for BCDC to help coordinate responses from various agencies. Mr. Quirk asked if Council was amenable to send a similar letter to BCDC expressing Council's position to maintain control of its ability to respond to sea level rise. There was Council consensus to place this item at a future Council agenda.

Council/RA/HA Member Zermeño noted that the California Supreme Court upheld the right of cities to ban plastic grocery bags.

Council/RA/HA Member Henson reported that the Metropolitan Transportation Commission (MTC) met to establish guidelines and parameters for funding of project development areas, most of which are located in current redevelopment districts. Mr. Henson added that the Alameda County Transportation Commission will look at the process at its next meeting.

ADJOURNMENT

Mayor/Chair Sweeney gave the opportunity to Council/RA/HA Member Halliday to adjourn the meeting in memory of Siua Fihaki, and plant a tree in his memory. Ms. Halliday noted that Mr. Fihaki was a member of the Tongan Community, contributed to the community through his commitment as a Trustees Committee Chair of the First United Methodist Church, and was a good man. Mayor/Chair Sweeney adjourned to a closed session with labor negotiators at 8:56 p.m.

APPROVED:

_____

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency/Housing Authority

ATTEST:

_____

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency/Housing Authority

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Development Services
Director of Library and Community Services

SUBJECT: Resolution for the City of Hayward to Join the League of California Cities' Healthy Eating Active Living (HEAL) Cities Campaign

RECOMMENDATION

That the City Council adopts the attached resolution for the City of Hayward to become a member of the Healthy Eating Active Living (HEAL) Cities Campaign

BACKGROUND

Cities and their residents face increased health care costs and diminished quality of life due to the obesity epidemic. City leaders across California are addressing the crisis by implementing land use and employee policies that encourage physical activity and healthy food choices.

The League of California Cities led the way with a resolution in 2004 that encouraged cities to embrace policies that promote healthier lifestyles and communities. Two years later, the League adopted a resolution to work together with the Institute for Local Government, and the Cities Counties and Schools Partnership, to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. The Healthy Eating Active Living Cities Campaign (Campaign) grew out of these resolutions and is a partnership of the California Center for Public Health Advocacy and the League of California Cities.

The Campaign provides training and technical assistance to help city officials adopt policies to improve the physical activity and food environments for their residents and employees in three major focus areas: land use, healthy foods, and employee wellness. Hayward would be joining a group of over 75 participating California cities that are setting goals to provide residents and employees with healthier choices through the Campaign. By adopting the attached resolution, the City would be committing to strive to continue making advancements that would work towards the goals of the Campaign. This may include future policy and ordinance changes. In addition, future decisions made by the City would take into consideration the goals of the resolution.

As reflected in the attached resolution, the Campaign's goals include encouraging cities to build a healthy environment by prioritizing the capital improvement projects to: (1) increase opportunities for physical activity in existing areas; (2) facilitate strong, sustainable community gardens and

farmers markets that increase public access to healthy food including fresh fruits and vegetables; and (3) revise comprehensive plans and zoning ordinances to increase physical activities and access to healthier foods. In addition, the Campaign's goals include promoting employee wellness and encouraging local restaurants to offer healthier food choices.

The Campaign also encourages walking and biking and a built environment that facilitates alternative modes of transportation, which are directly related to Strategy One of the Climate Action Plan (CAP). Furthermore, while the City's greenhouse gas inventory does not take into account energy use associated with food production and transportation, healthy food and local food production promoted by the Campaign supports the City's efforts to reduce overall greenhouse gas emissions. The education and outreach needed to promote the Campaign can easily be combined with the outreach efforts related to the CAP.

DISCUSSION

The attached resolution was adapted from a sample resolution provided by the Campaign. By following its goals, Hayward would be taking clear steps to move toward becoming a healthier city. The City has already taken many steps in meeting these goals, but there are more steps that could be taken. The following discussion outlines ways in which the City is working towards the goals outlined in the resolution around both the built environment and employee wellness.

Built Environment - In some ways, the City has already taken measures to meet some of the Campaign goals. For instance; the City has had a Bicycle Master Plan for many years. This plan was last updated in 2007 and provides a network of bicycle facilities that includes bike paths, lanes, and routes. The City should strive to continue to improve upon the existing plan and implement means to improve undeveloped bike paths where possible.

The City plans to promote pedestrian access by developing a Pedestrian Master Plan when the Circulation Element of the General Plan is updated in the next couple of years. A Pedestrian Master Plan would enhance pedestrian travel and safety within the City.

The Zoning Ordinance provides for pedestrian-oriented design by including zoning districts that allow mixed-use development and higher density zoning in the downtown area and near public transportation. Recognizing that living near public transportation or near a vibrant downtown promotes walking, these districts have lower parking requirements. Parking can be further reduced by providing bicycle spaces, shuttle service to BART or bus stations, carpools for employees, and other similar methods that reduce vehicle trips.

To promote pedestrian-oriented neighborhoods, City staff is developing two form-based codes along most segments of Mission Boulevard. The intent of the form-based codes is to ensure that existing and new buildings work together to define pedestrian-oriented space of the streets and other public places. Buildings would be harmonious with each other in scale and character, and create an attractive, walkable neighborhood. To encourage alternate modes of transportation, the form-based codes will not have minimum parking requirements for automobiles. The South Hayward BART/Mission Boulevard Form-Based Code is scheduled for Council to consider

adoption at tonight's meeting and the Mission Boulevard Corridor Form-Based Code is anticipated to be completed in the first quarter of 2012.

The City strives to promote the safe pedestrian use of City streets. Approximately one million dollars per year is spent on repairing existing sidewalks throughout the City. These improvements include installing or modifying handicap ramps to meet State standards. In addition, one-half million dollars per year is spent on installing new sidewalks.

Every Saturday, year round, there is a farmer's market in downtown Hayward. The market features locally grown produce and a selection of hot foods from nearby restaurants and caterers. The market provides a place to retail locally-grown produce while creating a sense of community.

To help promote public access to healthier foods, the City is working with community groups and other local agencies to strengthen community gardens and related urban agriculture initiatives throughout the City. One such community group is *Urban Farming for Hayward*, a recently organized group of concerned citizens interested in the potential of growing and selling locally-grown produce for profit within the City, as a means to create jobs and generate income for disadvantaged residents. Another group the City is working with is *Hayward Community Gardens*, which currently operates a large members-only community garden in South Hayward on land managed by the Hayward Area Recreation & Park District and owned by PG&E.

In addition to increasing access to healthy foods, facilitating locally-based urban agriculture initiatives within the City such as community gardens can help reduce vehicle trips to local grocery outlets and, on a more global scale, reduce the City's carbon footprint due to the transportation of produce via ships, trucks, and trains. Urban farms and community gardens allow the community to work together while providing a truly local healthy food source.

Another avenue the City can follow to encourage a more active and healthy populace would be to work with the Hayward Area Recreation & Park District and the Hayward Unified School District via the Hayward Local Agencies Committee to enhance and expand physical activity programs, especially programs for youth. Such programs would allow the community to come together through physical activity, and could address food choices available to students.

Employee Wellness - The Hayward Police Department recently initiated a new health and wellness program for City employees called Pursuit Performance Training. The program allows employees to access a website where they are given daily workout routines, are able to track weight loss, and can access advice on how to eat and live a healthier life. The City is also establishing exercise and yoga classes for employees. These classes have expanded beyond the Police Department and are now available throughout the City.

There is also a movement to provide healthier food choices in the vending machines throughout the City. The vending machines will feature healthier snacks, such as granola bars and veggie chips. This will give the employee the ability to make healthier choices for snacks.

Healthy Food Access - A measure the City would implement, as suggested by the Campaign and as reflected in the attached resolution, is to allow restaurants that promote healthy food choices via menu information to display a Hayward Healthy Eating Active Living (HEAL) logo identifying their restaurant as a healthier choice. Staff would return to the Council in the future with additional information for implementation of this measure.

ECONOMIC IMPACT

Creating pedestrian-oriented development would allow shoppers to spend their money locally rather than driving to stores located outside City limits. Facilitating urban agriculture related activities could potentially create jobs and additional income for local residents as well as help to improve community access to locally produced fruits and vegetables.

FISCAL IMPACT

Creating the Pedestrian Master Plan as part of the next comprehensive General Plan update, developing form-based codes focused on pedestrian-oriented development, modifying the City's Zoning Ordinance, and working with community groups and local agencies could be done by existing staff and should require no additional costs over the next fiscal year, other than the costs associated with a General Plan update, which would be significant.

PUBLIC CONTACT

In a public meeting on Wednesday, June 1, 2011, the Council Sustainability Committee reviewed and discussed the draft resolution, and by consensus recommended to City Council the adoption of the resolution for the City of Hayward to join the Healthy Eating Active Living Cities Campaign.

NEXT STEPS

If the attached resolution is adopted, the City of Hayward will formally join and be recognized by the League of California Cities' Healthy Eating Active Living Cities Campaign. Staff will continue to meet with community groups, City departments, and other local agencies to develop ordinances, policies, and activities that would help facilitate a healthier city, consistent with the goals outlined in the resolution.

Recommended by: David Rizk, AICP, Director of Development Services
Sean Reinhart, Director of Library and Community Services

Approved by:

Fran David, City Manager

Attachment I: Resolution for the City of Hayward to Join the League of California Cities' Healthy Eating Active Living (HEAL) Cities Campaign

HAYWARD CITY COUNCIL

RESOLUTION NO. ___-

Introduced by Council Member

RESOLUTION FOR CITY OF HAYWARD TO JOIN THE LEAGUE OF CALIFORNIA CITIES' "HEALTHY EATING ACTIVE LIVING (HEAL) CITIES" CAMPAIGN

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, in July 2010 the League of California Board of Directors resolved to partner with and support the national *Let's Move Campaign*, and encourages California cities to adopt preventative measures to fight obesity; and

WHEREAS, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, California Senate Bill 375 and Assembly Bill 32 call on cities to adopt plans to reduce greenhouse emissions which include reducing vehicular miles traveled; and

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

WHEREAS, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recognized that obesity is a serious public health threat to the health and wellbeing of adults, children and families in Hayward. While individual lifestyle changes are necessary, individual effort alone is insufficient to combat obesity's rising tide. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end, Hayward adopts this Healthy Eating Active Living resolution:

I. Built Environment

BE IT FURTHER RESOLVED that the City of Hayward planners, engineers, community economic and redevelopment personnel responsible for the design and construction of neighborhoods, streets, and business areas, should make every effort to:

- Prioritize capital improvements projects to increase the opportunities for physical activity in existing areas;
- Plan and construct a built environment that encourages walking, biking and other forms of physical activity;
- Address safe walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;
- Facilitate the siting of new grocery stores, community gardens, farmers markets and urban farms where possible, to increase public access to healthy food in underserved communities, including access to fresh fruits and vegetables;
- Expand community access to indoor and outdoor public facilities through joint use agreements with the Hayward Unified School District and the Hayward Recreation and Parks District, and/or other partners;
- Revise comprehensive plans and zoning ordinances to increase opportunities for physical activity and access to health foods wherever and whenever possible, including compact, mixed-use and transit-oriented development;
- Include health goals and policies related to physical activity and access to healthy food in the next general plan update;
- Build incentives for development project proposals to demonstrate favorable impact on resident and employee physical activity and access to healthy foods;
- Examine racial, ethnic, and socio-economic disparities in access to healthy foods and physical activity facilities or resources, and work with affected communities where possible, to develop and adopt strategies to remedy these inequities.

II. Employee Wellness

BE IT FURTHER RESOLVED that in order to promote wellness within Hayward, and to set an example for other businesses, Hayward pledges to adopt and implement an employee wellness policy that will:

- Offer wellness programs to employees that encourage healthy eating and physical activity;
- Establish types of physical activity breaks for meetings over one hour in length;
- Accommodate breastfeeding employees upon their return to work;
- Encourage walking meetings and use of stairways.

BE IT FUTHER RESOLVED to set nutrition standards for vending machines located in city owned or leased locations;

BE IT FUTHER RESOLVED to create nutrition guidelines for food offered at city events, city sponsored meetings, served at city facilities and city concessions, and city programs.

III. Healthy Food Access

BE IT FURTHER RESOLVED that Hayward encourages food retailers doing business in Hayward to prominently feature healthy check-out lanes free of high density foods;

BE IT FURTHER RESOLVED that restaurants and food retailers that promote healthy food choice in the above manners be recognized by the City and will be entitled to display a Hayward Healthy Eating Active Living logo.

IV. Implementation

BE IT FURTHER RESOLVED that the City shall encourage the Hayward Unified School District (HUSD) and the Hayward Area Recreation and Parks District (HARD) to partner with the City in the Healthy Eating Active Living Cities Campaign, and that the City will work with HUSD and HARD to jointly promote access to healthy food and the use of well-designed parks within the City.

BE IT FURTHER RESOLVED that the City Council shall receive an annual report regarding steps taken to implement this resolution, additional steps planned, and any desired actions that would need to be taken by the City Council.

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: July 26, 2011

TO: Mayor and City Council

FROM: Human Resources Director

SUBJECT: Adoption of City Salary Plan for Fiscal Year 2012

RECOMMENDATION

That the City Council adopts a resolution approving the Salary Plan for Fiscal Year 2012 that designates all classifications and the corresponding salary range for positions of employment in the City government of the City of Hayward as of July 1, 2011, and that supersedes Resolution No. 10-191and all amendments thereto.

BACKGROUND

On June 21, 2011, the City Council adopted the FY2012 budget that sets forth the number and title of positions allocated to each City department. There are approved Memoranda of Understanding (MOUs) and Side Letters of Agreement (Side Letters) for all bargaining units, as well as a Salary and Benefits Resolution for Unrepresented Management Employees (Resolution) all of which remain in effect for the duration of Fiscal Year 2012. The MOUs, Side Letters, and Resolution set forth annual salaries for all the classifications referenced in each.

Section 2-4.30 of the Hayward Municipal Code, requires the Human Resources Director to prepare a salary plan, at least once per year, for each classification within the City's classified service. Section 2-4.31 requires the Personnel Commission to review and recommend a Salary Plan to the City Council for adoption. .

DISCUSSION

As required by the Municipal Code, the Salary Plan for FY2012 (Attachment I) has been updated to reflect all classifications within the City's classified service and any changes approved by Council during the FY2012 budget process. The Salary Plan also reflects updates and additions of classifications and their respective salaries that resulted from a reorganization of management positions within the Utilities Division in the Public Works Department.

The Public Works Director is reorganizing management positions in the Utilities Division to achieve greater efficiency, increase front-line supervisory oversight, and improve utilization of resources. Following the retirement of two key management employees, the Public Works Department reviewed the overall operation to determine how to best utilize resources and personnel prior to recruiting for the vacant positions.

Staff decided that the department would combine the Water Operations and Sewer Collection System Maintenance Sections into one section, and this newly combined section along with the newly named Utility Field Services section would report to one manager. This reorganization reduces the number of managers and replaces one manager position with a supervisor.

The *Utilities Operations and Maintenance Manager* functions as the Chief Operator for the City's water system and replaces the previous Utility Superintendent position. In the new structure, the two section supervisors report to this one manager. The *Utilities Field Services Supervisor* will handle field services for water main construction and repair, as well as customer services including meter reading and maintenance as well as backflow prevention. The *Utilities Operations and Maintenance Supervisor* will handle field services for daily water operations, water pump maintenance and all issues related to sewer collection system maintenance.

Pursuant to Section 2-4.31 of the Hayward Municipal Code, the Personnel Commission reviewed the Salary Plan for the classified service on May 26, 2011 and July 14, 2011 and recommends said plan to the City Council for adoption.

ECONOMIC IMPACT

There is no direct economic impact on Hayward residents associated with this report**.**

FISCAL IMPACT

The reorganization of the Public Works Department positively impacts the Hayward community because it maintains the current level of service with greater efficiency and utilization of resources. The change in salaries as a result of the reorganization achieves an annual savings of approximately $11,253 in FY2012 (Table 1).

Table 1

Position	Previous Structure (Base Annual Salary)	Reorganization (Base Annual Salary)	Difference (Annualized)
Utilities Superintendant replaced by Utilities Operations and Maintenance Manager	$152,298	$142,043	($10,255)
Utilities Maintenance Supervisor replaced by Utilities Operations and Maintenance Supervisor	$112,736	$118,373	$5,637

Position	Previous Structure (Base Annual Salary)	Reorganization (Base Annual Salary)	Difference (Annualized)
Utilities Operations and Maintenance Superintendent replaced by Utilities Field Services Supervisor	$125,008	$118,373	($6,635)
Total	$390,042	$378,789	($11,253)

Prepared and Recommended by: Fran Robustelli, Human Resources Director

Approved by:

Fran David, City Manager

Attachment: Attachment I– FY2012Salary Plan
Attachment II- Resolution Adopting the FY2012Salary Plan

SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2012

Recommended by
Personnel Commission
on (DATE)
Approved by Council
on (DATE)

Classification Title	Hourly Salary Range A	B	C	D	E	Job Code	Service Type
CITY WIDE ADMINISTRATIVE/ANALYTICAL SUPPORT							
ADMINISTRATIVE ANALYST III	42.66	44.77	47.06	49.38	51.83	723	Classified
ADMINISTRATIVE ANALYST II	38.44	40.32	42.29	44.43	46.65	724	Classified
ADMINISTRATIVE ANALYST I	36.35	37.85	38.84	40.78	42.42	744	Classified
EXECUTIVE ASSISTANT	34.79	36.39	38.03	39.66	41.41	418	Unclassified
HUMAN RESOURCES ADMINISTRATIVE SECRETARY	32.17	33.49	34.81	36.09	37.53	1175	Classified
ADMINISTRATIVE SECRETARY (CONFIDENTIAL)	32.17	33.49	34.80	36.09	37.53	420	Classified
ADMINISTRATIVE SECRETARY	30.62	31.89	33.14	34.38	35.76	108	Classified
SENIOR SECRETARY (CONFIDENTIAL)	29.40	30.51	31.77	32.93	34.22	414	Classified
SENIOR SECRETARY	27.99	29.09	30.27	31.38	32.59	107	Classified
ADMINISTRATIVE ASSISTANT	27.02	28.44	29.92	31.42	33.18	743	Classified
SECRETARY (CONFIDENTIAL)	25.91	27.07	28.45	29.79	31.13	413	Classified
SECRETARY	24.63	25.76	27.05	28.31	29.66	106	Classified
ADMINISTRATIVE CLERK II (CONFIDENTIAL)	23.85	24.82	25.80	26.93	28.28	401	Classified
ADMINISTRATIVE CLERK II	22.71	23.63	24.59	25.69	26.95	102	Classified
ADMINISTRATIVE CLERK I (CONFIDENTIAL)	21.01	22.07	23.20	24.46	25.71	400	Classified
ADMINISTRATIVE CLERK I	19.99	21.04	22.11	23.28	24.50	101	Classified
ADMINISTRATIVE INTERN				15.00	20.00	907	Classified
MAIL CLERK			12.47	13.12	13.76	134	Classified
CITY WIDE MAINTENANCE							
ELECTRICIAN II	39.14	40.70	42.30	44.09	45.92	329	Classified
ELECTRICIAN I	35.59	37.06	38.53	40.15	41.77	328	Classified
CITY WIDE CLASSIFICATIONS							
SENIOR PERMIT TECHNICIAN	31.66	32.96	34.24	35.74	37.56	179	Classified
PERMIT TECHNICIAN	28.55	29.69	30.88	32.21	33.85	180	Classified
CITY ATTORNEY DEPARTMENT							
CITY ATTORNEY					88.99	1216	Unclassified
ASSISTANT CITY ATTORNEY	59.90	62.84	66.00	69.35	72.82	1134	Classified
DEPUTY CITY ATTORNEY II	42.00	44.05	46.29	48.60	50.95	1179	Classified
DEPUTY CITY ATTORNEY I	34.58	36.31	38.15	40.03	42.00	1178	Classified
LEGAL SECRETARY II	28.89	30.57	32.87	33.56	35.29	416	Classified
LEGAL SECRETARY I	26.02	27.39	28.83	30.38	32.00	415	Classified
CITY CLERK DEPARTMENT							
CITY CLERK	45.11	47.39	49.75	52.22	54.84	1225	Unclassified
DEPUTY CITY CLERK	32.65	34.24	35.98	37.77	39.66	747	Classified
CITY MANAGER DEPARTMENT							
OFFICE OF THE CITY MANAGER							
CITY MANAGER					107.04	1297	Unclassified
ASSISTANT CITY MANAGER	73.94	77.62	81.56	85.60	89.61	1122	Unclassified
DEPUTY CITY MANAGER	64.03	67.24	70.60	74.12	77.82		Unclassified
ASSISTANT TO CITY MANAGER	46.12	48.42	50.87	53.39	56.04	1126	Classified
ECONOMIC DEVELOPMENT							
ECONOMIC DEVELOPMENT MANAGER	56.51	59.27	62.29	65.35	68.67	709	Classified
ECONOMIC DEVELOPMENT COORDINATOR	50.90	53.38	56.01	58.90	61.77	711	Classified
ECONOMIC DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	669	Classified
NEIGHBORHOOD PARTNERSHIP SERVICES							
NEIGHBORHOOD DEVELOPMENT MANAGER	56.51	59.27	62.29	65.35	68.67	799	Classified
NEIGHBORHOOD PARTNERSHIP MANAGER	50.90	53.38	56.01	58.90	61.77	703	Classified
COMMUNITY PRESERVATION INSPECTION SUPERVISOR	39.77	41.76	43.85	46.04	48.35	715	Classified
SENIOR COMMUNITY PRESERVATION INSPECTOR	36.15	37.96	39.86	41.84	43.95	620	Classified
COMMUNITY PRESERVATION INSPECTOR	32.22	33.83	35.55	37.35	39.24	617	Classified

SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2012

Recommended by
Personnel Commission
on (DATE)
Approved by Council
on (DATE)

Classification Title	Hourly Salary Range A	B	C	D	E	Job Code	Service Type
REDEVELOPMENT AGENCY							
REDEVELOPMENT DIRECTOR	56.51	59.27	62.29	65.35	68.67	795	Classified
REDEVELOPMENT PROJECT MANAGER	50.90	53.38	56.01	58.90	61.77	794	Classified
HOUSING MANAGER	50.90	53.38	56.01	58.90	61.77	726	Classified
HOUSING DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	674	Classified
REDEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	649	Classified
HOMEOWNDERSHIP COORDINATOR	35.60	37.39	39.19	41.18	43.20	605	Classified
DEVELOPMENT SERVICES DEPARTMENT							
DEVELOPMENT SERVICE ADMINISTRATION							
DEVELOPMENT SERVICES DIRECTOR	66.57	69.92	73.44	77.13	81.00	1116	Unclassified
BUILDING DIVISION							
CITY BUILDING OFFICIAL	56.51	59.27	62.29	65.35	68.67	740	Classified
HOUSING REHABILITATION COORDINATOR	37.35	39.29	41.29	43.32	45.44	662	Classified
SUPERVISING BUILDING INSPECTOR	48.01	50.47	52.88	55.54	58.31	741	Classified
SENIOR BUILDING INSPECTOR/STRUCTURAL	40.04	42.17	44.30	46.40	48.71	663	Classified
SENIOR BUILDING INSPECTOR/PLUMBING-MECHANICAL	40.04	42.17	44.30	46.40	48.71	659	Classified
SENIOR BUILDING INSPECTOR/ELECTRICAL	40.04	42.17	44.3	46.4	48.71	658	Classified
BUILDING INSPECTOR	34.57	36.19	38.04	39.97	42.59	656	Classified
SUPERVISING HOUSING INSPECTOR	48.01	50.47	52.88	55.54	58.31	748	Classified
SENIOR HOUSING INSPECTOR	36.15	37.96	39.86	41.84	43.95	657	Classified
HOUSING INSPECTOR	31.64	33.20	34.83	36.60	38.42	660	Classified
SUPERVISING PLAN CHECKER AND EXPEDITOR	40.88	42.87	45.03	47.37	49.76	798	Classified
PLAN CHECKING ENGINEER	46.81	49.08	51.55	54.23	57.00	610	Classified
SENIOR PLAN CHECKER	40.04	42.17	44.30	46.40	48.71	611	Classified
PLAN CHECKER	36.41	38.33	40.27	42.19	44.29	609	Classified
PLANNING DIVISION							
PLANNING MANAGER	56.51	59.27	62.29	65.35	68.67	797	Classified
PRINCIPAL PLANNER	50.90	53.38	56.01	58.90	61.77	720	Classified
SENIOR PLANNER	45.54	47.80	50.24	52.72	55.34	796	Classified
ASSOCIATE PLANNER	40.65	42.64	44.77	47.07	49.32	650	Classified
ASSISTANT PLANNER	33.36	34.99	36.87	38.67	40.65	624	Classified
JUNIOR PLANNER	29.57	31.14	32.60	34.23	35.90	622	Classified
GRAPHICS/PLANNING ILLUSTRATOR	28.12	29.48	31.04	32.59	34.17	627	Classified
DEVELOPMENT REVIEW ENGINEER	49.22	51.64	54.23	56.98	59.79	781	Classified
DEVELOPMENT REVIEW SPECIALIST	35.54	37.27	39.29	41.22	43.32	604	Classified
FINANCE DEPARTMENT							
FINANCE ADMINISTRATION DIVISION							
FINANCE DIRECTOR	70.42	73.94	77.64	81.52	85.60	1118	Unclassified
BUDGET OFFICER	45.36	47.61	50.00	52.49	55.11	700	Classified
AUDITOR	45.36	47.61	50.00	52.49	55.11	745	Classified
COLLECTIONS OFFICER	33.40	35.11	36.90	38.75	40.67	653	Classified
ACCOUNTING MANAGER	45.36	47.61	50.00	52.49	55.11	730	Classified
REVENUE MANAGER	45.36	47.61	50.00	52.49	55.11	729	Classified
FINANCE SUPERVISOR	41.24	43.31	45.42	47.73	50.07	734	Classified
SENIOR ACCOUNTANT	41.24	43.31	45.42	47.73	50.07	749	Classified
SENIOR ACCOUNTING TECHNICIAN	31.24	32.78	34.38	36.11	37.94	100	Classified
ACCOUNTING TECHNICIAN	28.39	29.82	31.28	32.83	34.49	140	Classified
SENIOR ACCOUNT CLERK	26.11	27.38	28.56	29.95	31.34	156	Classified
ACCOUNT CLERK	23.80	24.84	26.02	27.22	28.58	155	Classified
SENIOR CUSTOMER ACCOUNT CLERK	26.11	27.38	28.56	29.95	31.34	130	Classified
CUSTOMER ACCOUNT CLERK	23.80	24.84	26.02	27.22	28.58	125	Classified
PURCHASING DIVISION							
PURCHASING AND SERVICES MANAGER	47.23	49.59	52.07	54.67	57.40	739	Classified
PURCHASING TECHNICIAN	28.39	29.82	31.28	32.83	34.49	110	Classified
PURCHASING ASSISTANT	28.03	29.18	30.33	31.46	32.68	111	Classified
MAIL AND PURCHASING CLERK	21.55	22.63	23.69	24.92	26.15	112	Classified

SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2012

Recommended by
Personnel Commission
on (DATE)
Approved by Council
on (DATE)

Classification Title	Hourly Salary Range A	B	C	D	E	Job Code	Service Type
FIRE DEPARTMENT							
FIRE DEPARTMENT - SWORN							
FIRE CHIEF	74.32	77.95	81.85	85.85	89.86	1101	Unclassified
DEPUTY FIRE CHIEF (40 HR)	66.16	69.37	72.78	76.37	80.19	1006	Classified
FIRE MARSHAL (40 HR)	60.14	63.17	66.23	69.50	72.90	1003	Classified
FIRE TRAINING OFFICER (40 HR)	59.98	62.98	66.13	69.44	72.91	1007	Classified
BATTALION CHIEF (56 HR)	39.05	41.01	42.99	45.10	47.34	1004	Classified
BATTALION CHIEF (40 HR)	54.67	57.43	60.22	63.18	66.28	1005	Classified
STAFF FIRE CAPTAIN (40 HR)			54.76	57.40	60.26	244	Classified
FIRE CAPTAIN (56 HR)			35.57	37.26	39.13	245	Classified
FIRE CAPTAIN (40 HR)			49.79	52.16	54.77	246	Classified
FIRE PREVENTION INSPECTOR (40 HR)	42.24	44.26	46.48	48.70	51.14	230	Classified
FIRE PREVENTION INSPECTOR (56 HR)	30.15	31.61	33.20	34.78	36.53	231	Classified
APPARATUS OPERATOR (56 HR)	28.52	29.93	31.41	32.92	34.60	220	Classified
APPARATUS OPERATOR (40 HR)	39.93	41.90	44.35	46.10	48.40	221	Classified
FIREFIGHTER (56 HR)	26.91	28.22	29.65	31.08	32.62	215	Classified
FIREFIGHTER (40 HR)	37.69	39.50	41.51	43.46	45.66	216	Classified
FIREFIGHTER TRAINEE (40 HR)	34.26	35.91				973	Classified
FIRE DEPARTMENT - NON SWORN							
HAZARDOUS MATERIALS PROGRAM COORDINATOR	48.01	50.47	52.88	55.54	58.31	705	Classified
FIRE PROTECTION ENGINEER	46.81	49.08	51.55	54.23	57.00	640	Classified
EMERGENCY MEDICAL SERVICES COORDINATOR	43.01	45.22	47.48	49.84	52.32	710	Classified
HAZARDOUS MATERIALS INVESTIGATOR	39.45	41.42	43.49	45.67	47.93	676	Classified
ENVIRONMENTAL SPECIALIST	39.45	41.42	43.49	45.67	47.93	677	Classified
HUMAN RESOURCES DEPARTMENT							
HUMAN RESOURCES DIRECTOR	67.45	70.82	74.36	78.08	81.98	1119	Unclassified
HUMAN RESOURCES MANAGER	42.98	45.13	47.39	49.76	52.25	1156	Classified
EMPLOYEE BENEFITS ADMINISTRATOR	39.09	41.03	43.14	45.25	47.50	1142	Classified
SENIOR HUMAN RESOURCES ANALYST	39.09	41.03	43.14	45.25	47.50	1155	Classified
HUMAN RESOURCES ANALYST II	35.72	37.47	39.34	41.33	43.36	1177	Classified
HUMAN RESOURCES ANALYST I	29.52	30.99	32.61	34.23	35.97	1176	Classified
HUMAN RESOURCES TECHNICIAN	27.20	28.65	30.13	31.72	33.40	1174	Classified
LIBRARY AND COMMUNITY SERVICES DEPARTMENT							
ADMINISTRATION							
LIBRARY AND COMMUNITY SERVICES DIRECTOR	67.53	70.90	74.45	78.17	82.08	1120	Unclassified
COMMUNITY SERVICES							
SOCIAL SERVICES PLANNING MANAGER	50.90	53.38	56.01	58.90	61.77	785	Classified
COMMUNITY DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	647	Classified
COMMUNITY PROGRAMS SPECIALIST	37.35	39.29	41.29	43.32	45.44	670	Classified
COMMUNITY PROGRAMS AIDE	24.24	25.37	26.60	27.83	29.15	648	Classified
SENIOR PROPERTY REHABILITATION SPECIALIST	41.08	43.21	45.41	47.64	49.97	673	Classified
PROPERTY REHABILITATION SPECIALIST	37.35	39.29	41.29	43.32	45.44	665	Classified
PARATRANSIT COORDINATOR	35.60	37.39	39.19	41.18	43.20	664	Classified
LIBRARY SERVICES DIVISION							
LIBRARY OPERATIONS MANAGER	35.65	37.48	39.50	41.58	43.76	768	Classified
SUPERVISING LIBRARIAN I	35.65	37.48	39.50	41.58	43.76	736	Classified
LIBRARIAN II	30.65	32.18	33.75	35.46	37.13	626	Classified
LIBRARIAN I	27.79	29.19	30.64	32.10	33.75	625	Classified
LEAD LIBRARY ASSISTANT	25.17	26.45	27.71	29.07	30.59	191	Classified
SENIOR LIBRARY ASSISTANT	23.24	24.27	25.39	26.51	27.79	189	Classified
LIBRARY ASSISTANT	21.06	22.04	23.03	24.09	25.22	187	Classified
SENIOR LIBRARY PAGE					16.47	199	Classified
LIBRARY PAGE					15.03	198	Classified
LITERACY PROGRAM COORDINATOR	27.79	29.19	30.64	32.10	33.75	623	Classified

SALARY PLAN FOR ALL CLASSIFICATIONS
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FY 2012

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on (DATE)
Approved by Council
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Classification Title	Hourly Salary Range A	B	C	D	E	Job Code	Service Type
MAINTENANCE SERVICES DEPARTMENT							
ADMINISTRATION							
DIRECTOR OF MAINTENANCE SERVICES	67.62	71.00	74.55	78.28	82.19	1113	Unclassified
FACILITIES MANAGEMENT							
FACILITIES AND BUILDING MANAGER	48.10	50.58	53.06	55.73	58.57	760	Classified
FACILITIES LEADWORKER	43.30	45.02	46.78	48.71	50.79	300	Classified
FACILITIES MAINTENANCE SUPERVISOR	35.71	37.53	39.37	41.36	43.37	792	Classified
FACILITIES PAINTER II	31.95	33.25	34.55	35.98	37.48	330	Classified
FACILITIES PAINTER I	29.07	30.24	31.47	32.79	34.08	324	Classified
FACILITIES CARPENTER II	31.82	33.08	34.47	35.89	37.39	327	Classified
FACILITIES CARPENTER I	28.94	30.14	31.38	32.65	34.01	326	Classified
AUDITORIUM LEADWORKER	26.24	27.22	28.30	29.44	30.64	304	Classified
STOREKEEPER - EXPEDITER	25.86	26.93	27.94	29.01	30.13	371	Classified
FACILITIES SERVICEWORKER II	23.51	24.45	25.45	26.34	27.39	320	Classified
FACILITIES SERVICEWORKER I	21.42	22.20	23.08	24.03	24.88	318	Classified
FLEET MANAGEMENT DIVISION							
EQUIPMENT MANAGER	48.10	50.58	53.06	55.73	58.57	738	Classified
EQUIPMENT MAINTENANCE SUPERVISOR	43.76	45.97	48.24	50.66	53.12	771	Classified
SENIOR EQUIPMENT MECHANIC	32.42	34.04	35.74	37.53	39.40	305	Classified
EQUIPMENT MECHANIC II	29.49	30.87	32.43	34.13	35.82	312	Classified
EQUIPMENT MECHANIC I	26.85	28.20	29.63	31.10	32.62	310	Classified
EQUIPMENT SERVICE ATTENDANT	22.86	23.76	24.75	25.58	26.57	308	Classified
EQUIPMENT PARTS STOREKEEPER	24.78	26.09	27.35	28.72	30.17	307	Classified
LANDSCAPE MAINTENANCE DIVISION							
LANDSCAPE MAINTENANCE MANAGER	48.10	50.58	53.06	55.73	58.57	752	Classified
LANDSCAPE MAINTENANCE SUPERVISOR	43.76	45.97	48.24	50.66	53.12	761	Classified
GROUNDSKEEPER III	32.41	33.72	35.08	36.56	37.99	343	Classified
TREE TRIMMER	29.16	30.32	31.55	32.67	33.95	340	Classified
GROUNDSKEEPER II	28.42	29.55	30.76	31.84	33.07	342	Classified
GROUNDSKEEPER I	25.81	26.84	27.97	28.93	30.08	338	Classified
STREET MAINTENANCE DIVISION							
STREETS MAINTENANCE MANAGER	48.10	50.58	53.06	55.73	58.57	756	Classified
STREETS MAINTENANCE SUPERVISOR	43.76	45.97	48.24	50.66	53.12	764	Classified
SENIOR MAINTENANCE LEADER	33.03	34.35	35.73	37.25	38.71	367	Classified
MAINTENANCE LEADER	29.00	30.13	31.38	32.48	33.73	360	Classified
SENIOR SWEEPER EQUIPMENT OPERATOR	28.57	30.00	31.50	33.07	34.72	306	Classified
SWEEPER EQUIPMENT OPERATOR	27.09	28.00	29.12	30.36	31.56	362	Classified
MAYOR AND COUNCIL DEPARTMENT							
MAYOR			Annual Salary:		40,000.00	1300	Unclassified
CITY COUNCIL			Annual Salary:		25,000.00	1301	Unclassified
POLICE DEPARTMENT							
POLICE SWORN							
CHIEF OF POLICE	76.82	80.52	84.49	88.59	92.63	1102	Unclassified
POLICE CAPTAIN	63.27	66.43	69.75	73.34	76.89	802	Classified
POLICE LIEUTENANT				66.67	69.91	555	Classified
POLICE SERGEANT			55.06	57.72	60.67	545	Classified
INSPECTOR	47.29	49.65	52.08	54.55	57.22	520	Classified
POLICE OFFICER	41.95	43.96	46.10	48.33	50.62	515	Classified
POLICE OFFICER TRAINEE	29.95	31.44				174	Classified
POLICE NON SWORN							
COMMUNITY SERVICE OFFICER	26.23	27.37	28.69	30.00	31.43	169	Classified
POLICE RECORDS CLERK II	24.92	25.91	26.95	28.14	29.52	120	Classified
POLICE RECORDS CLERK I	21.90	23.04	24.26	25.48	26.84	119	Classified

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FIELD OPERATIONS DIVISION							
CRIME PREVENTION SUPERVISOR	30.19	31.49	32.98	34.50	36.14	190	Classified
SENIOR CRIME PREVENTION SPECIALIST	28.77	29.97	31.42	32.86	34.42	186	Classified
CRIME PREVENTION SPECIALIST	26.16	27.27	28.55	29.89	31.29	188	Classified
TRAFFIC SAFETY ASSISTANT					12.43	901	Classified
SPECIAL OPERATIONS DIVISION							
YOUTH AND FAMILY SERVICES MANAGER	50.90	53.38	56.01	58.90	61.77	790	Classified
COUNSELING SUPERVISOR	43.01	45.22	47.48	49.84	52.32	737	Classified
FAMILY COUNSELOR I	34.80	36.52	38.36	40.12	42.21	632	Classified
PROPERTY/EVIDENCE MANAGER	40.40	42.48	44.61	46.78	49.17	725	Classified
PROPERTY AND EVIDENCE SUPERVISOR	38.67	40.67	42.68	44.76	47.05	776	Classified
POLICE ID SPECIALIST	30.68	32.21	33.83	35.53	37.21	652	Classified
CRIME SCENE TECHNICIAN	27.37	28.59	29.91	31.26	32.76	175	Classified
PROPERTY TECHNICIAN	26.23	27.37	28.69	30.00	31.43	170	Classified
SUPPORT SERVICES DIVISION							
OPERATIONS SUPPORT DIRECTOR	61.27	64.33	67.55	70.92	74.47	1104	Classified
PUBLIC SAFETY INFORMATION SYSTEMS MANAGER	40.10	42.09	44.20	46.42	48.71	708	Classified
ANIMAL SERVICES MANAGER	41.48	43.49	45.71	47.99	50.37	714	Classified
ANIMAL SERVICES SUPERVISOR	28.85	30.14	31.54	32.99	34.56	144	Classified
VETERINARY TECHNICIAN	29.79	31.27	32.83	34.49	36.20	103	Classified
ANIMAL SHELTER SUPERVISOR	23.83	24.88	25.84	26.95	28.31	145	Classified
SENIOR ANIMAL CONTROL OFFICER	27.48	28.69	30.05	31.42	32.91	184	Classified
ANIMAL CONTROL OFFICER	24.81	26.09	27.28	28.56	29.90	185	Classified
SENIOR ANIMAL CARE ATTENDANT	22.67	23.69	24.61	25.68	26.96	183	Classified
ANIMAL CARE ATTENDANT	20.65	21.52	22.38	23.36	24.51	181	Classified
COMMUNICATIONS MANAGER	40.40	42.48	44.61	46.78	49.17	775	Classified
COMMUNICATIONS SUPERVISOR	35.33	37.11	38.96	40.89	42.96	141	Classified
SENIOR COMMUNICATIONS OPERATOR	33.64	35.34	37.12	38.95	40.91	164	Classified
COMMUNICATIONS OPERATOR	30.65	32.21	33.80	35.51	37.30	165	Classified
RECORDS MANAGER	40.40	42.48	44.61	46.78	49.17	707	Classified
RECORDS SUPERVISOR	28.36	29.64	31.15	32.54	34.08	143	Classified
SENIOR POLICE RECORDS CLERK	26.99	28.23	29.66	30.97	32.48	121	Classified
JAIL MANAGER	40.40	42.48	44.61	46.78	49.17	706	Classified
JAIL SUPERVISOR	31.53	32.85	34.44	36.05	37.78	142	Classified
SENIOR JAILER	30.01	31.29	32.81	34.32	35.97	168	Classified
PUBLIC WORKS DEPARTMENT							
ADMINISTRATION DIVISION							
PUBLIC WORKS DIRECTOR	74.50	78.23	82.14	86.25	90.56	1111	Unclassified
DEPUTY DIRECTOR OF PUBLIC WORKS	63.25	66.41	69.73	73.22	76.88	1112	Classified
SENIOR UTILITY SERVICE REPRESENTATIVE	32.19	33.79	35.40	37.21	39.03	373	Classified
STOREKEEPER - EXPEDITER	25.86	26.93	27.94	29.01	30.13	371	Classified
AIRPORT DIVISION SUMMARY							
AIRPORT MANAGER	56.51	59.27	62.29	65.35	68.67	713	Classified
AIRPORT OPERATIONS MANAGER	45.27	47.56	49.89	52.41	54.97	732	Classified
SENIOR AIRPORT MAINTENANCE WORKER	30.35	31.47	32.72	34.06	35.43	302	Classified
NOISE ABATEMENT ANALYST	27.79	29.19	30.64	32.10	33.75	643	Classified
AIRPORT MAINTENANCEWORKER	27.57	28.58	29.70	30.94	32.21	303	Classified
AIRPORT ATTENDANT	20.64	21.55	22.34	23.32	24.48	301	Classified

SALARY PLAN FOR ALL CLASSIFICATIONS
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FY 2012

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Classification Title	Hourly Salary Range A	B	C	D	E	Job Code	Service Type
ENGINEERING/TRANSPORTATION DIVISION							
ASSISTANT CITY ENGINEER	56.60	59.36	62.37	65.49	68.75	721	Classified
DESIGN AND CONSTRUCTION SERVICES MANAGER	54.01	56.65	59.51	62.49	65.60	787	Classified
SENIOR CIVIL ENGINEER	49.22	51.64	54.23	56.98	59.79	788	Classified
ASSOCIATE CIVIL ENGINEER	43.75	45.95	48.18	50.63	53.10	606	Classified
ASSISTANT CIVIL ENGINEER	37.69	39.63	41.66	43.68	45.85	602	Classified
JUNIOR CIVIL ENGINEER	32.78	34.39	36.05	37.82	39.75	601	Classified
REAL PROPERTY MANAGER	41.54	43.56	45.70	48.06	50.40	763	Classified
REAL PROPERTY ASSOCIATE	36.80	38.72	40.67	42.64	44.75	667	Classified
REAL PROPERTY ASSISTANT	31.36	32.92	34.50	36.22	38.05	666	Classified
ENGINEERING TECHNICIAN	29.91	31.35	32.94	34.59	36.24	668	Classified
UTILITIES ENGINEER	49.22	51.64	54.23	56.98	59.79	765	Classified
SURVEY ENGINEER	45.54	47.80	50.24	52.72	55.34	778	Classified
SURVEYOR	35.58	37.34	39.20	41.14	43.21	612	Classified
LANDSCAPE ARCHITECT	50.90	53.38	56.01	58.90	61.77	753	Classified
TRANSPORTATION MANAGER	50.90	53.38	56.01	58.90	61.77	757	Classified
ASSOCIATE TRANSPORTATION ENGINEER	43.75	45.95	48.18	50.63	53.10	608	Classified
ASSISTANT TRANSPORTATION ENGINEER	37.69	39.63	41.66	43.68	45.85	615	Classified
JUNIOR TRANSPORTATION ENGINEER	32.78	34.39	36.05	37.82	39.75	616	Classified
SENIOR TRANSPORTATION PLANNER	45.54	47.80	50.24	52.72	55.34	770	Classified
ASSOCIATE TRANSPORTATION PLANNER	40.65	42.64	44.77	47.07	49.32	671	Classified
SUPERVISING CONSTRUCTION INSPECTOR	48.01	50.47	52.88	55.54	58.31	780	Classified
SENIOR CONSTRUCTION INSPECTOR	40.04	42.17	44.30	46.40	48.71	642	Classified
CONSTRUCTION INSPECTOR	33.55	35.27	36.92	38.79	40.76	661	Classified
RECYCLING-SOLID WASTE							
SOLID WASTE MANAGER	42.66	44.77	47.06	49.38	51.83	727	Classified
RECYCLING SPECIALIST	31.64	33.20	34.83	36.60	38.42	636	Classified
WATER POLLUTION CONTROL FACILITY (WPCF)							
WATER POLLUTION CONTROL FACILITY MANAGER	54.75	57.45	60.37	63.34	66.56	759	Classified
WPCF OPERATIONS AND MAINTENANCE MGR	49.46	51.93	54.51	57.24	60.10	717	Classified
WPCF MAINTENANCE SUPERVISOR	44.58	46.85	49.17	51.64	54.20	719	Classified
WPCF OPERATIONS SUPERVISOR	44.58	46.85	49.17	51.64	54.20	718	Classified
WPCF LEAD OPERATOR	34.66	36.04	37.46	38.94	40.51	351	Classified
WPCF OPERATOR	31.51	32.77	34.08	35.41	36.84	350	Classified
OPERATOR-IN-TRAINING	28.84	29.99	31.24	32.30	33.56	347	Classified
LAB SUPERVISOR	44.58	46.85	49.17	51.64	54.20	702	Classified
LABORATORY TECHNICIAN	32.49	33.71	35.01	36.45	37.81	637	Classified
WATER POLLUTION SOURCE CONTROL							
WATER POLLUTION CONTROL ADMINISTRATOR	44.58	46.85	49.17	51.64	54.20	769	Classified
SENIOR WATER POLLUTION SOURCE CONTROL INSPECTOR	37.15	39.08	41.04	42.98	45.17	680	Classified
WATER POLLUTION SOURCE CONTROL INSPECTOR	33.76	35.52	37.14	39.05	40.99	679	Classified
TECHNICAL INTERN					15.00	908	Classified
WATER DISTRIBUTION							
UTILITIES SUPERINTENDENT	60.15	63.18	66.34	69.69	73.22	735	Classified
UTILITIES OPERATIONS AND MAINTENANCE SUPERINTENDENT	49.46	51.93	54.51	57.24	60.10	716	Classified
UTILITIES OPERATIONS AND MAINTENANCE MANAGER	56.18	58.99	61.94	65.04	68.29		Classified
UTILITIES OPERATIONS AND MAINTENANCE SUPERVISOR	46.82	49.16	51.62	54.20	56.91		Classified
UTILITIES FIELD SERVICES SUPERVISOR	46.82	49.16	51.62	54.20	56.91		Classified
WATER INSTALLATION AND MAINTENANCE SUPERVISOR	38.84	40.80	42.79	44.98	47.14	793	Classified
SENIOR UTILITY CUSTOMER SERVICE LEADER	33.63	34.98	36.37	37.91	39.42	378	Classified
CROSS CONNECTION CONTROL SPECIALIST	29.47	30.49	31.69	33.00	34.31	376	Classified
WATER METER MECHANIC	28.64	29.74	30.97	32.24	33.53	375	Classified
WATER METER READER	25.60	26.61	27.70	28.71	29.85	369	Classified
BACKFLOW/CROSS CONNECTION TESTER	24.77	25.95	27.16	28.48	29.85	370	Classified
UTILITIES MAINTENANCE SUPERVISOR	44.58	46.85	49.17	51.64	54.20	766	Classified
UTILITIES SERVICE WORKER	28.24	29.36	30.57	31.64	32.87	368	Classified

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GENERAL MAINTENANCE							
EQUIPMENT OPERATOR	28.39	29.43	30.60	31.84	33.13	361	Classified
MAINTENANCE WORKER	26.33	27.39	28.53	29.50	30.68	357	Classified
LABORER	22.72	23.56	24.50	25.50	26.42	336	Classified
SENIOR UTILITY LEADER	35.35	36.77	38.23	39.88	41.46	377	Classified
UTILITY LEADER	31.06	32.30	33.64	34.82	36.16	374	Classified
UTILITY WORKER	28.24	29.36	30.57	31.64	32.87	372	Classified
UTILITIES MAINTENANCE MECHANIC	32.39	33.64	34.96	36.37	37.84	325	Classified
TECHNOLOGY SERVICES DEPARTMENT							
TECHNOLOGY SERVICES DIRECTOR	67.71	71.09	74.65	78.38	82.30	1105	Unclassified
INFORMATION SYSTEMS MANAGER	50.66	53.16	55.80	58.59	61.48	772	Classified
DATA AND SYSTEMS COORDINATOR	45.47	47.77	50.13	52.67	55.31	728	Classified
NETWORK SYSTEMS SPECIALIST	40.90	42.97	45.09	47.34	49.72	755	Classified
GEOGRAPHIC INFO SYSTEMS COORDINATOR	39.30	41.26	43.22	45.40	48.41	635	Classified
PROGRAMMER ANALYST	38.58	40.47	42.57	44.67	46.87	628	Classified
WEB SPECIALIST	38.02	39.94	41.92	44.01	46.21	634	Classified
NETWORK/MICROCOMPUTER SPECIALIST	35.02	36.77	38.60	40.52	42.58	630	Classified
INFORMATION SYSTEMS SUPPORT TECHNICIAN	28.68	30.11	31.65	33.22	34.83	633	Classified
COMPUTER OPERATOR ANALYST	32.42	34.03	35.69	37.50	39.37	629	Classified
COMPUTER OPERATOR	27.33	28.66	30.13	31.63	33.14	631	Classified
DATA SYSTEMS OPERATOR	24.65	25.78	27.05	28.33	29.67	160	Classified
AUDIO VIDEO SPECIALIST	27.33	28.66	30.13	31.63	33.14	641	Classified
TECHNICAL ASSISTANT					15.00	906	Classified

ATTACHMENT II

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE FY 2012 SALARY PLAN DESIGNATING CLASSIFICATIONS OF EMPLOYMENT IN THE CITY GOVERNMENT OF THE CITY OF HAYWARD AND SALARY RANGE; AND SUPERSEDING RESOLUTION NO. 10-191 AND ALL AMENDMENTS THERETO

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

Section 1. That a revised Salary Plan relating to the classifications of employment in the City of Hayward, and the hourly rates of pay for those classifications, is hereby set forth in Attachment "I," attached hereto and made a part hereof. The classifications enumerated under the column headed "Classification Title" are hereby designated as the classifications of employment in the City of Hayward, and the hourly rates of pay shown in the columns under the heading "Hourly Salary Range" are the salary rates or the maximum rates of pay for such classifications.

Section 2. Salaries paid to occupants of said classifications shall be administered in accordance with the City's Personnel Rules and applicable Memoranda of Understanding, Side Letters of Agreement and the Salary and Benefits Resolution for Unrepresented Management Employees, all as approved by the City Council and currently in effect.

Section 3. All class titles used herein refer to the specifications of the classification plan as reviewed by the Personnel Commission of the City of Hayward for the classified service, or as set forth in the City Charter.

Section 4. The City Manager may approve, in advance of an established effective date, payment to certain classifications in the Management Unit of all or a portion of a general salary increase previously approved by the City Council. Such advance payments shall be made only for those management classifications where the salary range is less than or equal to 10 percent above an immediately subordinate classification. The amount of advance payment approved by the City Manager shall not exceed the amount required to establish a 10 percent salary differential between the affected classifications. The City Manager shall advise the City Council and each bargaining unit in advance of any payments made pursuant to the provisions of this section.

Section 5. The salary ranges set forth in Attachment "I" shall be revised to reflect salary changes provided in any Memoranda of Understanding, Side Letters of Agreement, or Resolution setting forth the wages, hours, and other terms and conditions of employment for a bargaining unit or group of unrepresented employees of the City. Any revisions made pursuant to the provisions of this section shall be incorporated into a document prepared by the Human Resources Director and distributed to affected employees or their representatives that reflects the date of the revision and cites both the authority provided by this section and the provision of the memorandum or resolution being effectuated by the revision.

Section 6. This resolution supersedes Resolution No. 10-191 and all amendments thereto.

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: July 26, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for Dixon Street Improvements, Tennyson Road to Valle Vista Avenue (Transportation for Livable Communities Grant Project)

RECOMMENDATION

That Council adopts the attached resolution:

1. Appropriating $450,000 in the Street System Improvements Fund for the Dixon Street Improvements project; and

2. Authorizing the City Manager to negotiate and execute a Professional Services Agreement with BKF Engineers for final design of the Dixon Street Improvements project in an amount not-to-exceed $300,000.

BACKGROUND

On July 20, 2010, Council adopted the resolution supporting the Transportation for Livable Communities (TLC) grant application submitted by City staff to the Metropolitan Transportation Commission (MTC) for improvements to Dixon Street in the South Hayward BART Station area. The project submitted to MTC involved streetscape and access improvements along Dixon Street and in the South Hayward BART area.

MTC staff recommended a grant award of approximately $3.1 million for streetscape and access improvement to: (1) both sides of Dixon Street between Tennyson Road and Valle Vista Avenue; (2) the south side of Tennyson Road fronting the BART station; and (3) the BART station area being used for the Wittek-Montana mixed-use project and within the BART station plaza area. However, due to current economic conditions, the developers have made a request to modify their project. The proposed revised project has been reduced in scope and will only include development on the BART overflow lot as well as the Perry & Key property, between Dixon Street and Mission Boulevard. City staff worked with MTC staff to scale down the Dixon Street Improvement project accordingly.

Currently, the Dixon Street Improvement project consists of streetscape and roadway improvements to both sides of Dixon Street between Tennyson Road and Valle Vista Avenue, as shown in Attachment III. The work will also include the undergrounding of aerial utilities, improvements to pedestrian and bicycle access, a new traffic signal on Dixon Street, modification of signal phasing at

Dixon Street and Tennyson Road, planting street trees, and installation of new energy-efficient LED street lighting. Other utilities, such as storm drain, sewer and water, required for the Wittek-Montana mixed-use project will be installed with the City's project. Staff is negotiating with the developer to enter into a reimbursement agreement for this work.

The Dixon Street Improvement project will adhere to the goals of the TLC grant, which is to support community-based transportation projects that bring new vibrancy to downtown areas, commercial cores, neighborhoods, and transit corridors. The TLC program is also intended to enhance a community's amenities and ambiance and to make them places where people want to live, work, and visit. On June 8, 2011, the MTC Board approved the revised project and awarded the City $1.8 million for the project.

DISCUSSION

On June 13, 2011, staff sent a request for proposal (RFP) to five engineering firms for the design services pertaining to the Dixon Street Improvement project. The RFP was also posted on the City's website for additional advertisement and solicitation. Additionally, the RFP was published in the newspaper. Four proposals were submitted by local engineering design consulting firms.

Staff evaluated the proposals and selected BKF Engineers as the most responsive and best qualified firm to perform this work. BKF Engineers has extensive experience in urban streetscape design through its involvement with well-recognized Bay Area projects, such as Santana Row and Bay Meadows. BKF Engineers provided a detailed project work plan.

Of the four firms, BKF Engineers is the most familiar with this project as it prepared preliminary design plans required to secure the TLC grant. This work was done under a separate prior contract. Furthermore, BKF Engineers has performed design services for other City projects, including the recently completed Carlos Bee Boulevard Realignment project. Staff believes there are significant advantages to the City in continuing with a proven team. The work will continue with minimal effort, because BKF Engineers has extensive knowledge of the project and would not require much time to research the background and details of the project. After initial negotiations staff also finds the fee proposal to be appropriate for the amount of work.

As this project is funded with Federal funds, the Federal Disadvantaged Business Enterprise (DBE) program applies. The current Federal DBE program requires the establishment of a specific goal for consultant participation from four minority groups found to be underutilized: women; Native Americans; African Americans; and Asian Pacific Americans. The consultant design portion of the project should have a contract goal of 2.3% Underutilized Disadvantaged Business Enterprise (UDBE) participation. BKF Engineers submitted a total UDBE commitment of 7.0%. Staff is recommending a professional services agreement with BKF Engineers for a not-to-exceed amount of $300,000, including $250,000 for basic services and $50,000 as contingency for additional services that might be needed.

FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	$1,950,000
City Design and Administration	150,000
Consultant Design	300,000
Construction Staking, Inspection and Testing	150,000
Total:	$ 2,550,000

The project will receive $1.8 million in TLC funds. On June 28, 2011, Council approved a transfer of $450,000 from the RDA operating budget to the Street System Improvements Fund in the Capital Improvement Program (CIP) to provide for the required local matching funds for this project. As noted earlier, some improvements required of the Wittek-Montana mixed-use development project will be installed with this project. The estimated cost for the utility connections for the Wittek-Montana mixed-use development project is $200,000, while the street improvements, including paving; curb, gutter and sidewalk; and streetscape is approximately $100,000. The developer will reimburse the City all improvement costs associated with the development upon completion of the project.

The estimated project revenue sources are as follows:

TLC Grant	$1,800,000
City's Local Match	450,000
Developer Reimbursement	300,000
Total:	$ 2,550,000

PUBLIC CONTACT

The development of the South Hayward BART area is the result of an inclusive community design process. In October 2009, the City held a week-long public design charrette in the development of the South Hayward BART Form-based Code.

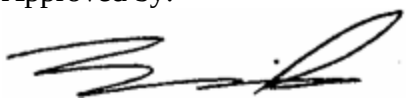
SCHEDULE

Begin Design	August 2010
Complete Design	January 2012
Start Construction	October 2012
Complete Construction	July 2013

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 (Consultant Agreement)
Attachment II:	Resolution (Appropriation)
Attachment III:	Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 11-094, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2012, RELATING TO AN APPROPRIATION OF FUNDS FROM THE STREET SYSTEM IMPROVEMENTS FUND (FUND 413) TO THE DIXON STREET IMPROVEMENTS PROJECT, PROJECT NO. 5167

BE IT RESOLVED that the City Council of the City of Hayward that Resolution No. 11-094, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2012, is hereby amended by approving an appropriation of $450,000 from the Street System Improvements Fund (Fund 413) to the Dixon Street Improvements Project, Project No. 5167.

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 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BKF ENGINEERS FOR FINAL DESIGN SERVICES FOR THE DIXON STREET IMPROVEMENTS, TENNYSON ROAD TO VALLE VISTA AVENUE PROJECT, PROJECT NO. 5167

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with BKF Engineers for Final Design Services for the Dixon Street Improvements, Tennyson Road to Valle Vista Avenue Project, Project No. 5167, in an amount not to exceed $300,000, 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

Residential Lobby
Residential Courtyard
Residential Lobby
Residential Courtyard
Residential Lobby
Pool
Residential Lobby
Residential Courtyard
Dixon Street
A11

CITY OF
HAYWARD
HEART OF THE BAY

____7____

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Signal Timing and Controller Replacement Program: Approval of Contracts and Amendment of Professional Services Agreement with TJKM Transportation Consultants

RECOMMENDATION

That Council adopts the attached resolution for the Signal Timing and Controller Replacement Program Project to:

1. Approve purchases of traffic signal controllers and traffic management software from Western Pacific in an amount not to exceed $200,000, and video detection systems from Iteris, Inc.in an amount not to exceed $165,000; and
2. Authorize the City Manager to execute an Amendment to the Professional Services Agreement with TJKM Transportation Consultants

BACKGROUND

On October 28, 2010, the City received Transportation for Clean Air (TFCA) grant funding in the amount of $614,000 from the Bay Area Air Quality Management District (BAAQMD), through the Alameda County Transportation Commission (CTC). On December 7, 2010, Council authorized the City Manager to execute a TFCA fund transfer agreement with the Alameda CTC and a Professional Services Agreement with TJKM Transportation Consultants for traffic signal timing design services. Design is now complete; the next step is to purchase the hardware and software needed for implementation of the project and perform signal timing. This project will upgrade traffic signal controllers along the Hesperian, Winton, and Tennyson Corridors, adding video detection cameras at six major intersections.

DISCUSSION

The TFCA grant provides funding to upgrade signal controllers at twenty-nine intersections (not including the two intersections controlled and maintained by Caltrans on Hesperian Boulevard at Route 92) and to provide improved signal interconnect along each corridor to enable communication with the new Traffic Management Center (TMC) being installed in City Hall as part of the Route 238 Corridor Improvement Project. This project will also install video detection at six

critical intersections. Video detection eliminates the need for loops in the asphalt to identify the number of cars approaching the signal. Staff has been using video detection rather than loops at most new signals because it is not affected by repaving projects and tends to be more reliable. The design includes video detection along Hesperian Boulevard at Industrial Boulevard, Tennyson Road, and Depot Road/Cathy Way; along Tennyson Road at Whitman Street, Huntwood Avenue, and Patrick Avenue. Furthermore, the design includes GPS clocks to synchronize signal operation between signals maintained by the City and the two signals maintained by Caltrans.

Once the upgrades required for the signal coordination are complete, all thirty-one intersections on the three major corridors will be optimized and coordinated to reduce traffic congestion, thereby improving traffic flow, decreasing fuel consumption, and ultimately reducing greenhouse gas emissions. This is consistent with the goals of the City's Climate Action Plan. More specifically, this project will go a long way to accomplishing action item 1.8 of the Climate Action Plan to improve traffic flow management practices throughout the city, when coupled with the Advanced Signal Timing System being installed with the Route 238 Corridor Improvement Project and similar systems planned for the remaining portions of Mission Boulevard and Jackson Street.

This project will improve vehicle movement along commute corridors, reduce delays to AC Transit buses, and enhance safety. In addition, this project will allow proper intersection clearance time to accommodate bicycle and pedestrian activities and will enable bicycle detection at the seven critical intersections noted above. All project corridors are complete or are partial bicycle corridors as identified in the City's Bicycle Master Plan. All three corridors are also routes used as fire response routes and either have or will have installed Opticom preemption devices, which help improve fire response times. See Attachment II for a map of the project corridors.

The existing Econolite controllers used by the City are outdated and are no longer compatible with new technology being implemented as part of the project. After extensive review of advanced traffic control software and controllers, as part of the Route 238 Corridor Improvement Project, City staff chose to transition to Naztec controllers, which provide a more dynamic means of traffic management and are the same type of controllers being installed as part of the Route 238 Corridor Improvement Project. In addition, traffic management system software is needed to optimize traffic operations and integrate the controllers with the planned Traffic Management Center (TMC). As part of its earlier review of advanced traffic control software, staff selected the ATMS.now software for these corridors because it is compatible with the Naztec controllers, while not as expensive as the SCATS software needed on the Rt 238 Corridor. Because there is only one provider of Naztec controllers, staff recommends Council approval of a sole source contract to purchase the controllers and ATMS.now software through Western Pacific. Having a single supplier for both the software and controllers has been identified as an advantage by other cities upgrading their traffic signal systems.

Iteris is, also, the only firm that provides a video detection camera with high resolution and the ability to process video from four cameras in one processor. Iteris equipment provides superior quality and performance, excellent customer service support, and is reasonably priced. Therefore, staff also recommends Council approval of a sole source contract to purchase the video detection equipment through Iteris, Inc.

Additional Services and Amendment to Professional Services Agreement - TJKM Transportation Consultants, who designed the signal upgrades, will provide traffic signal timing design services for the new controllers and video detection system. In addition, as part of the grant, analysis and any necessary modifications to the signal timing are required after one year of operation. This additional signal timing work was not part of the original scope of work in the previously approved Professional Services Agreement. Staff recommends that Council authorize the City Manager to execute an amendment to the existing agreement with TJKM to increase the not-to-exceed amount, by $40,000 from $100,000 to $140,000.

FISCAL AND ECONOMIC IMPACT

The following is the estimated total cost of the Project:

Signal Controllers/ATMS.now software Purchase and Installation (Western Pacific)	$ 200,000
Video System Purchase (Iteris)	165,000
Consultant design services (TJKM)	140,000
Construction Administration and Video System Installation (City)	143,000
Total:	$ 648,000

The FY 2012 Capital Improvement Program includes $648,000 in the Transportation System Improvement Fund for this project, which consists of $614,000 from the TFCA Grant and $34,000 as the City's required 20% local match.

PUBLIC CONTACT

The Alameda CTC Board approved the City's applications at public meetings on July 22 and October 28, 2010. Prior to construction of the project, public notices will be sent to businesses and residents that may be impacted by the construction work.

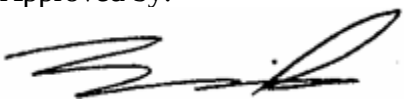
SCHEDULE

Award Contracts	August, 2011
Complete Traffic Signal Controller Upgrade	October, 2011
Complete Testing and Training	December, 2011
Complete Signal Retiming Adjustments	December, 2012

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 Corridors Map

HAYWARD CITY COUNCIL

Resolution No. _____

Introduced by Councilmember _____

RESOLUTION APPROVING PURCHASE ORDERS FOR TRAFFIC SIGNAL CONTROLLERS, VIDEO DETECTION SYSTEMS AND TRAFFIC CONTROL SOFTWARE FOR THE SIGNAL TIMING AND CONTROLLER REPLACEMENT PROGRAM, PROJECT NO. 5107, AND TO APPROVE AN AMENDMENT TO THE PREVIOUSLY APPROVED PROFESSIONAL SERVICES AGREEMENT WITH TJKM TRANSPORTATION CONSULTANTS, INC, FOR SIGNAL RETIMING

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to proceed with a sole source purchase of Naztec Traffic Controllers from Western Pacific Inc., and ATMS.now traffic control software from Western Pacific Inc, in an amount not to exceed $200,000 and video traffic detection cameras from Iteris, Inc. in an amount not to exceed $165,000 for the City's Signal Timing Controller Replacement Program.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to execute an amendment of $40,000 to the professional services agreement with TJKM Transportation Consultants Inc., for traffic signal retiming services, thereby increasing the total revised not-to-exceed amount for the agreement to $140,000.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

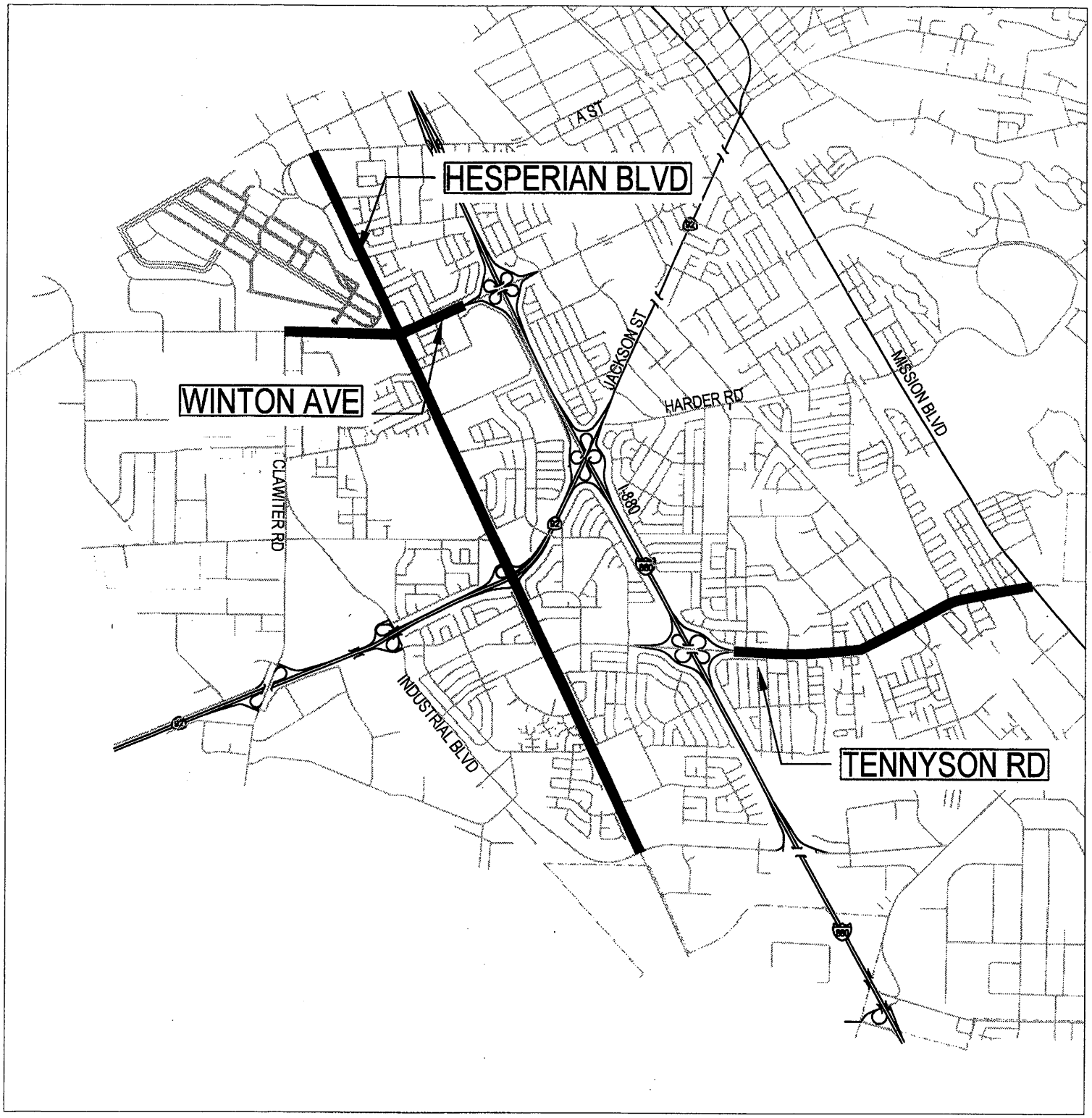
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:_____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward



PROJECT CORRIDORS

CITY OF
HAYWARD
HEART OF THE BAY

____8____

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Sidewalk Rehabilitation and Wheelchair Ramps FY11 – Districts 2 and 3: Award of Contract

RECOMMENDATION

That Council adopts the attached resolution awarding the contract to Rosas Brothers Construction in the amount of $569,547.

BACKGROUND

The Sidewalk Rehabilitation Program for the repair of damaged concrete sidewalks consists of two components. The first is the elimination of tripping hazards for sidewalk displacements or offsets of no more than 1¾ inches. These hazards are eliminated by saw cutting the uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface. The purchase order contract for this trip-hazard removal work was awarded to Precision Concrete cutting Company on February 14, 2011, and the work was completed on June 7, 2011.

The second component of the Sidewalk Rehabilitation Program removes and replaces all sidewalk displacements exceeding 1¾ inches. Property owners may choose to complete the work themselves or to have the repairs completed by the City's approved contractor, with the payment of a flat fee of $550 per single family property. On June 14, 2011, Council approved the plans and specifications for the Sidewalk Rehabilitation and Wheelchair Ramps FY11 – Districts 2 and 3 project and called for bids to be received on July 7, 2011.

DISCUSSION

This year's Sidewalk Rehabilitation Program will repair damaged sidewalks in the Orchard - Hayward Hills Area (District 2), and the Huntwood - Tyrrell Area (District 3). See Attachments II and III for project location maps. The project also includes: the installation of wheelchair accessible ramps; repair of offset or raised concrete curb and gutter; tree trimming; and root pruning of existing trees. As part of the project, the contractor will retain an arborist to examine conditions of existing trees and inspect the root pruning work. New trees will be planted where street trees are absent or where an existing tree must be removed because of disease or is in imminent danger of falling. Approximately 260 separate locations of damaged sidewalks will be repaired, and approximately

seventy-five new wheelchair ramps will be constructed as part of the project. Additionally, fifty-three locations in District 7, which were not able to be completed in last year's sidewalk repair contract, are included in this year's program (see Attachment IV).

On July 7, 2011, staff received five bids for the sidewalk rehabilitation project. Rosas Brothers Construction of Oakland submitted the low bid in the amount of $569,547., which is 6.3% below the Engineer's Estimate of $608,000. JJR Construction Inc. of San Mateo submitted the second lowest bid in the amount of $629,073.60, which is 3.5% higher than the Engineer's Estimate. The bids ranged from $569,547 to $754,933.16.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder Rosas Brothers Construction, in the amount of $569,547.

ECONOMIC IMPACT

The estimated project costs are as follows:

Contract Construction (including tree work)	$569,547
Trip Hazard Removal (under separate contract)	200,000
Design and Administration	115,000
Construction Survey, Inspection, and Testing	104,453
TOTAL	$989,000

The Adopted FY 2012 Capital Improvement Program (CIP) includes $900,000 for the Sidewalk Rehabilitation Project in the Street System Improvements Fund. Reimbursement from property owners is estimated to total approximately $100,000. The Adopted FY 2012 CIP also includes $89,000 in the Gas Tax Fund for the Wheelchair Ramps construction. Transportation Development Act funds will reimburse the full amount of the Wheelchair Ramps project. Total appropriation for the two projects is $989,000.

SCHEDULE

Award Contract	July 26, 2011
Begin Construction	August 22, 2011
Complete Construction	December 05, 2011

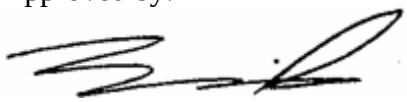
PUBLIC CONTACT

Owners of the affected properties have received certified letters regarding the program along with a response form to return to the City indicating if they want to make the repairs themselves or pay the $550 fee to have the City complete the work. On the response form, property owners are given two payment choices: a $550 lump sum payment or an installment plan of 12 monthly payments. The response form also includes a choice of replacement trees. Additional outreach methods are being implemented to ensure that all property owners are clearly aware of the program and the options available to them, and that we have their response forms on file.

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 Maps – District 2
Attachment III:	Project Location Maps – District 3
Attachment IV:	Project Location Maps – District 7
Attachment V:	Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION AWARDING CONTRACT TO ROSAS BROTHERS CONSTRUCTION FOR THE SIDEWALK REHABILITATION AND WHEELCHAIR RAMPS PROJECT, PROJECT NOS. 5135 AND 5119

WHEREAS, by resolution on June 14, 2011, the City Council approved the plans and specifications for the Sidewalk Rehabilitation and Wheelchair Ramps, Project, Project NOS. 5135 and 5119, and called for bids to be received on July 7, 2011; and

WHEREAS, on July 07, 2011, five bids were received ranging from $569,547.00 to $754, 933.16; Rosas Brothers Construction of Oakland, California submitted the low bid in the amount of $569,547, which is 6.3 percent below the Engineer's Estimate of $608,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Rosas Brothers Construction is hereby awarded the contract for the Sidewalk Rehabilitation and Wheelchair Ramps Project, Project Nos. 5135 and 5119, in an amount not to exceed $569,547.00, 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 Rosas Brothers 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:

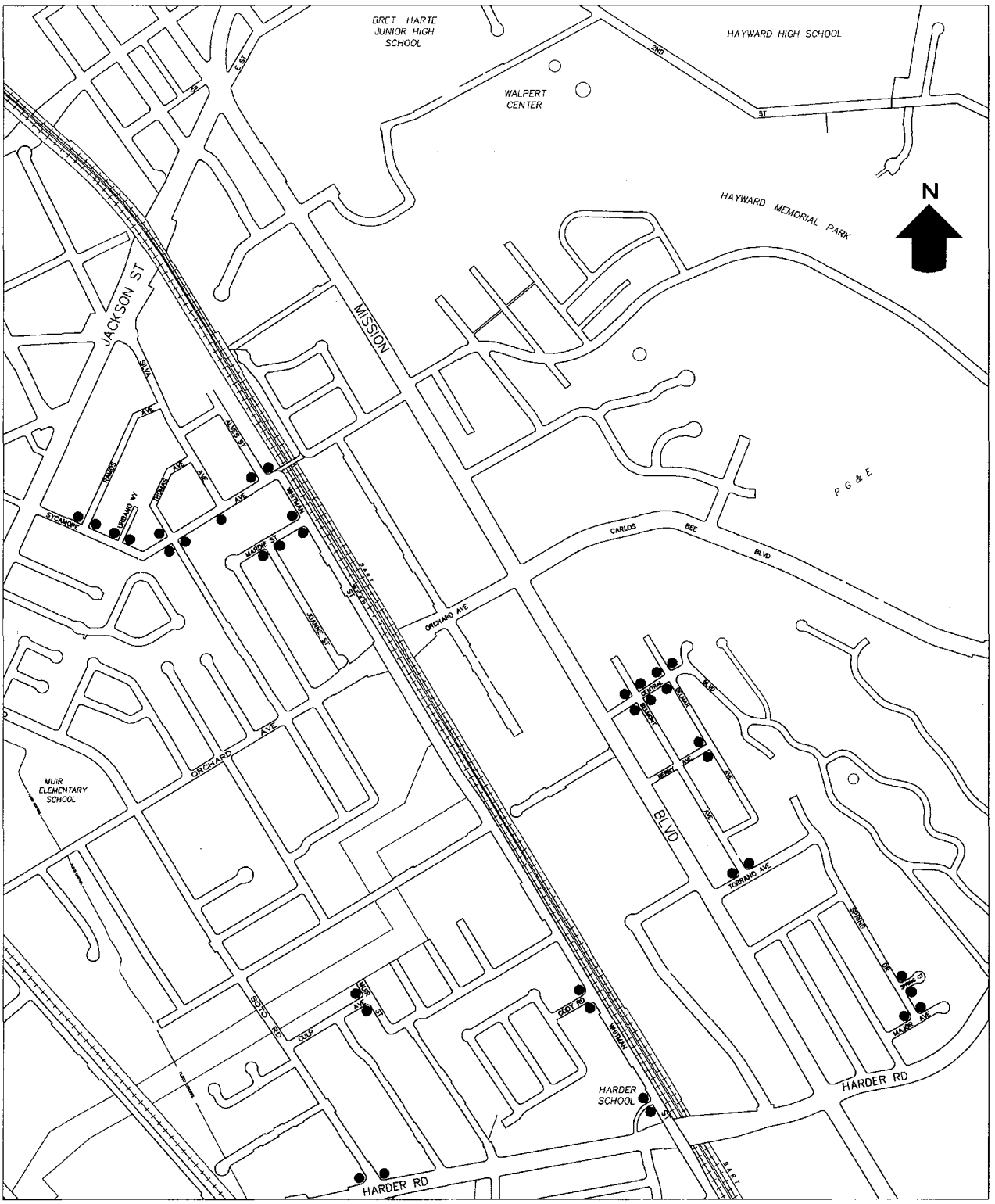
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

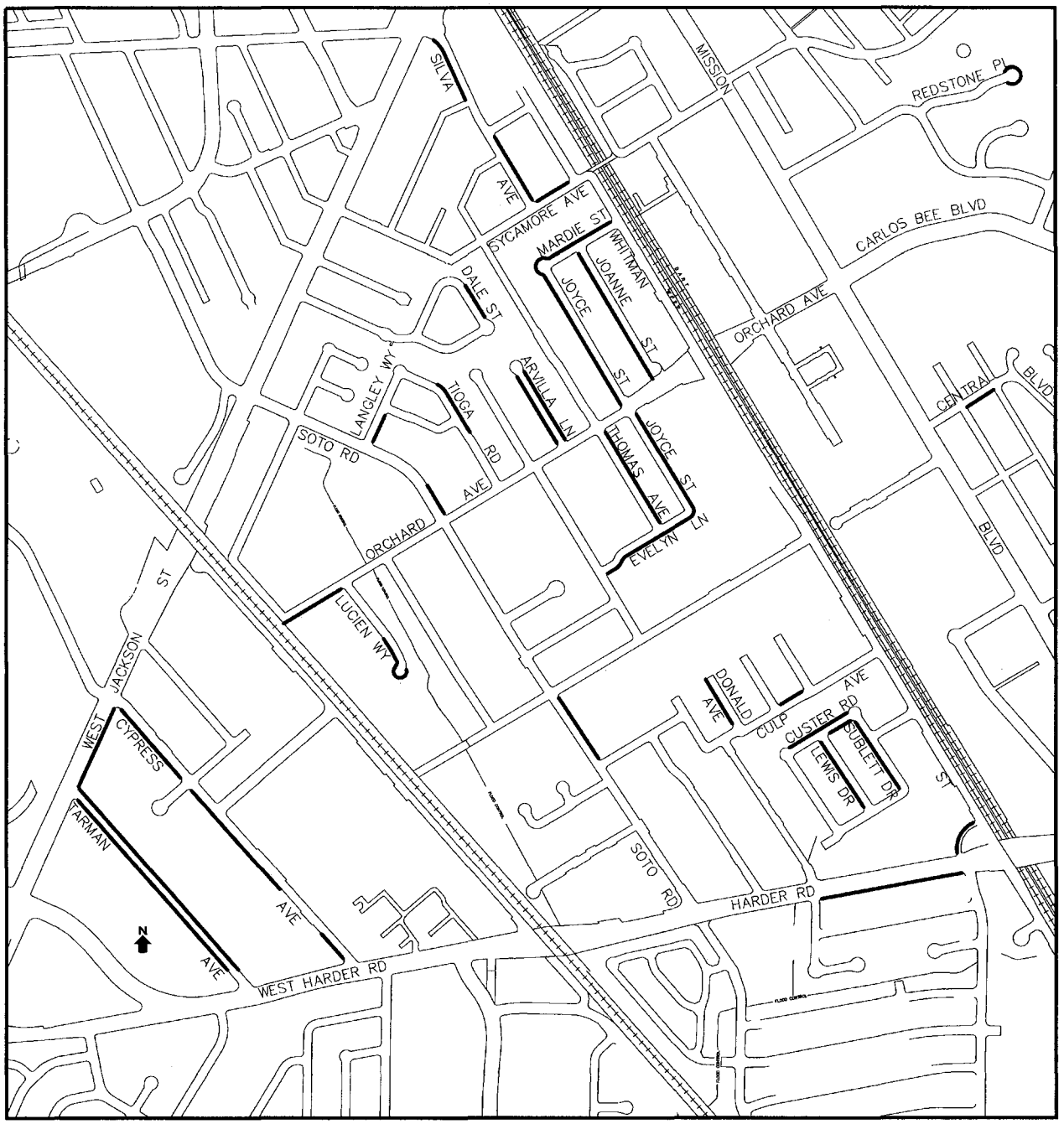
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

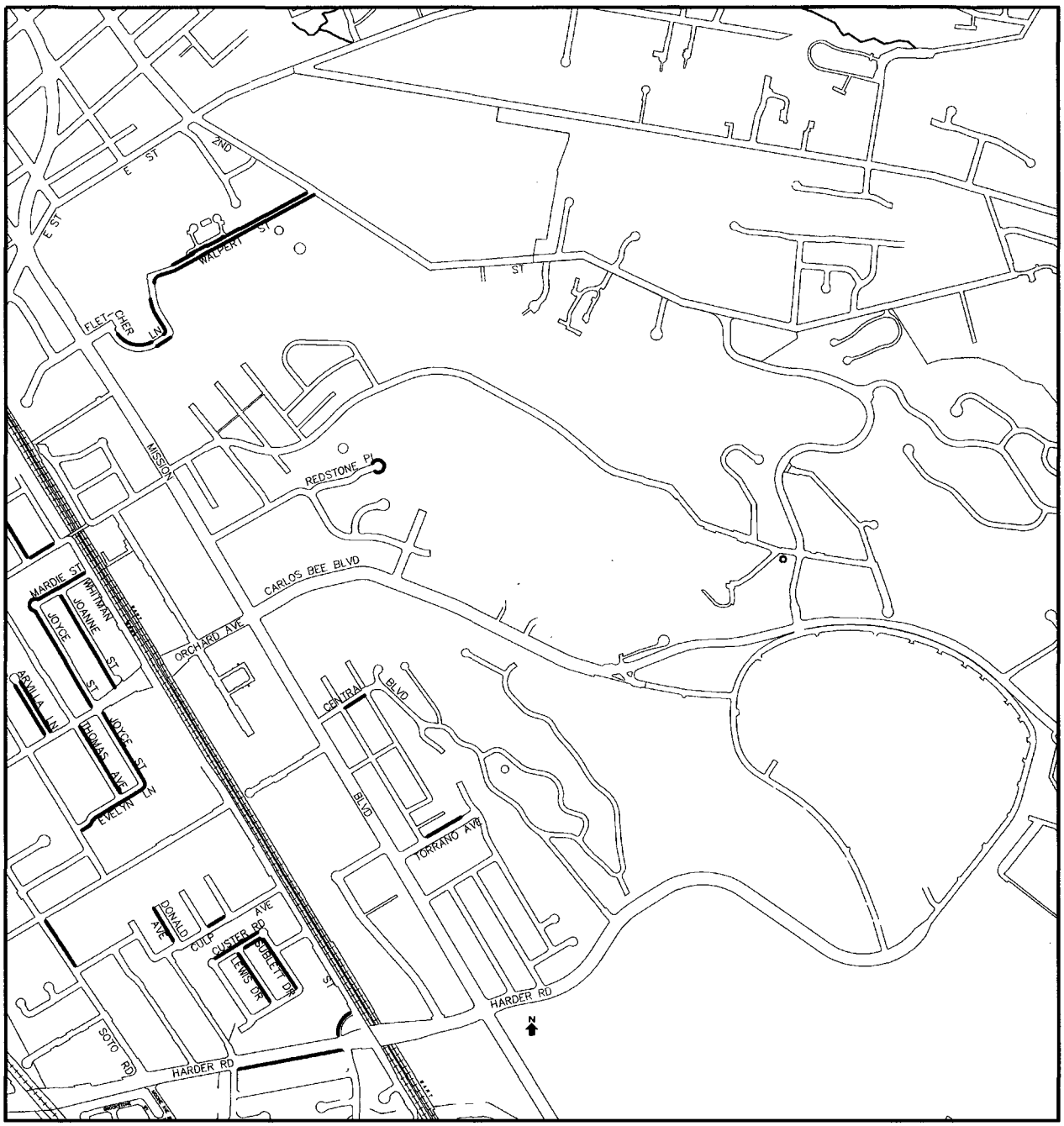
_____
City Attorney of the City of Hayward



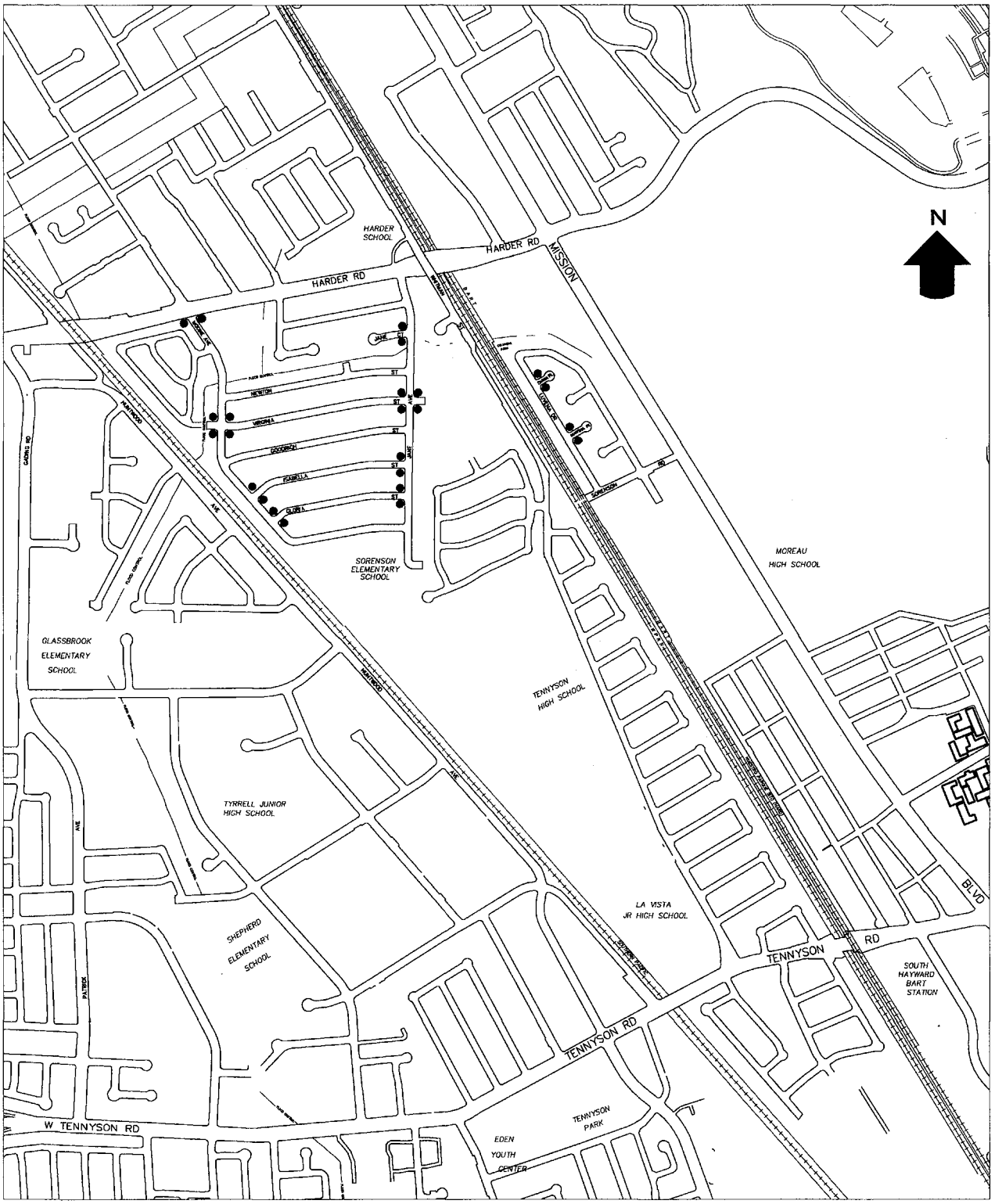
LOCATION MAP
WHEELCHAIR RAMPS FY11
DISTRICT 2 - PROJECT NO. 5119



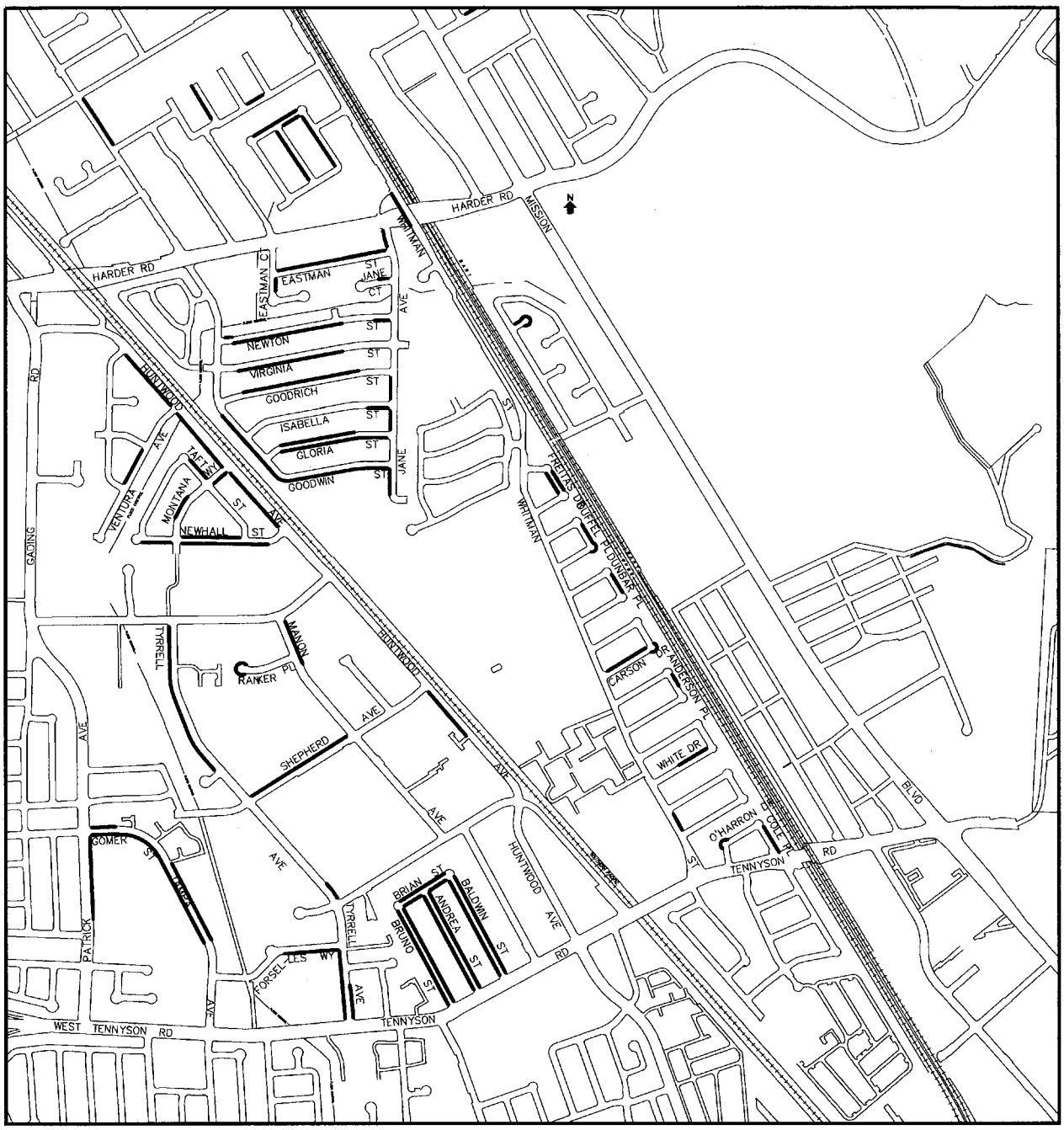
LOCATION MAP
SIDEWALK REHABILITATION FY11
DISTRICT 2 - PROJECT NO. 5135



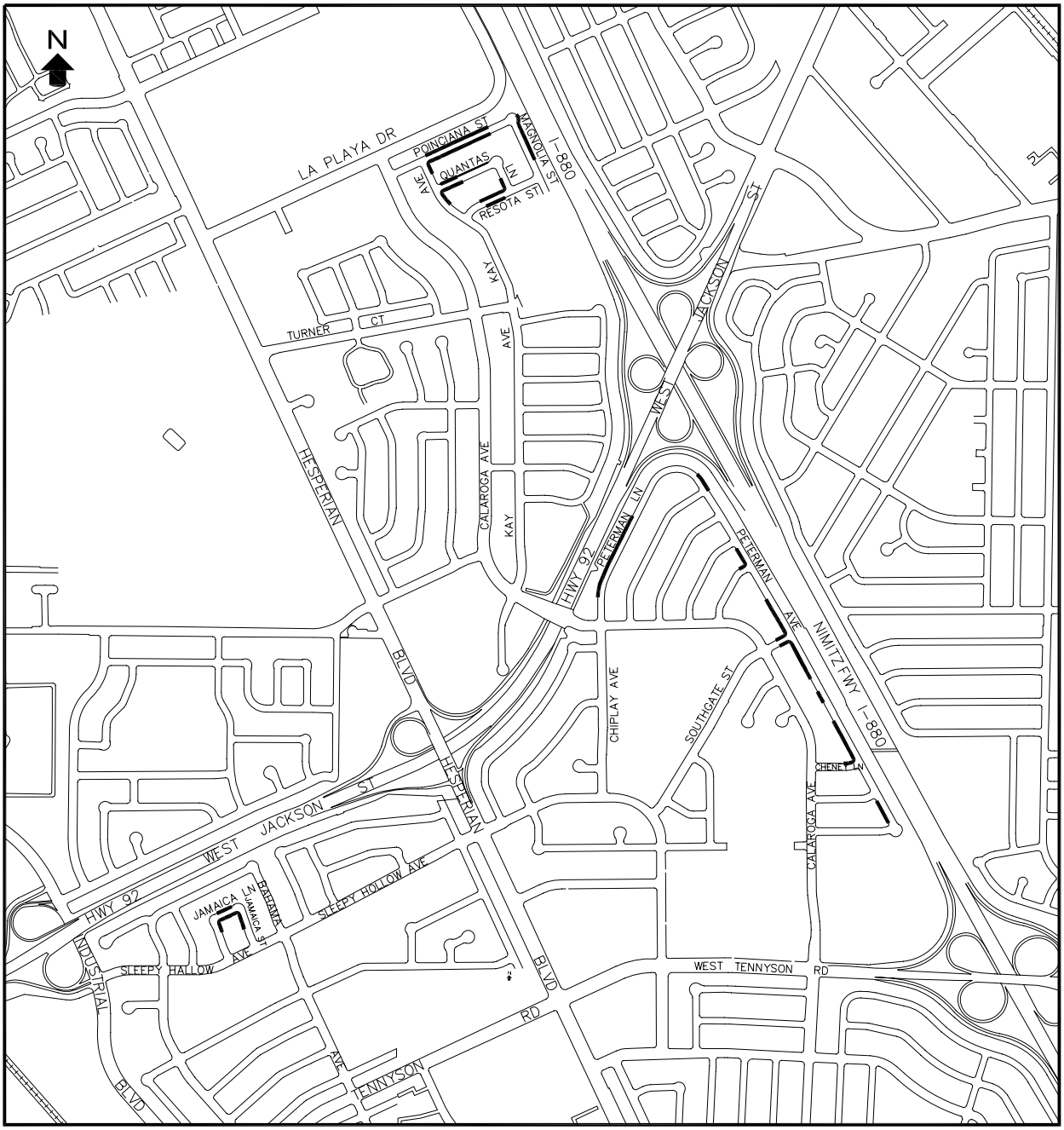
LOCATION MAP
SIDEWALK HABILITATION FY11
DISTRICT 2 - PROJECT NO. 5135



LOCATION MAP
WHEELCHAIR RAMPS FY11
DISTRICT 3 - PROJECT NO. 5119



LOCATION MAP
SIDEWALK REHABILITATION FY11
DISTRICT 3 - PROJECT NO. 5135



LOCATION MAP
SIDEWALK REHABILITATION FY11
DISTRICT 7 - PROJECT NO. 5135

CITY OF HAYWARD
CONSTRUCTION OF SIDEWALK REHABILITATION & WHEELCHAIR RAMPS 2011
PROJECT NOS. 5135 & 5119
BIDS OPENED: JULY 7, 2011

(NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		Rosas Brothers Construction 4731 Coliseum Way Oakland, CA 94601 (510) 534-1077 (510) 534-5077 Fax		JJR Construction, Inc. 1120 Ninth Avenue San Mateo, CA 94402 (650) 343-6109 (650) 343-6207 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	16,380	SF	MINOR CONCRETE (REMOVE AND REPLACE CONCRETE SIDEWALK)	7.00	114,660.00	7.75	126,945.00	8.05 *	131,859.00
2	306	SF	MINOR CONCRETE (REMOVE AND REPLACE CONCRETE DRIVEWAY AND CONFORMS)	8.00	2,448.00	9.00	2,754.00	12.87	3,938.22
3	2,030	LF	MINOR CONCRETE (REMOVE AND REPLACE STANDARD CONCRETE CURB AND GUTTER)	32.00	64,960.00	31.00	62,930.00	30.38	61,671.40
4	5,762	SF	6-INCH DEEP AC CONFORM	8.00	46,096.00	6.50	37,453.00	10.24	59,002.88
5	4	EA	STUMP AND ROOT REMOVAL	300.00	1,200.00	300.00	1,200.00	990.00	3,960.00
6	1,134	SF	REMOVE PLAIN OR EXPOSED AGGREGATE CONCRETE & BRICK TILE	6.00	6,804.00	3.00	3,402.00	4.00	4,536.00
7	346	SF	SALVAGE AND SPREAD DECORATIVE STONES	4.00	1,384.00	3.50	1,211.00	4.00	1,384.00
8	140	EA	24-INCH BOX SIZE TREE	300.00	42,000.00	290.00	40,600.00	330.00	46,200.00
9	2,014	LF	ROOT BARRIER INSTALLATION	10.00	20,140.00	7.75	15,608.50	6.75	13,594.50
10	2,261	SF	TURF (SOD)	4.00	9,044.00	2.50	5,652.50	2.00	4,522.00
11	5	CY	IN-PLACE COMPACTED TOPSOIL	50.00	250.00	40.00	200.00	145.00	725.00
12	3	EA	TREE REMOVAL	500.00	1,500.00	1,100.00	3,300.00	2,700.00	8,100.00
13	3	EA	EXTRAORDINARY ROOT REMOVAL	240.00	720.00	200.00	600.00	1,450.00	4,350.00
14	176	EA	ROOT PRUNE EXISTING TREE	150.00	26,400.00	160.00	28,160.00	165.00	29,040.00
15	92	EA	TREE TRIMMING	150.00	13,800.00	170.00	15,640.00	270.00	24,840.00
16	141	LF	IRRIGATION PIPE AND SPRINKLER HEADS	3.00	423.00	5.00	705.00	12.00	1,692.00
17	13,337	SF	CONCRETE CURB RAMP WITH TRUNCATED DOME	13.00	173,381.00	12.00	160,044.00	11.92	158,977.04
18	300	SF	GRIND AC PAVEMENT	9.00	2,700.00	10.00	3,000.00	12.00	3,600.00
19	176	EA	ARBORIST (SUPERVISION EACH LOCATION)	150.00	26,400.00	40.00	7,040.00	80.00	14,080.00
20	1	LS	RECYCLING IMPLEMENTATION	690.00	690.00	102.00	102.00	1.00	1.00
21	1	LS	ADMINISTRATIVE CHANGE ORDERS	53,000.00	53,000.00	53,000.00	53,000.00	53,000.00	53,000.00
			TOTAL		**608,000.00**		**569,547.00**	**	**629,073.04**

* Unit Total Correction
** Total Bid Correction

CITY OF HAYWARD
CONSTRUCTION OF SIDEWALK REHABILITATION & WHEELCHAIR RAMPS 2011
PROJECT NOS. 5135 & 5119
BIDS OPENED: JULY 7, 2011

(NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		Golden Bay Construction, Inc. 3826 Depot Rd Hayward, CA 94545 (510) 783-2960 (510) 783-2971 Fax		NOR-CAL Concrete Corner of Pennsylvania & Cordelia Rd Suisun, CA 94585 (707) 425-6144 (707) 425-5453 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	16,380	SF	MINOR CONCRETE (REMOVE AND REPLACE CONCRETE SIDEWALK)	7.00	114,660.00	8.00	131,040.00	6.25	102,375.00
2	306	SF	MINOR CONCRETE (REMOVE AND REPLACE CONCRETE DRIVEWAY AND CONFORMS)	8.00	2,448.00	8.75	2,677.50	7.00	2,142.00
3	2,030	LF	MINOR CONCRETE (REMOVE AND REPLACE STANDARD CONCRETE CURB AND GUTTER)	32.00	64,960.00	32.00	64,960.00	34.00	69,020.00
4	5,762	SF	6-INCH DEEP AC CONFORM	8.00	46,096.00	8.25	47,536.50	9.00	51,858.00
5	4	EA	STUMP AND ROOT REMOVAL	300.00	1,200.00	990.00	3,960.00	500.00	2,000.00
6	1,134	SF	REMOVE PLAIN OR EXPOSED AGGREGATE CONCRETE & BRICK TILE	6.00	6,804.00	2.50	2,835.00	8.00	9,072.00
7	346	SF	SALVAGE AND SPREAD DECORATIVE STONES	4.00	1,384.00	2.00	692.00	4.00	1,384.00
8	140	EA	24-INCH BOX SIZE TREE	300.00	42,000.00	330.00	46,200.00	500.00	70,000.00
9	2,014	LF	ROOT BARRIER INSTALLATION	10.00	20,140.00	6.90	13,896.60	20.00	40,280.00
10	2,261	SF	TURF (SOD)	4.00	9,044.00	2.00	4,522.00	5.00	11,305.00
11	5	CY	IN-PLACE COMPACTED TOPSOIL	50.00	250.00	149.00	745.00	250.00	1,250.00
12	3	EA	TREE REMOVAL	500.00	1,500.00	2,750.00	8,250.00	1,800.00	5,400.00
13	3	EA	EXTRAORDINARY ROOT REMOVAL	240.00	720.00	1,458.00	4,374.00	500.00	1,500.00
14	176	EA	ROOT PRUNE EXISTING TREE	150.00	26,400.00	165.00	29,040.00	200.00	35,200.00
15	92	EA	TREE TRIMMING	150.00	13,800.00	275.00	25,300.00	200.00	18,400.00
16	141	LF	IRRIGATION PIPE AND SPRINKLER HEADS	3.00	423.00	20.00	2,820.00	11.00	1,551.00
17	13,337	SF	CONCRETE CURB RAMP WITH TRUNCATED DOME	13.00	173,381.00	13.00	173,381.00	13.95	186,051.15
18	300	SF	GRIND AC PAVEMENT	9.00	2,700.00	5.00	1,500.00	10.00	3,000.00
19	176	EA	ARBORIST (SUPERVISION EACH LOCATION)	150.00	26,400.00	82.50	14,520.00	195.00	34,320.00
20	1	LS	RECYCLING IMPLEMENTATION	690.00	690.00	1.00	1.00	4,500.00	4,500.00
21	1	LS	ADMINISTRATIVE CHANGE ORDERS	53,000.00	53,000.00	53,000.00	53,000.00	53,000.00	53,000.00
			TOTAL		**608,000.00**		**631,250.60**		**703,608.15**

CITY OF HAYWARD
CONSTRUCTION OF SIDEWALK REHABILITATION & WHEELCHAIR RAMPS 2011
PROJECT NOS. 5135 & 5119
BIDS OPENED: JULY 7, 2011

(NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		FBD Vanguard Construction Inc. 651 Enterprise Court Livermore, CA 94550 (925) 245-1300 (925) 245-1007 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	16,380	SF	MINOR CONCRETE (REMOVE AND REPLACE CONCRETE SIDEWALK)	7.00	114,660.00	9.85	161,343.00
2	306	SF	MINOR CONCRETE (REMOVE AND REPLACE CONCRETE DRIVEWAY AND CONFORMS)	8.00	2,448.00	14.00	4,284.00
3	2,030	LF	MINOR CONCRETE (REMOVE AND REPLACE STANDARD CONCRETE CURB AND GUTTER)	32.00	64,960.00	46.00	93,380.00
4	5,762	SF	6-INCH DEEP AC CONFORM	8.00	46,096.00	10.85	62,517.70
5	4	EA	STUMP AND ROOT REMOVAL	300.00	1,200.00	990.00	3,960.00
6	1,134	SF	REMOVE PLAIN OR EXPOSED AGGREGATE CONCRETE & BRICK TILE	6.00	6,804.00	8.00	9,072.00
7	346	SF	SALVAGE AND SPREAD DECORATIVE STONES	4.00	1,384.00	1.75	605.50
8	140	EA	24-INCH BOX SIZE TREE	300.00	42,000.00	330.00	46,200.00
9	2,014	LF	ROOT BARRIER INSTALLATION	10.00	20,140.00	7.00	14,098.00
10	2,261	SF	TURF (SOD)	4.00	9,044.00	2.00	4,522.00
11	5	CY	IN-PLACE COMPACTED TOPSOIL	50.00	250.00	150.00	750.00
12	3	EA	TREE REMOVAL	500.00	1,500.00	2,750.00	8,250.00
13	3	EA	EXTRAORDINARY ROOT REMOVAL	240.00	720.00	1,460.00	4,380.00
14	176	EA	ROOT PRUNE EXISTING TREE	150.00	26,400.00	165.00	29,040.00
15	92	EA	TREE TRIMMING	150.00	13,800.00	275.00	25,300.00
16	141	LF	IRRIGATION PIPE AND SPRINKLER HEADS	3.00	423.00	4.00	564.00
17	13,337	SF	CONCRETE CURB RAMP WITH TRUNCATED DOME	13.00	173,381.00	16.08	214,458.96
18	300	SF	GRIND AC PAVEMENT	9.00	2,700.00	12.00	3,600.00
19	176	EA	ARBORIST (SUPERVISION EACH LOCATION)	150.00	26,400.00	83.00	14,608.00
20	1	LS	RECYCLING IMPLEMENTATION	690.00	690.00	1,000.00	1,000.00
21	1	LS	ADMINISTRATIVE CHANGE ORDERS	53,000.00	53,000.00	53,000.00	53,000.00
			TOTAL		**608,000.00**		**754,933.16**

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: West Winton Landfill Drainage Culvert Repair and Cap Replacement Project: Approval of Plans and Specifications and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution approving the plans and specifications for the West Winton landfill drainage culvert improvement project and calling for bids to be received on August 23, 2011.

BACKGROUND

In March 2009, the City first hired Applied Soil Water Technologies (ASW) as a consultant to assist in mitigating Waste Discharge Requirement (WDR) permit compliance issues. ASW has provided consulting services to the City for various exterior maintenance and compliance requirements related to the West Winton landfill since then.

The latest maintenance issue is that due to normal settlement of the landfill cap, there are areas of depression on the top of the landfill that allow water to pond. To correct the problem, Regional Water Quality Control Board (RWQCB) staff has asked the City to address drainage issues, and gave the City a deadline of June 21, 2011 to submit a grading and drainage improvement plan.

On June 7, 2011, Council authorized the City Manager to negotiate and execute a professional service agreement with Applied Soil Water Technology for the West Winton Landfill Grading and Drainage Culvert Repair Project in the amount of $86,000. ASW has since developed and submitted a detailed design report and work plan for grading and drainage culvert improvement to the RWQCB by the required deadline.

DISCUSSION

Staff has reviewed the grading and drainage culvert improvement work plan ASW prepared and submitted to the RWQCB. The detailed work plan and drawings identify the required grading and drainage culvert construction to restore stormwater drainage. RWQCB has given tentative approval of the work plan so that advertisement of the project can proceed.

This drainage improvement project is in response to a Waste Discharge Requirement (WDR) and, therefore, is exempt from the California Environmental Quality Act (CEQA). The Public Resources Code states that CEQA does not apply to any project involving maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing closed landfill under a WDR.

The City has applied for and received a Solid Waste Disposal and Co-Disposal Site Cleanup program grant through CalRecycle, which provides financial assistance in the form of reimbursement of up to $225,000 in matching funds for eligible construction costs. This will accelerate the pace of cleanup, site restoration, and protection of the public health, safety, and environment. The City obtained the grant funding in March 2009 and, if not spent by December 31, 2011, the funding will expire. Obtaining approval from the RWQCB and completion of the work by November 1, 2011 is critical to making use of the funds from this successful grant application.

FISCAL IMPACT

The estimated project costs are as follows:

Construction Management and Administration Services – Consultant	$ 86,000
Administration, Inspection & Testing – City Staff	$ 20,000
Construction Contract	$270,000
Permitting	$ 10,000
Total	*$386,000*

The FY2012 Capital Improvement Program includes a total of $350,000 for the West Winton Landfill Grading and Drainage Repair Project in the Sewer Enterprise Capital Improvement Fund. If necessary, staff will request additional appropriations from the fund balance at award of the construction contract. As noted above, staff expects CalRecycle to reimburse the City 50% of actual construction costs from the matching grant program.

PUBLIC CONTACT

Staff is in appropriate and/or required contact with he affected agencies (i.e., RWQCB, East Bay Regional Park District, and Alameda County Health) about this project.

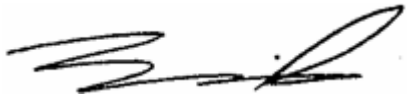
SCHEDULE

City Council Approval and Call for Bids	July 26, 2011
Award Construction Contract	September 13, 2011
Construction starts	October 2011
Construction ends	November 2011

Prepared by: Alex Ameri, Deputy Director of Public Works - Utilities

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 WEST WINTON LANDFILL DRAINAGE CULVERT AND CAP REPLACEMENT PROJECT, PROJECT NO. 7504, 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 West Winton Landfill Drainage Culvert and Cap Replacement Project, Project No. 7504, 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 therefore 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, August 23, 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:

ATTEST: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

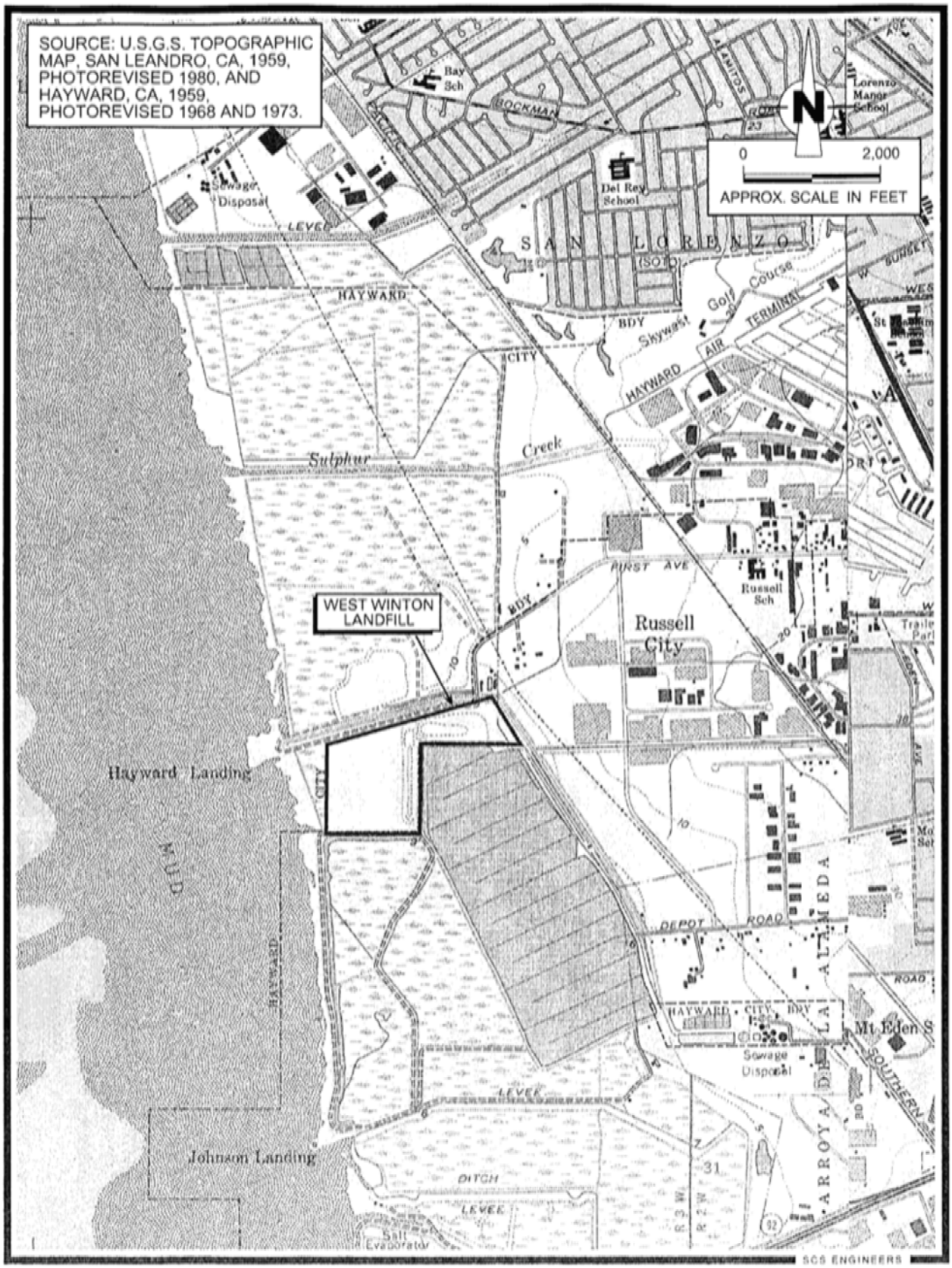


Figure 1. Project Site Location.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 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 in Connection with Zone Change Application No. PL-2010-0403 Relating to the Residual Burbank School Site Residential Development

RECOMMENDATION

That the City Council adopts the Ordinance introduced on July 12, 2011. The Ordinance was introduced with an amendment to Condition of Approval 70 (a) to reflect that the applicant will provide undergrounding utility service to the properties along the north side of B Street, if permission by those property owners is granted.

Condition of Approval 70 (a) would read as follows:

a) All existing utility poles and overhead utility lines along the project B Street frontage shall be removed and placed underground. Location of utility joint trench shall be reviewed and approved by the City Engineer. The applicant shall pay the cost of undergrounding the utilities, including providing underground utility service to the properties along the north side of B Street. If permission by one or more of those property owners is not granted, those properties shall continue to receive overhead service via riser poles. The City will contribute up to a maximum of $150,000 to the undergrounding costs to be held in escrow and payable to the developer at the time the work is completed. The developer will provide a minimum of two independent bids prior to start of construction to determine if the cost of the undergrounding work as defined by the City Engineer exceeds $300,000. If the low bid after review and concurrence by the City Engineer exceeds $300,000, undergrounding will not be required along B Street. The respective contributions will be in the following sequence to a maximum of $300,000:
   - Developer pays first $100,000;
   - City pays next $125,000;
   - Developer pays next $25,000;
   - City pays next $25,000 ; and
   - Developer pays the remaining $25,000.

BACKGROUND

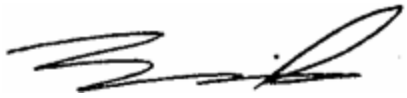
The Ordinance was introduced by Council Member Halliday at the July 12, 2011, meeting of the City Council with the following vote:

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, July 23, 2011. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachment: Draft Ordinance Published on July 23, 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 REZONINGCERTAIN PROPERTY IN CONNECTION WITH ZONE CHANGE APPLICATION NO. PL-2010-0403 RELATING TO THE RESIDUAL BURBANK SCHOOL SITE RESIDENTIAL DEVELOPMENT

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 Myrtle Streets (APN 431-0110-007-00) 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 July 12, 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 July 26, 2011, at 7:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Dated: July 23, 2011
Miriam Lens, City Clerk
City of Hayward

CITY OF
HAYWARD
HEART OF THE BAY

____11___

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Interim Director of Finance

SUBJECT: Banking and Cash Management Services Contract Extension

RECOMMENDATION

That the City Council adopts the attached resolution authorizing the City Manager to execute a one-year extension of the City's existing agreement with Bank of the West for banking transaction and cash management services.

BACKGROUND

On April 6, 2006, the City issued a banking services request for proposal (RFP), which ultimately resulted in a five-year agreement with Bank of the West for banking transaction and cash management services. This current agreement will expire on August 1, 2011.

DISCUSSION

In the upcoming months, staff will be preparing a Request for Proposals (RFP) to once again solicit proposals for banking and cash management services. Due to the imminent expiration of the current banking agreement, staff is recommending a one-year extension of this current agreement with Bank of the West. This extension will allow staff to develop a thorough request for proposals process, resulting in a new, long-term banking contract; and will provide continued banking and cash-management services to City-wide operations while providing enough time for a complete, up-to-date assessment of needed services for the future.

FISCAL IMPACT

There is no fiscal impact during this extension period.

NEXT STEPS

During the next several months, staff will develop a RFP for banking and cash management services. That RFP will be distributed to financial institutions in late October/early November 2011 with a deadline of January 2012 for return of proposals. Staff will then proceed with review,

analysis, and negotiation of the proposals leading to a final selection and award of contract by approximately May 31, 2012.

Prepared by: Jay McGowan, Interim Accounting Manager

Recommended by: Susan Stark, Interim Finance Director

Approved by:

Fran David, City Manager

Attachment: Resolution Authorizing the City Manager to Execute Extension of Banking Services Agreement

ATTACHMENT I

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HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION TO THE EXISTING BANKING AND CASH MANAGEMENT CONTRACT WITH BANK OF THE WEST

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute a one-year extension of the existing banking and cash management contract with Bank of the West, in a form 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

CITY OF HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Authorization for City Manager to Execute a Master Agreement and Lease with Hayward Area Recreation and Park District for Park Sites and Designation of Alden E. Oliver Sports Park as an Additional Park Site

RECOMMENDATION

That the City Council adopts the attached resolution authorizing the City Manager to execute the proposed "Master Agreement and Lease in Connection with Park Sites" (Master Lease) with the Hayward Area Recreation and Park District (HARD) for a ten-year period, from July 1, 2011 through June 30, 2021; and designating the Alden E. Oliver Sports Park as an additional park site subject to the Master Lease.

BACKGROUND

In 1970, the City and HARD first entered into a Master Lease for the purpose of establishing and maintaining park sites within the City of Hayward. Under the Master Lease, HARD assumes the responsibility to operate and maintain the park sites for public recreation purposes. In addition, HARD pays all utility costs associated with the park sites. Under the Master Lease, HARD pays a nominal rent of one dollar ($1.00) per year. This enables the District to utilize its limited funding to pay for its park maintenance and recreation operation obligations, rather than for lease payments. In order to sustain important youth and community services at the Matt Jimenez Community Center, the City has agreed to support the Center's operations in the amount of $199,000 in FY12. HARD is responsible for all other recreational, operational and park maintenance costs.

The most current Master Lease was adopted in 2001 and expired on June 30, 2011. Over the years, the Master Lease has been modified and extended. The most recent update occurred in July 2010, at which time City Council adopted Resolution No. 10-129, designating the Gordon E. Oliver Eden Shores Park and the Children's Park at Giuliani Plaza as additional park sites subject to the Master Lease.

In addition to extending the Master Lease for another ten-year period, staff recommends that Alden E. Oliver Sports Park, formed May 15, 2007 as part of the Eden Shores Housing Development, be added to the listing of park sites under this Agreement, extending the list from twenty-nine to thirty park sites, as identified on Exhibit A of Attachment II – the Master Lease Agreement.

DISCUSSION

Under the Master Lease, it is understood that the City may acquire additional property to add to the lease premises. Both parties agree that, upon acquisition of additional property by the City, the property may become part of the lease agreement and subject to all terms and provisions of the lease agreement as of the date the City Council designates such by resolution. HARD has identified that Alden E. Oliver Sports Park has been developed, but was not officially added to the Master Lease. HARD has asked that this site be included so that there is no question about their insurance covering this additional park site. The attached resolution accomplishes this change, in addition to extending the Master Lease for another ten-year period under the same terms and conditions previously agreed to by HARD and the City.

FISCAL AND ECONOMIC IMPACT

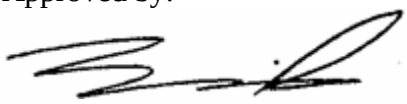
The recommended agreement stipulates that HARD will pay the City as rent for the park sites identified in Exhibit I of the Master Lease the sum of one dollar ($1.00) per year for each year during the term of the agreement. It is mutually agreed and understood that this nominal rental rate is established for the purpose of relieving HARD of the obligation of expending limited capital improvement funds for substantial rental payments, so that these funds can instead be devoted to its park development and operational programs.

Staff believes that it is in the best interest of the City to extend the Master Lease for park sites with HARD. The Master Lease agreement optimizes the use of currently available financial and human resources, equipment, and supplies without additional costs to the City. This long standing relationship between the City and HARD has worked well for both agencies and serves as a significant benefit to the citizens of Hayward.

Prepared by: David Korth, Neighborhood Services Manager

Recommended by: Kelly McAdoo Morariu, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I – Resolution Authorizing the City Manager to Extend the Master Agreement and Lease the Hayward Area Recreation and Park District (HARD), and designating Alden E. Oliver Park as an Additional Park site.

Attachment II – Draft Master Lease Agreement

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER LEASE AGREEMENT WITH THE HAYWARD AREA RECREATION AND PARK DISTRICT AND DESIGNATING THE ALDEN E. OLIVER SPORTS PARK AS AN ADDITIONAL PARK SITE

WHEREAS, in 1970 the City Council of the City of Hayward entered into a Master Lease and Agreement (Master Lease) with the Hayward Area Recreation and Park District (HARD) to establish and maintain parks within the City of Hayward, which Master Lease has been modified and extended in the ensuing years; and

WHEREAS, pursuant to the Master Lease, in addition to maintaining park sites, HARD pays all utility costs associated with the park sites and pays the rent to the City in the amount of one dollar ($1.00) per year for the purposes of relieving the District of the obligation of expending capital improvement funds for substantial rent payment so funds can be devoted entirely to HARD's park maintenance and development programs and activities; and

WHEREAS, the most recent Master Lease expired on June 30, 2011, and a new Master Lease is proposed covering the period from July 1, 2011 to June 30, 2021; and

WHEREAS, the proposed Master Lease provides that the City may designate by resolution additional park sites subject to the lease, and the City and HARD wish to add the Alden. E. Oliver Sports Park as an additional park site subject to the Master Lease.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute on behalf of the City of Hayward a Master Lease Agreement with the Hayward Area Recreation and Park District for purposes of establishing and maintaining the park sites within the City of Hayward, in substantially the form on file in the office of the City Clerk, in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Council approves the designation of the Alden E. Oliver Sports Park as an additional park site under the Master Lease.

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

MASTER AGREEMENT AND LEASE

IN CONNECTION WITH PARK SITES

THIS AGREEMENT AND LEASE is made and entered into as of this first day of July, 2011, by and between the CITY OF HAYWARD, a municipal corporation, located in the County of Alameda, State of California, hereinafter designated City, and the HAYWARD AREA RECREATION AND PARK DISTRICT of the County of Alameda, State of California, hereinafter designated District.

W I T N E S S E T H:

WHEREAS, chapter 4 of division 5 of the Public Resources Code of the State of California authorizes and empowers any city and recreation district to cooperate with each other and to that end enter into agreements with each other for the purpose of establishing community recreation programs and facilities; and

WHEREAS, City and District entered into a Master Agreement and Lease dated November 17, 1970, for the purpose of establishing and maintaining park sites within the City of Hayward; and

WHEREAS, said Master Agreement and Lease has been modified from time to time by the inclusion and removal of parks sites, and by the extension of the terms therein to June 30, 2011; and

WHEREAS, both City and District are desirous of incorporating the park sites subject to the above said Master Agreement and Lease into a new Master Agreement and Lease for an extended period of time;

NOW, THEREFORE, in consideration of the premises and of the covenants and conditions hereinafter contained, it is mutually agreed by and between the parties hereto as follows:

City hereby leases to District and District hereby hires from City those certain parcels of real property (park sites) situated in the City of Hayward, County of Alameda, State of California, more particularly described in Exhibit A attached hereto and made a part hereof as if set forth fully at this point, hereinafter designated "premises", under the following terms and conditions.

1. Term. The term shall commence on July 1, 2011, and shall terminate on June 30, 2021.

Provided, however, either party may terminate this Master Lease and Agreement on July 1 of any odd-numbered year by giving written notice of such termination at least 60 days prior to the intended July 1 termination date.

2. Rent. District shall pay City as rent for said premises the sum of one dollar ($1.00) per year for each year of said Lease. Said rental payment shall be payable in advance in annual installments, and the first payment hereunder shall be paid upon the commencement of this Lease.

It is mutually agreed and understood that the nominal rental herein provided for is for the purpose of relieving District of the obligation of expending capital improvement funds for substantial rental payments so that said funds can be entirely devoted to its park development program.

3. Use of Premises. District, during the term herein provided, or any extension thereof, shall use said premises for public recreation purposes and shall direct and supervise community recreation programs and activities thereon.

4. Care of Premises. District shall be responsible for and shall supply all necessary and ordinary care, maintenance, and repair of all equipment, playground facilities, grounds, buildings, and improvements now on or hereafter placed on said premises, and all necessary and ordinary custodial, janitorial, gardening, and other services for said premises.

5. Utilities. District shall procure and pay for all utilities furnished to the premises and improvements thereon.

6. Insurance and Indemnification. District shall take out and keep in force during the term of this Agreement and Lease, at District's expense, public liability insurance with coverage in the amount of three hundred thousand dollars ($300,000) for Property Damage and in the amount of four million dollars ($4,000,000) Combined Single Limit for one occurrence for bodily injury, personal injury and property damage, and shall designate specifically that City is an additional named insured thereunder. Certificates evidencing said insurance coverage shall be presented to City Attorney of City for written approval.

District will, at all times during the life of this Lease, and at its own expense, procure and

maintain in force workers' compensation insurance covering all employees in connection with all its activities and operations upon said premises.

District shall obtain a written obligation on the part of any such insurance company to notify City in writing at least 45 days (in the case of workers' compensation, 10 days) prior to any cancellation or amendment of such policy and of any delinquency in premium payments. District agrees, if District does not take out such insurance or keep the same in full force and effect, that City may take out the necessary insurance and pay the premium therefore, and District shall repay to City the amount so paid by having such amount deemed to be additional rental and payable as such in the next rental payment due.

City shall be free of all liabilities and claims for damage by reason of any injury or death to any person or persons, or property of any kind whatsoever and to whomsoever belonging, from any cause or causes whatsoever, except any liability and claim caused solely by the acts of City, its agents or servants, while in, upon, or connected in any way with the premises during the term of this Agreement and Lease or any extension of renewal thereof, and District hereby agrees to indemnify, save harmless, and defend City from all liability, damages, loss, costs and obligations, including court costs and counsel fees, on account of or arising out of or alleged to have arisen out of, directly or indirectly, any such injuries, death or losses, however occurring.

Nothing in this Agreement and Lease contained shall prevent either party from obtaining additional insurance at its own expense.

The following endorsements must be attached to the policy:

(a) If the insurance policy covers on an "accident" basis, it must be changed to "occurrence".

(b) The policy must cover personal injury as well as bodily injury.

(c) The policy must cover complete Contractual liability. Exclusions of contractual liability as to bodily injuries, <u>personal injuries</u> and property MUST BE ELIMINATED from the basic policy endorsements.

(d) Broad Form property damage liability must be afforded. Permission is granted

for deductible which shall not exceed $500 without special approval of the City.

(e) The City must be named as a named insured under the coverage afforded with respect to the work being performed under the contract.

(f) An endorsement shall be provided which states that the coverage is PRIMARY INSURANCE and that no other insurance effected by the City will be called upon to contribute to a loss under this coverage.

7. Improvements. Before constructing or installing any structures, facilities, alterations, repairs, additions, or improvements whether permanent or not, District shall obtain the written consent of the City Manager of City. Said City Manager shall give consent unless in his opinion such structures, facilities, alterations, repairs, additions, or improvements would unreasonably interfere with the public use of the premises.

Unless expressly waived by the City Manager when giving his consent as required by this paragraph or by paragraph 13 herein, such structures, facilities, alterations, repairs, additions, and improvements shall be the property of City and shall remain upon and be surrendered with the premises upon the expiration of this Lease or any sooner termination thereof.

8. Termination. In the event District is dissolved or the territory of City is detached from District, this Lease shall terminate as of the date of such dissolution or detachment.

9. Reservations by City. City hereby reserves, from the commencement of this Agreement and Lease, the right to enter upon said premises at any and all times to survey, locate, or inspect said premises, and the right at any and all times to install, construct, repair, or maintain any public utility, including, but not limited to, drainage, sewage, and water facilities, and City agrees to repair any damage that may result from those activities to any structures, facilities, or improvements placed on the premises by District with the City Manager's approval.

10. After-Acquired Property. It is mutually agreed and understood that City may acquire additional property to add to the premises described herein. It is agreed that upon acquisition of said property by City, said property may become a part of this Agreement and Lease and be subject to all of the terms and provisions hereof as of the date the City Council of City designates such inclusion

by resolution. Notice of such action shall be sent promptly by City Clerk of City to District.

11. Removal of Property. It is mutually agreed that any property made subject to this Agreement and Lease may be removed therefrom as of the date the City Council of City and the Board of Directors of District designate such removal by resolution.

12. Notices. All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, postage fully prepaid, and addressed to the other party at the following address:

City	District
City of Hayward	Hayward Area Recreation and Park District
c/o City Manager	c/o General Manager
777 “B” Street	1099 "E" Street
Hayward, CA 94541	Hayward, CA 94541

Such mailing address may be changed by either party by giving written notice thereof to the other party as herein provided.

13. Assignment. District shall not assign this Agreement and Lease voluntarily or by operation of law or any right hereunder, nor sublet the premises or any part thereof, without the prior written consent of City Manager of City. No consent to any assignment of this Agreement and Lease, voluntarily or by operation of law, or any subletting of the premises shall be deemed to be a consent to any subsequent assignment of this Lease, voluntarily or by operation of law, or any subletting of the premises without obtaining the prior written consent of City Manager of City shall be void and at the option of City, exercised by written notice to District, shall terminate this Lease.

IN WITNESS WHEREOF, District, by its officers so authorized to act, has caused these presents to be executed, and City, by and through its City Manager, so authorized to act, has caused these presents to be executed the day and year first above written.

HAYWARD AREA RECREATION AND PARK DISTRICT

By_____
President, Board of Directors

Attest_____
Secretary, Board of Directors

CITY OF HAYWARD, a Municipal Corporation

By_____
Fran David, City Manager

Attest_____
Miriam Lens, City Clerk

Approved as to form _____ Date_____
City Attorney for City of Hayward

EXHIBIT A

**CITY OF HAYWARD PARK SITES
LEASED BY THE HAYWARD AREA RECREATION AND
PARK DISTRICT PURSUANT TO THE PROVISIONS
OF THE CITY/HARD MASTER LEASE AGREEMENT**

1. Haymont Park
2. Bechtel Park (Tot Lot)
3. Fairway Greens Park
4. Southgate School
5. Tennyson School (Park)
6. Eldridge School (Park)
7. Palma Ceia School (Park)
8. Ruus School (Park)
9. Weekes Park
10. Longwood School (Park)
11. Sorensdale Park
12. Memorial Park and Plunge
13. Canyon View Park
14. Nuestro Parquesito
15. Kennedy Park
16. Japanese Gardens
17. Birchfield Park
18. Eden Greenway #8
19. Christian Penke Park
20. College Heights Park
21. Shoreline Park
22. Greenwood Park
23. Greenbelt Equestrian/Hiking Trail
24. Mission Hills of Hayward
25. Stratford Village Park
26. Twin Bridges Park
27. La Placita Park
28. Gorden E. Oliver Eden Shores Park
29. Children’s Park at Giuliani Plaza
30. Alden E. Oliver Sports Park

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Airport Noise Monitoring Program: Approval of Support Services Contract

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute a one year Airport Noise Monitoring Support Services Agreement with Bruel & Kjaer EMS Inc. for $63,068 with annual options to extend each year for up to five additional years.

BACKGROUND

Specialized acoustical and flight tracking software was installed in 2001 at the Hayward Executive Airport to enable staff to monitor compliance by pilots with established noise abatement procedures. This software is referred to as Airport Noise and Operations Monitoring System (ANOMS) and the City presently utilizes the latest version of this software referred to as ANOMS-8. The software is utilized at many airports worldwide. The software, originally developed by Lochard Corporation located in Australia, was acquired by Bruel & Kjaer EMS Inc. in July 2010.

To function properly, the software requires regular, ongoing technical support including software updates and training for staff. Due to the current age of the existing noise monitoring equipment, support is now also required for troubleshooting and repair of system components. This technical support can be provided through a Support Services Agreement with Bruel & Kjaer EMS Inc. with offices in Sacramento. The current agreement with Lochard Corporation expired on June 30, 2011 and a new agreement must now be executed.

DISCUSSION

The first ANOMS service agreement for technical support was executed on November 15, 2001, with Lochard Corporation after review by and upon the recommendation of a consulting firm, Brown-Buntin and Associates. The agreement specifically covered software updates and quarterly site visits for Airport staff training. On-site maintenance service was not a part of this agreement. A subsequent service agreement (the one currently in effect) was executed between the City and Lochard on January 29, 2007, for a period of five years starting July 1, 2006 and ending June 30, 2011. That latest agreement also included upgrading to the latest version of the

software, ANOMS-8. These noise monitoring software systems also rely on flight track data made available by the FAA through agreements executed in 2003 and 2007.

Following Bruel & Kjaer EMS, Inc.'s acquisition of Lochard Corporation in 2010, a more comprehensive service agreement is now available. Airport staff recommends execution of this new agreement with Bruel & Kjaer because as the manufactures of the ANOMS noise monitors they are better equipped to handle maintenance of the noise monitors themselves and will simplify repairs. Airport noise monitors are experiencing increased downtime for calibration corrections, among other issues. While not part of this maintenance services agreement, staff is evaluating possible future replacement of the monitors themselves. The new service agreement will provide the same software hosting services included in the original agreement, as well as on-site maintenance for an additional annual fee of approximately $9,000. This type of agreement has been adopted by Bruel & Kjaer's California airport clients including the Oakland, San Francisco, and San Jose International Airports, as well as Van Nuys Airport.

FISCAL & ECONOMIC IMPACT

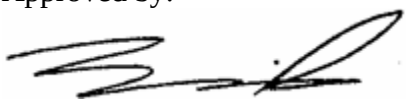
As in the past, the ANOMS contract is funded in the Airport Capital Improvement Program. Funding in the amount of $64,000 has been included in the FY 2012 CIP budget for this continuing requirement. The term of the agreement is for twelve months, with annual options to extend each year for up to five additional years, which gives the City more flexibility, particularly with the new equipment maintenance services, than the previous standard five-year agreement. Because funding will continue in the Capital Improvement Program, unless significant problems arise, staff would expect to exercise each option year. The amount during the option years will increase annually based on a 3% CPI adjustment. The total economic impact of the agreement, if all options are exercised, is as follows:

FY 2012	$63,068
FY 2013	64,961
FY 2014	66,909
FY 2015	68,917
FY 2016	70,984
FY 2017	73,114
Total	$407,953

Prepared by: Douglas McNeeley, Airport Manager

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

Approved by:



Fran David, City Manager

Attachments: Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE YEAR AIRPORT NOISE MONITORING SERVICE AGREEMENT WITH BRUEL & KJAER EMS, INC. FOR $63,068 WITH OPTIONS FOR FIVE ADDITIONAL YEARS

WHEREAS, the City of Hayward owns and operates the Hayward Executive Airport; and

WHEREAS, noise abatement procedures are currently in effect to help reduce noise impact in surrounding residential communities; and

WHEREAS, it is advisable for City of Hayward airport employees to monitor the compliance of pilots with these noise abatement procedures; and

WHEREAS, computer software known as the Airport Noise and Operations Monitoring System (ANOMS) is essential to this monitoring activity; and

WHEREAS, this software requires regular, ongoing technical support including installation of the latest software enhancements, troubleshooting, and training for airport staff; and

WHEREAS, onsite maintenance is now required because the currently installed ANOMS noise monitors are becoming obsolete and are experiencing increased downtime; and

WHEREAS, Bruel & Kjaer EMS Inc. enjoys a satisfactory business reputation and is a sole source for providing technical support for ANOMS.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to execute a one year Noise Monitoring Service Agreement with Bruel & Kjaer EMS Inc. for $63,068 with options for five additional years, in a form 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

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Resolution Authorizing the City Manager to Enter Into an Agreement With IntelliBridge Partners to Provide Temporary Staffing in the Finance Department

RECOMMENDATION

That Council approves the attached resolutionauthorizing the City Manager to enter into an agreement with IntelliBridge Partners to temporarily fill the vacant positions of Accounting Manager and Budget Officer in the Finance Department for a maximum period of July 1, 2011 through December 31, 2011 in an amount not to exceed $188,700.

BACKGROUND/DISCUSSION

IntelliBridge Partners provide highly skilled and experienced professionals to its clients to fill vacant positions in accounting and finance for short or long term staffing needs. The City currently needs these services to staff vacant positions in the Finance Department.

Due to resignation and staff reassignment, the Accounting Manager and Budget Officer positions in the Finance Department are currently vacant. The responsibilities of the Accounting Manager and Budget Officer positions are currently being performed by temporary staff provided through IntelliBridge Partners.

In order to ensure continuity of service in the budget and accounting functions, as well as to provide supervision and oversight for the day-to-day accounting tasks, it is necessary to continue the temporaryassignments until such time as a recruitment and selection process can be completed. Moreover, it is essential that the recently hired Finance Director be given the opportunity to select the personnel for these key positions in the Department. The process to fill the Accounting Manager and Budget Officer positions with regular appointments will resume in August when the Finance Director begins her appointment. Staff estimates that the recruitment process and selection of personnel for each of the Finance positions will be completed no later than December 31, 2011. In the event a regular appointment is made to either position prior to December 31, 2011, the temporary assignments will end accordingly.

ECONOMIC IMPACT

There is no direct economic impact on Hayward residents associated with this report**.**

FISCAL IMPACT

There is no additional fiscal impact above the FY2012 approved budget. The cost of the contract for temporary services will be funded by the salary savings resulting from the vacant Accounting Manager and Budget Officer positions. These positions were included in the approved FY2012 budget; thus no further appropriation is required.

Prepared and Recommended by: Fran Robustelli, Director of Human Resources

Approved by:

Fran David,City Manager

Attachments:

Attachment I- Resolution authorizing the City Manager to enter into agreement for temporary staffing services with IntelliBridge Partners

ATTACHMENT I

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS WITH INTELLIBRIDGE PARTNERS FOR TEMPORARY STAFFING OF THE ACCOUNTING MANAGER AND BUDGET OFFICER POSITIONS

WHEREAS, the Accounting Manager and Budget Officer positions are vacant due to resignation and reassignment of staff; and

WHEREAS, the Finance Director and Budget Officer positions are necessary to ensure continuity of service in the budget and accounting functions, which support the City's financial well-being; and

WHEREAS, IntelliBridge Partners provide highly skilled and experienced professionals to its clients to fill vacant positions in accounting and finance for short or long term staffing needs; and

WHEREAS, the City currently needs these services to staff vacant positions in the Finance Department for a maximum period of July 1, 2011 through December 31, 2011; and

WHEREAS, the Accounting Manager and Budget Officer positions are approved in the FY 2012 budget; and

WHEREAS, the total cost of the contract for temporary staffing is $188,700 and will be funded by the salary savings resulting from the vacancies.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward that the City Manager is authorized to negotiate and execute agreements with IntelliBridge Partners for temporary staffing of the Accounting Manager and Budget Officer positions for a maximum period of July 1, 2011 through December 31, 2011, in an amount that shall not exceed $188,700, 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

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Approving the Engineer's Report, Confirming the Assessment Diagrams and Assessments, and Ordering the Levy and Collection of Assessments for Fiscal Year 2012

RECOMMENDATION

That the City Council adopts the attached Resolution approving the Engineer's Report, confirming the assessment diagrams and assessments, and ordering levy and collection of assessments for Fiscal Year 2012, Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13, as described herein.

SUMMARY

The annual Engineer's Report (Report) for Consolidated Landscaping and Lighting District No. 96-1 (District), is attached and includes the following information: (1) a description by benefit zone of the improvements to be operated, maintained, and serviced by the District; (2) an estimated budget by benefit zone for the District; and (3) a list of the proposed assessments to be levied upon each assessable lot, unit, or parcel within the District for Fiscal Year 2012. The proposed collection amounts in Zones 1, 6, 7, 8, 9, 10, 11 and 13 are below the base maximum assessment rates; the proposed collection amounts in Zones 2, 3, 4, 5 and 12 will be at the base maximum assessment rates.

Increases in base maximum assessments in benefit zones 3 and 7 thru 13, and increases in annual collection rates in benefit zones 3, 11 and 12 are in compliance with the provisions of Proposition 218, because assessments do not exceed the assessment formula established when these benefit zones were formed, or amended.

BACKGROUND

The annual updated Engineer's Report (Report) is prepared and presented to the City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, provisions of the Landscaping and Lighting Act of 1972, Section 22500 *et seq.* of the California Streets and Highways Code, and Proposition 218.

The Landscaping and Lighting Act of 1972 requires that an annual review and updated Engineer's Report be prepared to set assessment rates each fiscal year. The assessment rates may or may not change from fiscal year to fiscal year, dependent upon maintenance to be performed, but cannot exceed the maximum assessment rates established when the districts were originally formed, plus a CPI adjustment, where applicable.

In 1996, six separate Landscape and Lighting Districts throughout the City, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1. In subsequent years, Benefit Zones 7-13 were created and annexed into the District. The zones are distinct geographic areas formed at different times, and do not receive the same services or benefits. Except for Zone 6, all benefit zones within the district are residential in nature. Each zone of benefit has a separate budget pertaining to its respective maintained improvements, but the administrative costs for the preparation of the Engineer's Report, Council Reports, Resolutions, and other items are shared proportionately among the zones.

Table 1 below provides general information regarding the year in which each benefit zone was formed and the number of parcels within each benefit zone.

TABLE 1: DESCRIPTION OF EXISTING BENEFIT ZONES

Zone Number	Name/Location	Year Formed	Type of Development	Number of Assessed Parcels
1	Huntwood Ave. & Panjon St.	1990	Residential	30
2	Harder Rd. & Mocine Ave.	1991	Residential	85
3	Hayward Blvd. & Fairview Ave.	1992	Residential	155
4	Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.	1995	Residential	175
5	Soto Rd. & Plum Tree St.	1995	Residential	38
6	Peppertree Park (assessable linear street frontage)	1982	Industrial	11
7	Mission Blvd., Industrial Pkwy, & Arrowhead Wy.	1998	Residential	348
8	Capitola St.	1999	Residential	24
9	Orchard Ave.	2000	Residential	74
10	Eden Shores	2003	Residential	534
11	Stonebrae Country Club Development (current & future development.)	2006	Residential	556
12	Eden Shores East	2007	Residential	261
13	Cannery Place (current & future development)	2008	Residential	629
Total				2,920

DISCUSSION

On June 28, 2011, the Council adopted Resolution No. 11-097, approving the Preliminary Engineer's Report, declaring intention to levy assessments for Fiscal Year 2012, and setting July 26, 2011, as the public hearing date concerning District Zones 1-13.

Zone 3 – Prominence Residential

For Fiscal Year 2012, the Prominence Landscape Committee plans to expand the Calsense Sprinkler Upgrade Project to other landscaping areas in Zone 3. This is a water efficiency and conservation project that ultimately will reduce water waste and reduce the costs for annual maintenance. The estimated cost for the Calsense Sprinkler Upgrade Project in Fiscal Year 2012 is approximately $26,000. In addition, the Landscape Committee agreed to have a minimum of $10,000 per year put into the Capital Reserve fund for future capital facility upgrades or replacements. Consistent with the Committee's desire, the collection rate will be increased from $745.00 to $767.08 per parcel for Fiscal Year 2012, which will be at the base maximum assessment rate. The estimated remaining balance of $11,200 will be deposited into the Capital Reserve fund, which is anticipated to be approximately $140,300 at the end of Fiscal Year 2012, as shown in Appendix A-3 of the Engineer's Report.

Zone 10 – Eden Shores Residential

The assessment amount for Fiscal Year 2012 is recommended to remain the same as Fiscal Year 2011, which is $300 per parcel. The Eden Shores Homeowners Association (HOA) has a landscape maintenance contract with the City, which allows the HOA to perform maintenance work related to Zone 10, and be reimbursed for such work by the City using Zone 10 funds. The HOA has requested that its maintenance contract be renewed. Therefore, staff recommends that the current contract with Eden Shores HOA be continued for another year with the same estimated budget for Fiscal Year 2012.

If necessary, approximately $5,000 (equivalent to about $9.40 per parcel) from the Zone 10 Capital Reserve fund will be used for tree replacements within the common areas. The Capital Reserve fund was established to pay for major repair or replacement of capital facilities in the event of failure, damage, or vandalism. With the recommended use of such Capital Reserve funds for the tree replacement, the collection rate needed to cover the Fiscal Year 2012 basic operating expenses would be $300 per parcel. The Zone 10 Capital Reserve fund balance is anticipated to be approximately $763,700 at the end of Fiscal Year 2012, as shown in Appendix A-10 of the Engineer's Report.

Zone 11 – Stonebrae Development

The assessment rates for Fiscal Year 2012 would increase slightly to $344.92 per parcel for the 244 parcels in the current development phase (about 200 parcels are being occupied and 44 will have building permit applications in the upcoming fiscal year), and $180.80 per parcel for the future development phase parcels, which consists of the remaining 312 parcels shown on the tentative tract map for the project. Similar to the Eden Shores Residential zone, the Stonebrae development HOA also has a landscape maintenance contract with the City, which allows the HOA to perform maintenance work related to Zone 11, and be reimbursed for such work by the City using Zone 11 funds. The Stonebrae HOA indicates work performed by its contractor meets the intended scope of work; therefore, the HOA recommends that the current contractors be retained to perform the maintenance work. Additionally, Stonebrae HOA also requests to add budget items for the following work for next fiscal year: replacement of mulch and tree treatments in the LLD areas.

Proposed Changes in Other Zones

The attached Engineer's Report includes separate budgets for each benefit zone. Only the costs for the preparation of the Engineer's Report, printing, and noticing are shared among the benefit zones. The Fiscal Year 2012 assessments in the attached Engineer's Report that will be assessed on the Fiscal Year 2012 tax roll are calculated by considering all anticipated expenditures for maintenance, utilities, and administration. Collection amounts can be less than the base maximum assessment amount for each benefit zone if there are adequate surplus funds available from the prior year, which are carried forward. Therefore, the proposed collection amounts in Zones 1, 6, 7, 8, 9, 10, 11, and 13 are below the base maximum assessment amounts. The proposed collection amounts in Zones 2, 3, 4, 5 and 12 will be at the base maximum assessment amounts.

Each Zone has different funding levels and reserves, and the City adjusts its maintenance efforts accordingly. Zone 2 has minimal maintenance expenses and an adequate reserve to meet these expenses currently. For Zones 4 and 5, the City has reduced the levels of maintenance to coincide with projected revenue. The assessments for Zones 3 and 12 can be adjusted annually using the Consumer Price Index and therefore have revenues sufficient to cover current maintenance expenses.

Proposition 218 Compliance - The increase in the base maximum assessment rate that can be levied in Fiscal Year 2012 is in compliance with the provisions of Proposition 218 because the base maximum assessment does not exceed the previous established assessment formula when these benefit zones were formed or amended. The proposed assessment increases in Zones 3 and 12 are at the base maximum assessment, and the proposed assessment increase in Zone 11 is below the base maximum assessment. Any future increases in the collection rate up to the base maximum assessment amount would not require the noticing and balloting of property owners per the requirements of Proposition 218, but would still require the annual Council review and approval of the Engineer's Report and levy of assessments.

All benefit zones except Zone 12 have their own Capital Reserve funds (described as Working Capital Reserves in the Engineer's Report) that can be used in the event capital facilities or improvements need major repair or replacement due to failure, damage or vandalism. For Zone 12, the City of Hayward has an agreement with the Hayward Area Recreation and Park District (HARD) for HARD to maintain the Eden Shores Park within this zone. The collected assessment pays for the City's administrative costs and for a portion of the HARD maintenance services cost. The Zone 12 Capital Reserve fund is administered by HARD.

Table 2 on the next page lists the collection rates in Fiscal Year 2011, the proposed collection rates recommended to be levied for Fiscal Year 2012, the base maximum assessment rates for each benefit zone, and CPI adjustment, where applicable.

TABLE 2: ASSESSMENT RATES PER BENEFIT ZONE					
Zone Number	Name/Location	FY 2011 Collection Amount	FY 2012 Collection Amount	Base Maximum Assessment Amount	CPI Index Adjustment
1	Huntwood Ave. & Panjon St.	$230.00	$230.00	$265.64	No
2 (2)	***Harder Rd. & Mocine Ave.***	**$93.08**	**$93.08**	**$93.08**	**No**
3 (2)	***Hayward Blvd. & Fairview Ave.***	**$745.00**	**$767.08**	**$767.08**	**Yes**
4 (2)	***Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.***	**$121.00**	**$121.00**	**$121.00**	**No**
5 (2)	***Soto Rd. & Plum Tree St.***	**$139.12**	**$139.12**	**$139.12**	**No**
6 (1)	Peppertree Park	$2.00	$2.00	$2.61	No
7	Mission Blvd., Industrial Pkwy, & Arrowhead Way	$480.00	$480.00	$802.32	Yes
8	Capitola St.	$350.00	$350.00	$573.82	Yes
9	Orchard Ave.	$25.00	$25.00	$153.22	Yes
10	Eden Shores	$300.00	$300.00	$913.62	Yes
11	Stonebrae Country Club (Current Development)	$335.00	$344.92	$1,295.82	Yes
11	Stonebrae Country Club (Future Development)	$175.00	$180.18	$1,295.82	Yes
12 (2)	***Eden Shores East - Sports Park***	**$166.76**	**$171.70**	**$171.70**	**Yes**
13	Cannery Place (Current Development)	$150.00	$150.00	$974.42	Yes
13	Cannery Place (Future Development)	$0.00	$0.00	$974.42	Yes

Notes: (1) Zone 6 is in the industrial district and is assessed based upon street frontage.
(2) ***Bolded italic items reflect recommended maximum assessment rates for FISCAL YEAR 2012.***

FISCAL IMPACT

There is no fiscal impact to the City's General Fund for this recommendation because the present expenditures are to be paid for by the Consolidated Landscaping and Lighting District No. 96-1 fund accounts, with some augmentation from Capital Reserve funds for some zones. Although there could be a fiscal impact on the Capital Reserve funds in Zones 2, 9, 10 and 11, staff asserts that the Capital Reserve balance in each zone is acceptable for the upcoming fiscal year.

PUBLIC CONTACT

A Notice of Public Hearing for this hearing and a public meeting notice for the July 12, 2011 meeting were published once in The Daily Review newspaper and mailed to all affected property owners within the District. The public meeting was held on July 12, 2011, so that property owners would have the opportunity to ask questions regarding assessments and services, and staff would be available to explain District responsibilities and funding processes. One property owner in the District Zone 7 attended the July 12 public meeting to request a replacement of dead Palm tree in the roundabout near Mission Boulevard. Staff will work to have the Palm tree replanting this fiscal year. The property owners may also raise questions about assessments during the July 26 Council hearing. As of the writing of this report, no inquiries regarding the hearing notice have been received by staff.

NEXT STEPS

Once the City Council adopts the attached Resolution, the final Assessor's roll will be prepared and filed, no later than the third Monday in August following such adoption, with the County Auditor's office to be notified, so that property owners can pay the levied assessment on their FY 2012 property tax bill.

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

Recommended by: David Rizk, Director of Development Services

Approved by:

Fran David, City Manager

Attachments:

Attachment I Resolution Approving Engineer's Report
Attachment II Engineer's Report

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-___

Introduced by Council Member_____

RESOLUTION APPROVING THE ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAMS AND ASSESSMENTS, AND ORDERING LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2012 OF THE LANDSCAPING AND LIGHTING DISTRICT NO. 96-1, ZONES 1-13

WHEREAS, by its Resolution No.11-097, a resolution declaring intention to order levy and collection of assessments, this City Council designated John Nguyen as Engineer of Work and ordered said Engineer of Work to make and file a report in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, a public meeting was held on July 12, 2011, to provide information and allow affected owners an opportunity to speak and no comments were received; and

WHEREAS, said report was duly made and filed, and duly considered by this City Council and found to be sufficient in every particular, whereupon it was determined that said report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that July 26, 2011, at the hour of 7:00 p.m., in the regular meeting place of this Council, City Council Chambers,777 B Street, 2nd Floor, Hayward, California, was appointed as the time and place for a hearing before this City Council on the question of the levy of the proposed assessments, notice of which proceedings was duly published; and

WHEREAS, notice of the proposed assessment and City Council Hearing was published once in The Daily Review newspaper and mailed to each property owner or record owner of each parcel in Zones 1-13, was scheduled at the appointed time and place of said hearing; and

WHEREAS, this City Council thereby confirmed the diagram and assessment for Zones 1-13, prepared by and made a part of the report of said engineer to pay the costs and expenses thereof, and acquired the ability to order said levy for Zones 1-13.

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

1. The proposed assessments for Zones 1, 2, 4, 5, 6, 8, 9, 10 and 13 are equal to the previous year's assessments.

2. The proposed assessments for Zones 3 and 12 have been increased to the base maximum assessment amount for each zone.

3. The proposed assessments for Zone 11 have been increased to $344.92 per parcel for the current development phase and $180.18 per parcel for the future development phase from the previous year's assessment but less than the base maximum assessment amount.

4. The increases in base maximum assessments in benefit zones 3 and 7 thru 13, and increases in annual collection rates in benefit zones 3, 11 and 12, are in compliance with the provisions of Proposition 218 because assessments do not exceed the established assessment formula when these benefit zones were formed, or amended.

5. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

6. The public interest, convenience and necessity require that a levy on each lot in Zones 1-13, the exterior boundaries of which are shown by a map thereof filed in the office of the City Clerk and made a part hereof by reference, which is benefitted by the proposed assessment, be made as follows:

Zone 1	$ 265.64
Zone 2	$ 93.08
Zone 3	$ 767.08
Zone 4	$ 121.00
Zone 5	$ 139.12
Zone 6	$ 2.61
Zone 7	$ 802.32
Zone 8	$ 573.82
Zone 9	$ 153.22
Zone 10	$ 913.62
Zone 11	$ 1295.82 (Current Development)
Zone 11	$ 1295.82 (Future Development)
Zone 12	$ 171.70
Zone 13	$ 974.42 (Current Development)
Zone 13	$ 974.42 (Future Development)

7. Said Engineer's Report, as a whole and each part thereof, is hereby approved, confirmed and incorporated herein, including, but not limited, to the following:

(a) The Engineer's estimate of the itemized and total costs and expenses of maintaining said improvements, and of the incidental expenses in connection therewith; and

(b) The diagram showing the zones of the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) The assessment of the total amount of the cost and expenses of the proposed maintenance of said improvements upon the lots in said zone of the district be made in proportion to the estimated benefits to be received by such lot, respectively, from said maintenance and of the expenses incidental thereto, is approved and confirmed and incorporated herein.

8. Adoption of the Engineer's Report as a whole, estimate of the costs and expenses, the diagram and the assessments, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this City Council.

9. The assessments to pay the costs and expenses of the maintenance of said improvements in Zones 1-13 for Fiscal Year 2012 are hereby levied. The following amounts are hereby ordered to be collected for Fiscal Year 2012:

Zone 1	$ 230.00	
Zone 2	$ 93.08	
Zone 3	$ 767.08	
Zone 4	$ 121.00	
Zone 5	$ 139.12	
Zone 6	$ 2.00	
Zone 7	$ 480.00	
Zone 8	$ 350.00	
Zone 9	$ 25.00	
Zone 10	$ 300.00	
Zone 11	$ 344.92	(Current Development)
Zone 11	$ 180.18	(Future Development)
Zone 12	$ 171.70	
Zone 13	$ 150.00	(Current Development)

10. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessments with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.

11. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City Treasury to the credit of an improvement fund, which improvement fund the Director of Finance is hereby directed to establish under the distinctive designation of said Consolidated Landscaping and Lighting Assessment District 96-1, Zones 1-13. Monies in said improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA July, 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

FINAL ENGINEER'S REPORT

CITY OF HAYWARD

CONSOLIDATED LANDSCAPING & LIGHTING ASSESSMENT DISTRICT No. 96-1

Fiscal Year 2012

July 26, 2011

Page No.

Agency Directory ii

Certificates iii

SECTION I Introduction 1
Table 1: Description of Existing Benefit Zones 1
Table 2: Assessment Rates per Benefit Zone 5

SECTION II Engineer's Report 6

Part A - Plans and Specifications 8

Part B - Estimate of Cost 20
Table 3: Fiscal Year 2012 Revenue by Benefit Zone 20

Part C - Assessment District Diagram 21

Part D - Method of Apportionment of Assessment 22

Part E - Property Owner List & Assessment Roll 28

Appendix A - Detailed Project Cost Breakdown

Appendix B - Vicinity Map

Appendix C - Assessment Diagram

Appendix D - Fiscal Year 2012 Assessment Roll

CITY COUNCIL MEMBERS AND CITY STAFF

Michael Sweeney
Mayor

Barbara Halliday
Council Member

Olden Henson
Council Member

Marvin Peixoto
Council Member

Bill Quirk
Council Member

Mark Salinas
Council Member

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Fran David
City Manager

Michael Lawson
City Attorney

Miriam Lens
City Clerk

Robert Bauman, Ph.D., P.E.
Director of Public Works

John Nguyen, M.S.C.E., P.E.
Engineer of Work

ENGINEER'S REPORT

CITY OF HAYWARD
LANDSCAPING & LIGHTING ASSESSMENT DISTRICT No. 96-1

FISCAL YEAR 2012

The undersigned, acting on behalf of the City of Hayward, respectfully submits the enclosed Engineer's Report as directed by the City of Hayward City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, provisions of the Landscaping and Lighting Act of 1972, and Section 22500 et seq. of the California Streets and Highways Code. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: _____ By:_____
John Nguyen, M.S.C.E., P.E.
RCE No. 55104

I HEREBY CERTIFY that the Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on the ____ day of _____, 2011.

Miriam Lens
City Clerk, City of Hayward

By:_____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Hayward, Alameda County, California, on the ____ day of _____, 2011.

Miriam Lens
City Clerk, City of Hayward

By:_____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was filed with the County Auditor of the County of Alameda, on the _____ day of _____, 2011.

By:_____
John Nguyen, M.S.C.E., P.E.
RCE No. 55104

SECTION I

INTRODUCTION

CITY OF HAYWARD
LANDSCAPING & LIGHTING ASSESSMENT DISTRICT No. 96-1

FISCAL YEAR 2012

Background Information

In 1996 there were six (6) separate Landscaping & Lighting Assessment Districts throughout the City of Hayward. On May 7, 1996, Landscaping & Lighting Assessment District No. 96-1 was formed which consolidated each of the assessment districts and designated them as six (6) separate zones of benefit. From FY 1998 through FY 2008, Benefit Zone Nos. 7 through 13 were annexed to Landscaping & Lighting Assessment District No. 96-1. Each zone of benefit has a separate budget pertaining to its respective improvements being maintained, but the administrative costs for the preparation of the Engineer's Report, Council Reports, Resolutions, etc. are shared proportionately among the zones.

To ensure the proper flow of funds for the ongoing operation, maintenance and servicing of improvements that were constructed as a condition of development within various subdivisions, the City Council, through the Landscaping and Lighting Act of 1972 (1972 Act), formed the City of Hayward Landscaping and Lighting Assessment District No. 96-1. The 1972 Act also permits the creation of benefit zones within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Therefore, because there are varying degrees of benefit within the various subdivisions, the City Council established thirteen (13) benefit zones.

TABLE 1: DESCRIPTION OF EXISTING BENEFIT ZONES

Zone Number	Name/Location	Year Formed	Type of Development	Number of Assessed Parcels
1	Huntwood Ave. & Panjon St.	1990	Residential	30
2	Harder Rd. & Mocine Ave.	1991	Residential	85
3	Hayward Blvd. & Fairview Ave.	1992	Residential	155
4	Pacheco Way, Stratford Rd, Russ Ln, Ward Creek	1995	Residential	175
5	Soto Rd. & Plum Tree St.	1995	Residential	38
6	Peppertree Park	1982	Industrial	11
7	Mission Blvd., Industrial Pkwy, & Arrowhead Way	1998	Residential	348
8	Capitola St.	1999	Residential	24
9	Orchard Ave.	2000	Residential	74
10	Eden Shores	2003	Residential	534
11	Stonebrae Country Club Development (current & future development.)	2006	Residential	556
12	Eden Shores East	2007	Residential	261
13	Cannery Place (current & future development)	2008	Residential	629
Total				**2,920**

Benefit Zone No. 1 collection rate will be $230.00 per parcel, which is the same rate as in FY 2011. In FY 2012 the City plans to landscape the area in front of the sound wall with trees and shrubs at an estimated cost of $1,700. The collection rate for this zone is below their base maximum assessment rate of $265.64 per parcel and is sufficient for maintaining services levels and keeping a healthy operating and capital reserve balance.

Benefit Zone No. 2 collection rate will be $93.08 per parcel, which is the same rate as in FY 2011. In FY 2012 the City plans to landscape the area in front of the sound wall with trees and shrubs at an estimated cost of $500. The collection rate needed to cover the FY 2012 operating expenses is approximately $93.46 per parcel. Therefore, as needed approximately $32.70 would be used from the capital reserve fund to supplement the assessment revenue for FY 2012. The collection rate for this zone is at their base maximum assessment rate of $93.08 per parcel and is sufficient for maintaining services levels and keeping a healthy operating and capital reserve balance.

In 1992, Benefit Zone No. 3 was established and the base maximum rate was set at $328.82 per parcel. In FY 2004, a group of property owners formed a Landscape Committee for the purpose of addressing the substandard landscaping conditions that had arisen in Benefit Zone No. 3. The Landscape Committee developed a comprehensive landscape plan and presented the plan to City staff and property owners within Benefit Zone No. 3. After receiving City and property owner support, the Landscape Committee proposed to increase assessments to fund the construction of additional landscape improvements and to increase the level of maintenance for the existing and proposed landscaping within Benefit Zone No. 3. In FY 2006 the City conducted a mailed ballot election to determine if there was sufficient support to increase assessments. The assessment increase was approved by a majority of the property owners who voted. Therefore, in FY 2006 the annual assessment rate per parcel was increased from $328.82 to $1,023.56 per parcel. This increase in the base maximum rate consisted of two components; $694.52/yr. for maintenance and $329.04/yr. for the construction of capital improvements. The base maximum amount for constructing the capital improvements was only charged for three (3) years. In FY 2009 the base maximum increase associated with the construction of capital improvements was eliminated. Each fiscal year, commencing in FY 2009, the base maximum rate for the maintenance component, $694.52 may be increased annually based upon the prior year's change in the Consumer Price Index for the San Francisco-Oakland-San Jose Area. The collection rate will be increased from $745.00 to $767.08 per parcel for FY 2012 which will be at the base maximum assessment rate. In FY 2012 the Landscape Committee and City plan to continue the Calsense Sprinkler Upgrade Project, which is a water conservation project at an estimated cost of $26,000. This project will cut back on water usage and reduce the costs for annual maintenance. In addition, the Landscape Committee asked that the remaining $11,201.14 be deposited into the capital reserve fund. The collection rate for this zone is at their base maximum assessment rate of $767.08 per parcel and is sufficient for maintaining services levels and keeping a healthy operating and capital reserve balance.

In 1995, Benefit Zone No. 4 was established and the base maximum assessment rate was set at $121.00 per parcel. This base maximum assessment rate does not allow for an annual increase based upon the prior year's change in the Consumer Price Index. In FY 2003, the base maximum assessment rate for Benefit Zone No. 4 was proposed to be modified to allow for an annual adjustment based upon the change in the Consumer Price Index each fiscal year. The proposed increase in the base maximum assessment rate was opposed by a majority of the property owners who voted. Subsequently, the City reduced the level of service within Benefit Zone No. 4 to coincide with the projected revenue to be received.

In 1995, Benefit Zone No. 5 was established and the base maximum assessment rate was set at $139.12 per parcel. This base maximum rate does not allow for an annual increase based upon the prior year's change in the Consumer Price Index. In FY 2003, the base maximum assessment rate for Benefit Zone No. 5 was proposed to be increased $60.00 per single-family parcel and to allow for future increases based upon the change in the Consumer Price Index. The proposed increase in the base maximum rate

was opposed by the majority of the property owners who voted. Subsequently, the City has reduced the level of service within Benefit Zone No. 5 to coincide with the projected revenue to be received.

Benefit Zone No. 6 collection rate will be $2.00 per linear foot, which is the same rate as in FY 2011. In FY 2012 the City plans to install landscaping in the fountain areas at an estimated cost of $2,000. The collection rate for this zone is below their base maximum assessment rate of $2.61 per linear foot and is sufficient for maintaining services levels and keeping a sufficient operating and capital reserve balance.

Benefit Zone No. 7 collection rate will be $480.00 per parcel, which is the same rate as in FY 2011. The collection rate for this zone is below their base maximum assessment rate of $802.32 per parcel and is sufficient for maintaining services levels and keeping a healthy operating and capital reserve balance.

Benefit Zone No. 8 collection rate will be $350.00 per parcel, which is the same rate as in FY 2011. The collection rate for this zone is below the maximum base assessment of $573.82 per parcel and is sufficient for maintaining services levels and keeping a healthy operating and capital reserve balance.

Benefit Zone No. 9 collection rate will be $25.00 per parcel, which is the same rate as in FY 2011. In FY 2012 the City plans to landscape the area in front of the sound wall with trees and shrubs at an estimated cost of $600. The collection rate needed to cover the FY 2012 operating expenses is approximately $32.93 per parcel. Therefore, approximately $586.45 would be used from the capital reserve fund to supplement the assessment revenue for FY 2012. The collection rate for this zone is below the maximum base assessment of $153.22 per parcel. In future years, if there is a need for additional funds, the collection rate may be increased up to their base maximum amount.

Benefit Zone No. 10 collection rate will be $300.00 per parcel, which is the same rate as in FY 2011. In FY 2012 the City plans to replace trees along the LLAD's common area at an estimated cost of $5,000. Approximately $5,000 from the capital reserve fund would be used for the proposed tree replacement. Without the use of the capital reserve fund to supplement the assessment revenue for FY 2012, the collection rate needed to cover the FY 2012 operating expenses is approximately $309.30 per parcel. The collection rate for this zone is below the maximum base assessment of $913.62 per parcel. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount.

Benefit Zone No. 11 collection rate for the 244 parcels in the current development phase (the same number of parcels assessed in FY 2011) will be increased from $335.00 to $344.92 per parcel in FY 2012. The collection rate for the remaining 312 parcels (the same number of parcels assessed in FY 2011) which will be developed in subsequent phases will be increased from $175.00 to $180.18 per parcel in FY 2012. In FY 2012 the City has been asked to budget $10,000 for landscape upgrades and replacement. If the landscape upgrades/replacements are completed in FY 2012 then approximately $10,000 will be used from the capital reserve fund to supplement the assessment revenue for FY 2012. Without the use of capital reserve fund, the collection rate needed to cover the FY 2012 operating expenses is approximately $369.03 for current development phase and $192.78 per parcel for the remaining parcels, respectively. The proposed FY 2012 assessment is below the maximum base assessment of $1,295.82.

Benefit Zone No. 12 collection rate is being increased from $166.76 to $171.70 per parcel, which is at the base maximum assessment rate per parcel. The City of Hayward has an agreement with the Hayward Area Recreation and Park District (HARD) to maintain the Mount Eden Shores Park within this zone. The assessment pays for the City's administrative costs and for a portion of the HARD maintenance services cost.

Benefit Zone No. 13 collection rate for the 297 residential units that have approved building permit applications in the current development phase will be $150.00 per unit, which is the same rate as in FY 2011. The collection rate for the remaining 331 residential units and one commercial retail parcel that will

be developed in subsequent phases will be $0.00 per parcel, which is the same rate as in FY 2011. The collection rate for this zone is below their base maximum assessment rate of $974.42 per parcel and is sufficient for administrative services and developing a healthy operating and capital reserve balance.

Proposition 218 Compliance

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote on Taxes Act," which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., to reflect the Consumer Price Index or an assessment cap) then the City would be in compliance with the provisions of Proposition 218 if assessments did not exceed the assessment formula.

Benefit Zones 3 and 7 thru 13 have an allowance within their respective assessment formulas to increase their base maximum assessment based upon the change in the Consumer Price Index. The Consumer Price Index which is used for this calculation is the Consumer Price Index for Urban Wage Earners and Clerical Workers within the San Francisco-Oakland-San Jose Area, as published by the Bureau of Labor and Statistics on a bi-monthly basis. For those benefit zones with CPI Index adjustments, the CPI Index that was used last fiscal year, Fiscal Year 2011 was 220.121. The most current available CPI index available at the time of preparing this report was February 2011 (226.638), which translates to a 2.96% (226.638/220.121) increase from Fiscal Year 2011. Therefore, the revised base assessments that could be levied in Fiscal Year 2012 are equal to the base maximum assessment in Fiscal Year 2011 increased by 2.96%. Future CPI increases in the base assessment rate do not require the noticing and balloting of property owners per the requirements of Proposition 218.

The annual collection rates for benefit zones 1, 6, 7, 8, 9, 10, 11 and 13 are proposed to be levied below their base maximum amount, and the annual collection rates for benefit zones 2, 3, 4, 5, and 12 are proposed to be levied at their base maximum amount.

Increases in maximum base assessments in benefit zones 3 and 7 thru 13, and annual collection rates in benefit zones 3, 11 and 12 are in compliance with the provisions of Proposition 218 because assessments do not exceed the established assessment formula.

Table 2 on the following page lists the collection rates levied in FY 2011, the proposed collection rates for FY 2012 and the base maximum assessment rates for each benefit zone.

TABLE 2: ASSESSMENT RATES PER BENEFIT ZONE					
Zone Number	Name/Location	Fiscal Year 2011 Collection Amount	Fiscal Year 2012 Collection Amount	Base Assessment Amount	CPI Index Adjustment
1	Huntwood Ave. & Panjon St.	$230.00	$230.00	$265.64	No
2 (2)	**Harder Rd. & Mocine Ave.**	**$93.08**	**$93.08**	**$93.08**	**No**
3 (2)	**Hayward Blvd. & Fairview Ave.**	**$745.00**	**$767.08**	**$767.08**	**Yes**
4 (2)	**Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.**	**$121.00**	**$121.00**	**$121.00**	**No**
5 (2)	**Soto Rd. & Plum Tree St.**	**$139.12**	**$139.12**	**$139.12**	**No**
6 (1)	Peppertree Park	$2.00	$2.00	$2.61	No
7	Mission Blvd., Industrial Pkwy, & Arrowhead Wy.	$480.00	$480.00	$802.32	Yes
8	Capitola St.	$350.00	$350.00	$573.82	Yes
9	Orchard Ave.	$25.00	$25.00	$153.22	Yes
10	Eden Shores	$300.00	$300.00	$913.62	Yes
11	Stonebrae Country Club (Current Development)	$335.00	$344.92	$1,295.82	Yes
11	Stonebrae Country Club (Future Development)	$175.00	$180.18	$1,295.82	Yes
12 (2)	**Eden Shores East - Sports Park**	**$166.76**	**$171.70**	**$171.70**	**Yes**
13	Cannery Place (Current Development)	$150.00	$150.00	$974.42	Yes
13	Cannery Place (Future Development)	$0.00	$0.00	$974.42	Yes

Notes: (1) Zone 6 is in the industrial district and is assessed based upon street frontage.
(2) Bolded items reflect recommended maximum assessment rates for Fiscal Year 2012.

Current Annual Administration

As required by the Landscaping and Lighting Act of 1972, the annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed collection rate for each assessable lot or parcel.

The City of Hayward is proposing to hold a public hearing on July 26, 2011, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution setting the annual collection rates as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2012 tax roll.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

SECTION II

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH 22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

CITY OF HAYWARD LANDSCAPING & LIGHTING ASSESSMENT DISTRICT No. 96-1

FISCAL YEAR 2012

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Intention, being Resolution No. 11-097, preliminarily approving the Engineer's Report, as adopted by the City Council of the City of Hayward, on June 28, 2011, and in connection with the proceedings for:

CITY OF HAYWARD LANDSCAPING & LIGHTING ASSESSMENT DISTRICT No. 96-1

Herein after referred to as the "Assessment District", I, John Nguyen, M.S.C.E., P.E., the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements in the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the Hayward City Clerk and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the Hayward City Clerk.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates by reference a diagram of the Assessment District showing the exterior boundaries of the District, the boundaries of the thirteen (13) zones within the District and the lines and dimensions of each lot or parcel of land within the District. It has been prepared by the Engineer of Work and is on file in the Office of the Hayward City Clerk.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part contains the method of apportionment of assessments, in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains a list of the Alameda County Assessor's Parcel numbers, and the net amount to be assessed upon the benefited lands within the Assessment District for FY 2012. The Assessment Roll is filed in the Office of the Hayward City Clerk and is incorporated in this report by reference. The list is keyed to the records of the Assessor of the County of Alameda, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward, and those which may be subsequently constructed, will be operated, maintained and serviced as generally described as follows:

DESCRIPTION OF IMPROVEMENTS
CITY OF HAYWARD
LANDSCAPING & LIGHTING ASSESSMENT DISTRICT No. 96-1
FISCAL YEAR 2012

The improvements consist of the operation, maintenance and servicing of landscaping, street lighting, open space facilities, parks, trails, and appurtenant facilities including but not limited to; personnel, electrical energy, utilities such as water, materials, contractual services, and other items necessary for the satisfactory operation of these services and facilities as described below:

Landscaping Facilities
Landscaping facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation, planting, shrubbery, ground cover, trees, pathways, hardscapes, decorative masonry and concrete walls, fountains, bus shelters, entry gate structures, graffiti removal, fences, and other appurtenant facilities required to provide landscaping within the public rights-of-way and easements within the boundaries of the Assessment District.

Street Lighting Facilities
Street lighting facilities consist of, but are not limited to: operation, maintenance and servicing of poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Open Space Facilities
Open space facilities consist of, but are not limited to: operation, maintenance and servicing of drainage areas, creeks, ponds, etc. including the removal of trash and debris, sediment, natural and man made vegetation and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Park/Trail Facilities
Park/Trail facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation systems, pedestrian access, asphalt bike pathways, parkways, and the removal of trash and debris, rodent control, used for the support of recreational programs and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment Districts.

The following is a detailed description of the improvements that are being operated, maintained and serviced throughout each benefit zone within the District:

- **Zone 1 (Huntwood Avenue & Panjon Street)** – Tract 6041

Formed: November 13, 1990
Resolution Number: 90-256
30 parcels
FY 2012 Collection Rate per Parcel: $230.00

  - Surface maintenance of the street side of a 600-foot masonry wall along Huntwood Avenue. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
  - The ownership and responsibility of the masonry wall as a structure remains with the individual property owners; and
  - Landscaping and irrigation includes an 8-foot-wide landscaped strip along Huntwood Avenue within a landscape easement.
  - In FY 2012 the City plans to landscape the area in front of the sound wall with trees and shrubs at an estimated cost of $1,700.
  - For FY 2012, the collection rate will remain at $230.00 per parcel. If in future years, there is a need for additional funds the collection rate may be increased up to their base maximum amount, which is $265.64 per parcel. This base maximum amount cannot be increased annually based upon the change in the Consumer Price Index. Future increases in collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- **Zone 2 (Harder Road & Mocine Avenue)** – Tract 6042

Formed: July 25, 1991
Resolution Number: 91-137
85 parcels
FY 2012 Collection Rate per Parcel: $93.08

  - Surface maintenance of the street side of a 1,000-foot-long masonry wall along Harder Road, Mocine Avenue and a segment of Sunburst Drive. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
  - Surface maintenance of the 800-foot-long masonry wall adjacent to the railroad tracks located on the southwest side of Tract No. 6042. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
  - The ownership and responsibility of the masonry walls as a structure remains with the individual property owners; and
  - Landscaping and irrigation includes the area between the sidewalk and wall along Harder Road and Mocine Avenue within a landscape easement.

- In FY 2012 the City plans to landscape the area in front of the sound wall with trees and shrubs at an estimated cost of $500.

- For FY 2012, the collection rate will remain at $93.08 per parcel. The collection rate needed to cover the FY 2012 operating expenses is approximately $93.46 per parcel. Therefore, as needed, approximately $32.70 will be used from the capital reserve fund to supplement the assessment revenue for FY 2012. This base maximum amount cannot be increased annually based upon the change in the Consumer Price Index.

Zone 3 (Hayward Boulevard & Fairview Avenue) – Tract 4007

Formed: June 23, 1992
Resolution Number: 92-174
155 parcels
FY 2012 Collection Rate per Parcel: $767.08

- Surface maintenance of the street side of a mile-long masonry wall along Hayward Boulevard and Fairview Avenue. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;

- The ownership and responsibility of the masonry wall as a structure remains with the individual property owners;

- Landscaping and irrigation includes approximately one mile of landscaped frontage along Hayward Boulevard and Fairview Avenue with significant slope areas along the street; and

- In addition, several open space areas within the tract are maintained; however, there are no funds budgeted for maintenance of the non-irrigated, non-landscaped open space areas.

- In 1992, Benefit Zone No. 3 was established and the base maximum rate was set at $328.82 per parcel. In FY 2004, a group of property owners formed a Landscape Committee for the purpose of addressing the substandard landscaping conditions that had arisen in Benefit Zone No. 3. The Landscape Committee developed a comprehensive landscape plan and presented the plan to City staff and property owners within Benefit Zone No. 3. After receiving City and property owner support, the Landscape Committee proposed to increase assessments to fund the construction of additional landscape improvements and to increase the level of maintenance for the existing and proposed landscaping within Benefit Zone No. 3. In FY 2006 the City conducted a mailed ballot election to determine if there is sufficient support to increase assessments. The assessment increases were approved by a majority of the voters who voted. Therefore, in FY 2006 the annual assessment rate per parcel was increased from $328.82 to $1,023.56. This increase in the base maximum rate consisted of two components; $694.52/yr. for maintenance and $329.04/yr. for the construction of capital improvements. The base maximum amount for constructing the capital improvements was only charged for three (3) years. In FY 2009 the base maximum increase associated with the construction of capital improvements was eliminated. Each fiscal year, commencing in FY 2009, the base maximum rate for the maintenance component, $694.52 may be increased annually based upon the prior year's change in the Consumer Price Index for the San Francisco-Oakland-San Jose Area. The proposed collection rate in FY 2012 is $767.08 per parcel, which is the base maximum assessment rate of $767.08 per parcel.

- The following capital improvements have been constructed with revenues received from the capital replacement portion of the annual assessment.

  FY 2006: Bus Stop and Open Area across the Street on Fox Hollow Drive

  In the Bus Stop Area weeds were removed and the soil was amended and prepared for new plantings. Improvements in drainage were made. The existing sprinkler system was repaired and/or upgraded as necessary. Grass was planted in flat locations. Trees were replaced as needed. Bunch grasses and shrubs were planted on the slopes.

  In the Open Area across from the Bus Stop, weeds were removed and the soil was amended and prepared for new plantings. The existing sprinkler system was repaired and/or upgraded as necessary. Deer resistant, drought tolerant, low maintenance plants were planted on the flat area and down the slope. Low maintenance plants of various colors were used.

  FY 2007: Open Area South of 28525 Fox Hollow Drive

  In the Open Area, weeds were removed and the soil was prepared for new plantings. The existing sprinkler system was repaired and/or upgraded as necessary. Deer resistant, drought tolerant, low maintenance plants were planted on the flat area and down the slope. Assorted low maintenance plants of various colors were also used.

  FY 2008: Hayward Blvd., Fairview Drive & Barn Rock Drive

  During FY 2008, the Landscape Committee decided to spread the last phase of the capital replacements over two years in order to coordinate the Prominence improvements with planned work by the Stonebrae Development. During FY 2008 along Barn Rock Drive and Hayward Blvd, weeds were removed and the soil was prepared for new plantings. The existing sprinkler system was upgraded as necessary. Deer resistant, drought tolerant, low maintenance plants were planted on the flat area and down the slope. Assorted low maintenance plants of various colors were also used.

  FY 2009: Hayward Blvd., Fairview Drive & Barn Rock Drive

  During FY 2009 along Fairview Drive, weeds and dead trees and foliage were removed. The soil was amended and prepared for new trees and plants. Trees, bushes and ground cover were planted to fill in the bare areas around the perimeter of the development on both the flat and sloped areas. Deer resistant, drought tolerant, low maintenance plants of various colors was used. The existing sprinkler system was repaired and/or upgraded as necessary. In addition, large trees were planted along Fairview Drive to visually screen Prominence homeowners from Stonebrae homes. This work was funded by the Stonebrae Development.

  FY 2011 and FY 2012: Calsense Sprinkler System Upgrade Project

  During FY 2011 and FY 2012 the existing sprinkler system is proposed to be upgraded to provide a more water efficient/conservative system, which will cut back on water waste and reduce the costs for annual maintenance.

- As part of the roadway modifications for the Stonebrae Development, the landscaped corner of Benefit Zone No. 3 at Hayward Boulevard and Fairview Boulevard was substantially reduced in size and modified. Concurrently, it was determined that the modified corner

would provide a greater benefit for the residents of the Stonebrae Development than for the residents of Benefit Zone No. 3. This corner is a visually vital part of the Stonebrae entrance while the only benefit it provides the residents of Benefit Zone No. 3 is as a general streetscape improvement not normally seen by the residents. By mutual agreement of the Stonebrae developer and the members of the Prominence Landscape Committee (Benefit Zone No. 3), the corner was removed from Benefit Zone No. 3 and was assessed to the Stonebrae LLAD Benefit Zone (Benefit Zone No. 11). The Stonebrae developer modified the corner as necessary to separate the irrigation and plantings so that the residents of Benefit Zone No. 3 can be assured that they are not bearing any of the ongoing costs for the maintenance of this area.

- **Zone 4 (Pacheco Wy, Stratford Rd, Ruus Ln., Ward Creek)** – Tracts 6472, 6560, 6682 & 6683

Formed: May 23, 1995
Resolution Number: 95-96
175 parcels
Annexed Tract 6682: January 23, 1996
FY 2012 Collection Rate per Parcel: $121.00

- Surface maintenance of the street side of a masonry wall along Pacheco Way and along the southern and eastern property boundaries. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
- The ownership and responsibility of the masonry wall as a structure remains with the individual property owners;
- Approximately 21,000 square feet of landscaping adjacent to the Ward Creek Bike Pathway, including an irrigation system with electrical controllers;
- Approximately 2,100 square feet of median landscaping on Stratford Road and Ruus Lane;
- Approximately 7,500 square feet of landscaping along Pacheco Way;
- The landscaping, irrigation and appurtenances on the median island on Ruus Lane;
- Approximately 2,100 linear feet of asphalt bike pathway adjacent to Ward Creek between Pacheco Way and Folsom Avenue, and bike path striping on pathway;
- Drainage and access facilities within the development which include, but are not limited to the detention facility, approximately 9 drainage inlets, and 675 feet of 6-inch PVC drain pipe adjacent to the pathway;
- Approximately 50 linear feet of 4-foot-high black vinyl clad chain link fencing at two locations between Ward Creek and the asphalt pathway;
- A 14-foot-wide entry gate structure, an 8-foot-wide swing gate, and a 12-foot-wide swing gate;
- 32 linear feet of 8-foot-wide prefabricated steel bridge with wood deck; and
- Pedestrian access between Rosecliff Lane and Ward Creek Pathway.

- An adjustment to the base maximum assessment was proposed in FY 2003 because expenditures were exceeding revenues. The proposed increase in the base maximum assessment was not supported by a majority of the property owners who voted; therefore, the assessment revenue for this benefit zone could not be increased. Therefore, the City has reduced the level of landscape maintenance within this benefit zone to coincide with the projected revenue to be received. For example, reduction in landscape maintenance scheduled, dead plants are not being replaced and irrigation repairs are taking longer to be performed. The proposed collection rate in FY 2012 for Zone 4 is $121.00, which is the base maximum amount.

- **Zone 5 (Soto Road & Plum Tree Street)** – Tracts 6641 & 6754

Formed: May 23, 1995
Resolution Number: 95-97
38 parcels
Annexed Tract 6754: October 17, 1995
FY 2012 Collection Rate per Parcel: $139.12

- Surface maintenance of the street side of a masonry wall along Soto Road. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;

- The ownership and responsibility of the masonry wall as a structure remains with the individual property owners;

- Landscaping within the 10-foot-wide setback area between the masonry wall and the sidewalk (approximately 360 lineal feet);

- Landscaping and appurtenances within the 5.5-foot-wide planter strip between the sidewalk and the curb return areas across the frontage of Tract 6641;

- The curb return areas at the intersection of Soto Road and Plum Tree Street;

- Landscaping and appurtenances located within the 10-foot-wide setback area between the masonry wall and the sidewalk (approximately 440 lineal feet); and

- Landscaping and appurtenances within the 5.5-foot-wide planter strip between the sidewalk and the curb across the Soto Road frontage of Final Map Tract 6754.

- An adjustment to the base maximum assessment was proposed in FY 2003 because expenditures were exceeding revenues. The adjustment would have provided for a one-time $60.00 increase per single-family parcel and the ability to increase the base maximum assessment each subsequent fiscal year based upon the change in the Consumer Price Index. The proposed assessment increase was not supported by a majority of the property owners who voted; therefore, the assessment revenue for this benefit zone could not be increased. Therefore, the City has reduced the level of service within this benefit zone to coincide with the projected revenue to be received. For examples, reduction in landscape maintenance schedules, dead plants are not being replaced, and water usage has been reduced by 20 percent. The proposed collection rate in FY 2012 for Zone 5 is $139.12, which is the base maximum amount.

- **Zone 6 (Peppertree Park)** – Tracts 4420 & Lot 2 of Tract 3337

Formed: May 11, 1982
Resolution Number: 82-160
11 parcels
FY 2012 Collection Rate per linear-foot of Street Frontage: $2.00

  - Landscaping and decorative paving within the median islands in San Clemente Street between Zephyr Avenue and San Antonio Street; and
  - The identification sign, fountain, lighting, and landscaping in the main entrance median at San Clemente Street and San Antonio Street.
  - In FY 2012 the City plans to install landscaping in the fountain area at a cost of $2,000.
  - For FY 2012 the collection rate will remain at $2.00 per linear foot due to the fact that there are sufficient revenues in the reserve funds. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $2.61 per linear foot. This base maximum amount cannot be increased annually based upon the change in the Consumer Price Index. Future increases in collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- **Zone 7 (Mission Boulevard, Industrial Parkway, Arrowhead Way)** – Tract 7015

Formed: July 28, 1998
Resolution Number: 98-153
348 parcels
FY 2012 Collection Rate per Parcel: $480.00

  - Planting, irrigation, the multi-use pathway, landscape lighting and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway;
  - Medians and abutting landscaping along the Arrowhead Way entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
  - Bus shelters;
  - Walls and fences that face Mission Boulevard, Industrial Parkway, the Arrowhead Way entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
  - Specialty street lighting; and
  - A neighborhood park.
  - For FY 2012, the collection rate will remain at $480.00 per parcel to ensure healthy reserves are maintained. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $802.32 per parcel. This base

maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- **Zone 8 (Capitola Street)** – Tract 7033

Formed: March 2, 1999
Resolution Number: 99-030
24 parcels
FY 2012 Collection Rate per Parcel: $350.00

- Surface maintenance of the 8-foot-high decorative concrete wall along the tract's Hesperian Boulevard frontage. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;

- The ownership and responsibility of the wall as a structure remains with the individual property owners; and

- A 10-foot-wide landscaped area, between the wall and the Hesperian Boulevard frontage, to be improved with landscaping, irrigation, and other associated improvements located within the landscaped area.

- For FY 2012, the collection rate will remain at $350.00 per parcel to ensure healthy reserves are maintained. If in future years there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $573.82 per parcel. This base maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- **Zone 9 (Orchard Avenue)** – Tract 7063

Formed: April 25, 2000
Resolution Number: 00-050
74 parcels
FY 2012 Collection Rate per Parcel: $25.00

- Surface maintenance of the 10-foot-high decorative concrete wall along the railroad and along the south property line abutting Lot 40. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair. To minimize this maintenance work, Boston Ivy is planted and maintained along most of the surface of the wall;

- The ownership and responsibility of the wall as a structure remains with the individual property owners.

- In FY 2012 the City plans to landscape the area in front of the sound wall with trees and shrubs at a cost of $600.

- For FY 2012 the collection rate will remain at $25.00 per parcel. The collection rate needed to cover the FY 2012 operating expenses is approximately $32.93 per parcel. Therefore, as needed, approximately $586.45 will be used from the capital reserve fund to supplement the assessment revenue for FY 2012. If in future years there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $153.22 per parcel. This base maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- **Zone 10 (Eden Shores)** – Tracts No. 7317, 7360 and 7361

Formed: June 24, 2003
Resolution Number: 03-083
534 parcels
FY 2012 Collection Rate per Parcel: $300.00

- A five (5) acre park which includes landscaping and irrigation and play ground equipment within the development;

- Medians, park strips and parkway landscaping and irrigation within the development;

- Surface maintenance of the decorative concrete and sound walls along the perimeter and within the tract. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and

- The ownership and responsibility for the walls as structures remains with the individual property owners.

- In FY 2012 the City plans to replace trees along the LLAD's common area at a cost of $5,000.

- For FY 2012 the collection rate will remain at $300.00 per parcel. The collection rate needed to cover the FY 2012 operating expenses is approximately $309.30 per parcel. Therefore, approximately $4,968.40 will be used from the capital reserve fund to supplement the assessment revenue for FY 2012. If in future years there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $913.62 per parcel. This base maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- The original Engineer's estimate for construction costs for Zone 10 was $1,510,000 (in 2003 dollars). This construction cost is used for establishing the base capital reserve level.

- As a condition of approval for the subdivision, the developer was required to provide prospective homebuyers with a written disclosure of the special assessment district, including an estimate of the annual assessment. This disclosure is to be on brightly colored paper.

- **Zone 11 (Stonebrae Country Club)** – Tracts No. 5354

Formed: July 18, 2006
Resolution Number: 06-096
556 parcels
FY 2012 Collection Rate per Parcel in current development phase: $344.92
FY 2012 Collection Rate per Parcel in future development phase: $180.18

- Median, park strips, parkway landscaping and irrigation improvements and multi-use pathway improvements along Fairview Avenue, Garin Park Lane, Hayward Boulevard, Stonebrae County Club Drive, between the entry point to the development and the City water tank;

- Slope maintenance along Garin Park Lane, Fairview Avenue and Hayward Boulevard;

- Decorative walls facing Fairview Avenue and Hayward Boulevard but not including the view fence of the lots along Fairview Ave. This maintenance includes painting, cleaning, graffiti removal, and replacement of the improvements if needed;

- Street and landscape lighting along Fairview Avenue, Garin Park Lane, Hayward Boulevard; and along the frontage of the school at the intersection of Hayward Blvd/Stonebrae Country Club Drive and Carden Lane. This maintenance includes electrical costs, and replacement of the improvements if needed;

- As a condition of approval for the subdivision, the developer was required to provide prospective homebuyers with a written disclosure of the special assessment district, including an estimate of the annual assessment. This disclosure is to be on brightly colored paper; and

- As part of the roadway modifications for the Stonebrae Development, the landscaped corner at Hayward Boulevard and Fairview Boulevard, previously located in benefit Zone No. 3, was substantially reduced in size and modified. The modified corner provides a benefit for the residents of the Stonebrae Development and is visually a vital part of the entrance to the development. By agreement of the Stonebrae developer and the City and following consultation with the Prominence Landscape Committee (Benefit Zone No. 3), the corner was removed from Benefit Zone No. 3 and annexed into the Stonebrae Benefit Zone (Benefit Zone No. 11). The Stonebrae developer modified the corner as necessary to separate the irrigation and plantings so that the residents of Benefit Zone No. 3 can be assured that they are not bearing any of the future ongoing costs for the maintenance of this area.

- In FY 2012 the City was asked to budget $10,000 for landscape upgrades and replacement.

- The project is proposed to be developed in multiple phases. The current development phase consists of the 244 single-family parcels (244 parcels assessed in FY 2011) located at or near the entrance to the development. The future development phases will consist of the remaining 312 single-family parcels. For FY 2012 the collection rate will be increased from $335.00 to $344.92 per parcel in the current phase and increased from $175.00 to $181.18 per parcel in the future phases. The collection rate needed to cover the FY 2012 operating expenses is approximately $369.03 and $192.78 per parcel respectively. Therefore, approximately $9,814.03 will be used from the capital reserve fund to supplement the assessment revenue for FY 2012. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $1,295.82 per

parcel. This base maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- The original Engineer's estimate for construction costs for Zone 11 was $1,620,000 (in 2006 dollars). This construction cost is used for establishing the base capital reserve level.

- **Zone 12 (Eden Shore East)** – Tract 7489 & 7708

Formed: May 15, 2007
Resolution Number: 07-031
261 units
FY 2012 Collection Rate per Parcel: $171.70

- Maintenance of the neighborhood serving features of the Mount Eden Shores Park aka Alden E. Oliver Sports Park such as picnic tables, basketball courts, barbeque areas, soccer fields, etc.

- For FY 2012 the collection rate will be increased from $166.76 to $171.70 per parcel which is at the base maximum assessment rate per parcel. This increase is necessary to maintain sufficient service levels. This base maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

- **Zone 13 (Cannery Place)** – Tract 7613, 7625, 7748 & 7749

Formed: June 17, 2008
Resolution Number: 08-090
612 Condominium Style Units, 16 Duets and one Commercial Retail Parcel
FY 2012 Collection Rate per unit in current development phase: $150.00
FY 2012 Collection Rate per unit in future development phase: $0.00

- Approximately five (5) acres of park area which includes landscaping and irrigation and play ground equipment and maintenance of a historic water tower within the development;

- Park strips and parkway landscaping and irrigation within the development;

- Maintenance of street trees;

- Maintenance of streetlights;

- Maintenance of paved walkways;

- Surface maintenance of the decorative concrete walls within the tract. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and

- The ownership and responsibility for the walls as structures remains with the individual property owners.

- The project is proposed to be developed in multiple phases. The current development phase consists of the 297 residential units which have approved building permit applications (228 units assessed in FY 2011). The future development phases will consist of the remaining 331 residential units and one commercial retail parcel. For FY 2012 the collection rate will remain at $150.00 per parcel in the current phase and $0.00 per parcel in the future phases. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount, which is $974.42 per parcel. This base maximum amount will be increased annually based upon the prior years change in the Consumer Price Index. Future increases in the collection rate up to the base maximum amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

PART B

ESTIMATE OF COST

The 1972 Act provides that the total cost of construction, operation, maintenance and servicing of the public landscaping, street lighting, open space facilities, parks, trails, etc. can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation, maintenance and servicing of the District can also be included.

The estimated FY 2012 expenditures for the proposed District are itemized by zone as follows:

TABLE 3: REVENUE PER BENEFIT ZONE

Zone Number	Name/Location	Estimated Revenue for Fiscal Year 2012
1	Huntwood Ave. & Panjon St.	$6,900.00
2	Harder Rd. & Mocine Ave.	$7,911.80
3	Hayward Blvd. & Fairview Ave.	$118,897.40
4	Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.	$21,175.00
5	Soto Rd. & Plum Tree St.	$5,286.56
6	Peppertree Pk.	$9,988.00
7	Mission Blvd., Industrial Pkwy, & Arrowhead Wy.	$167,040.00
8	Capitola St.	$8,400.00
9	Orchard Ave.	$1,850.00
10	Eden Shores	$160,200.00
11	Stonebrae Country Club	$140,376.64
12	Eden Shores East - Sports Park	$44,813.70
13	Cannery Place	$44,550.00
	TOTAL:	***$737,389.10***

For a detailed breakdown on the operation, maintenance and servicing costs for each Benefit Zone, refer to Appendix "A."

The 1972 Act requires that a special fund be set up for the revenues and expenditures for the District. Funds raised by the assessments shall be used only for the purposes as stated herein. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year.

PART C

ASSESSMENT DISTRICT DIAGRAM

The boundary of the City of Hayward's Landscaping & Lighting Assessment District No. 96-1 is completely within the boundaries of the City of Hayward. The Assessment Diagram which shows the thirteen (13) zones is on file in the Office of the City Clerk of the City of Hayward and shown in Appendix "B" of this report. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda, for the year when this report was prepared, and are incorporated by reference herein and made part of this report.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements.

Section 22573 of the Landscaping and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

> *"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements."*
>
> *The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)) [of the Streets and Highways Code, State of California]."*

Proposition 218 also requires that maintenance assessments must be levied according to benefit rather than according to assessed value. In addition, Article XIIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIIIA of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax."

Article XIIID of the California Constitution provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

ZONE CLASSIFICATION

Each benefit zone is unique and distinguishable from other benefit zones located within the District. Each benefit zone is evaluated to determine which improvements are of a specific and direct benefit to the parcels in that benefit zone. Once the improvements have been identified, a method of spreading those costs to the benefiting parcels was developed.

As certain subdivisions develop throughout the City of Hayward, they may be annexed into an existing zone or there may be a new zone formed. Each new subdivision is evaluated to determine which improvements are of a specific and direct benefit to the parcels within the subdivision and then a determination is made whether to annex them into an existing zone or whether to form a new zone. The parcels, which benefit from the improvements, are identified and a benefit assessment spread methodology is developed to spread the costs of the improvements to the benefiting parcels.

The following is a listing of the various zones in the District, their corresponding number of parcels in each benefit zone, and the method of apportioning the costs of the improvements:

- **Zone 1 (Huntwood Avenue & Panjon Street)** Tract 6041

  This zone was established in 1990 and the maximum assessment rate was set at $265.64 per single-family residential parcel with no automatic allowance for a Consumer Price Index (CPI) increase each fiscal year. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, each of the 30 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $6,900.00. Since the amount needed to operate and maintain facilities in this zone remains below the base maximum amount, the following amount should be collected:

  $230.00 per parcel

- **Zone 2 (Harder Road & Mocine Avenue)** Tract 6042

  This zone was established in 1991 and the maximum assessment rate was set at $93.08 per single-family residential parcel with no automatic allowance for CPI increase each fiscal year. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 85 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $7,911.80. Since the collection rate is limited to the base maximum amount, the following amount should be collected:

  $93.08 per parcel

- **Zone 3 (Hayward Boulevard & Fairview Avenue)** Tract 4007

  In 1992, Benefit Zone No. 3 was established and the base maximum rate was set at $328.82 per parcel. In FY 2004, a group of property owners formed a Landscape Committee for the purpose of addressing the substandard landscaping conditions that had arisen in Benefit Zone No. 3. The Landscape Committee developed a comprehensive landscape plan and presented the plan to City staff and property owners within Benefit Zone No. 3. After receiving City and property owner support, the Landscape Committee proposed to increase assessments to fund the construction of additional landscape improvements and to increase the level of maintenance for the existing and proposed landscaping within Benefit Zone No. 3. In FY 2006 the City conducted a mailed ballot election to determine if there is sufficient support to increase assessments. The assessment increases were approved by a majority of the voters who voted. Therefore, in FY 2006 the base maximum assessment rate per parcel was increased from $328.82 to $1,023.56. This increase in the base maximum rate consisted of two components; $694.52/yr. for maintenance and $329.04/yr. for the construction of capital improvements. The base maximum amount for constructing the capital improvements was only charged for three (3) years. In FY 2009 the base maximum increase associated with the construction of capital improvements was eliminated. Each fiscal year, commencing in FY 2009, the base maximum rate for the maintenance component, $694.52 may be increased annually based upon the prior year's change in the Consumer Price Index for the San Francisco-Oakland-San Jose Area. The base year for calculating CPI increases was set for July 1, 2006. On July 1, 2006 the CPI Index was set at 205.2. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 10.45% (226.638/205.2) increase since the base year. Therefore, the base maximum of $767.08 per parcel could be assessed in FY 2012. The collection rate will be $767.08 per parcel.

The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 155 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $118,897.40. Since the collection rate is limited to the base maximum amount, the following amount should be collected:

$767.08 per parcel

- **Zone 4 (Pacheco Way, Stratford Rd, Ruus Ln, Ward Creek)** Tracts 6472, 6560, 6683 & 6682

  This zone was established in 1995 and the maximum assessment rate was set at $121.00 per single-family residential parcel with no automatic allowance for CPI increase each fiscal year. In 2002, the City sent out a notice and ballot to each affected property owner requesting their approval to modify their maximum assessment rate to include an allowance for an automatic increase that reflects the prior year's change in the Consumer Price Index. The results of the ballot tabulation revealed that there was a majority protest received, weighted by assessment amount, and therefore, the adjustment to the assessment formula was not imposed. The City has reduced the level of service within this benefit zone to coincide with the projected revenue to be received. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 175 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $21,175.00. Since the collection rate is limited to the base maximum amount, the following amount should be collected:

  $121.00 per parcel

- **Zone 5 (Soto Road & Plum Tree Street)** Tracts 6641 & 6754

  This zone was established in 1995 and the maximum assessment rate was set at $139.12 per single-family residential parcel with no automatic allowance for CPI increase each fiscal year. In 2002, the City sent out a notice and ballot to each affected property owner requesting their approval to increase the maximum assessment rate from the current base amount of $139.12 to $199.12 and include an allowance for an automatic increase reflecting the prior year's change in the CPI each subsequent fiscal year. The results of the election revealed that there was a majority protest received, and therefore, the adjustment to the assessment formula was not imposed for FY 2003. The City has reduced the level of service within this benefit zone to coincide with the projected revenue to be received. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 38 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $5,286.56. Since the collection rate is limited to the base maximum amount, the following amount should be collected:

  $139.12 per parcel

- **Zone 6 (Peppertree Park)** Tract 4420 & Lot 2 of Tract 3337

  This zone was established in 1982 and the maximum assessment rate was set at $2.61 per linear foot with no automatic allowance for CPI increase each fiscal year. The costs are spread to each parcel in proportion to the San Clemente Street frontage length to the overall San Clemente Street frontage within the district. The street frontage is based on the actual linear length of each parcel at the street right-of-way line. The overall street frontage is 4,994 feet from the San Clemente P.C.R. at Zephyr Avenue to the intersection of the northerly boundary of Lot 17 and San Clemente Street and the northerly boundary of Lot 2, Tract 3337. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $9,988.00. Since the amount needed to operate and maintain facilities in this zone remains below the base maximum amount, the following amount should be collected:

  $2.00 per linear foot

- **Zone 7 (Mission Boulevard, Industrial Parkway, Arrowhead Way)** Tract 7015

  This zone was established in 1998 and the maximum assessment rate was set at $597.57 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for April 1, 1999. On April 1, 1999, the CPI Index was set at 168.8. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 34.26% (226.638/168.8) increase since the base year. Therefore, the base maximum of $802.32 per parcel could be assessed in FY 2012. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 343 single-family parcels and the 5 parcels comprising the parks and golf course shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $167,040.00. Since the amount needed to operate and maintain facilities in this zone remains below the base maximum amount, the following amount should be collected:

  $480.00 per parcel

- **Zone 8 (Capitola Street)** Tract 7033

  This zone was established in 1999 and the maximum assessment rate was set at $442.83 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for April 1, 2000. On April 1, 2000 the CPI Index was set at 174.9. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 29.58% (226.638/174.9) increase since the base year. Therefore, the base maximum of $573.82 per parcel could be assessed in FY 2012. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 24 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $8,400.00. Since the amount needed to operate and maintain facilities in this zone remains below the base maximum amount, the following amount should be collected:

  $350.00 per parcel

- **Zone 9 (Orchard Avenue)** Tract 7063

  This zone was established in 2000 and the maximum assessment rate was set at $125.00 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for April 1, 2001. On April 1, 2001, the CPI Index was set at 184.9. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 22.57% (226.638/184.9) increase since the base year. Therefore, the base maximum of $153.22 per parcel could be assessed in FY 2012. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 74 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total revenue needed to operate and maintain the facilities within the zone is $1,850.00. Since the amount needed to operate and maintain facilities in this zone remains below the base maximum amount, the following amount should be collected:

  $25.00 per parcel

- **Zone 10 (Eden Shores)** Tracts No. 7317, 7360 and 7361

  This zone was established in June 2003 and the maximum assessment rate was set at $775.00 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for July 1, 2003. On July 1, 2003, the CPI Index was set at 192.25. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 17.89% (226.638/192.25) increase since the base year. Therefore, the base maximum of $913.62 per parcel could be assessed in FY 2012. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 534 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $160,200.00. Since the amount needed to operate and maintain facilities in this zone remains below the base maximum amount, the following amount should be collected:

  $300.00 per parcel

- **Zone 11 (Stonebrae Country Club)** Tracts No. 5354

  This zone was established in July 2006 and the maximum assessment rate was set at $1,173.26/yr. for each proposed single-family parcel with an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for July 1, 2006. On July 1, 2006, the CPI Index was set at 205.2. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 10.45% (226.638/205.2) increase since the base year. Therefore, the base maximum of $1,295.82 per parcel could be assessed in FY 2012. The project is proposed to be developed in multiple phases. The current development phases will be constructed first and consist of the 244 proposed single-family parcels located at or near the entrance to the development. The future development phases will consist of the remaining 312 proposed single-family parcels. In FY 2012, the total assessment revenue needed to operate and maintain the facilities is $140,376.64. Therefore, each of the 244 parcels located within the current development will be assessed $344.92 and the remaining 312 single-family parcels will be assessed $180.18 as shown below:

  $344.92 per parcel (Current Development)
  $180.18 per parcel (Future Development)

- **Zone 12 (Eden Shores East)** Tract 7489 & 7708

  This zone was established in 2007 with a maximum base maximum rate of $160.00 per parcel which includes an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for April 1, 2007. On April 1, 2007, the CPI Index was set at 211.189. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 7.32% (226.638/211.189) increase since the base year. Therefore, the base maximum of $171.70 per parcel could be assessed in FY 2012. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 261 proposed parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2012, the total assessment revenue needed to operate and maintain the facilities within the zone is $44,813.70. Since the collection rate is limited to the base maximum amount, the following amount should be collected:

  $171.70 per proposed parcel

- **Zone 13 (Cannery Place)** Tract 7613, 7625, 7748 & 7749

  This zone was established in June 2008 with a base maximum rate of $951.98 per residential unit and $951.98 per commercial parcel which includes an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. The base year for calculating CPI increases was set for July 1, 2008. On July 1, 2008, the CPI Index was set at 221.4195. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638, which translates to a 2.36% (226.638/221.4195) increase since the base year. Therefore, the base maximum of $974.42 per residential unit and commercial parcel could be assessed in FY 2012. The project is proposed to be developed in two (2) phases. The current development phase will be constructed first and consist of the 297 residential units which have approved building permit applications. The future development phase will consist of the remaining 331 residential units and one commercial retail parcel. In FY 2012, the total assessment revenue needed to operate and maintain the facilities is $44,550.00. Therefore, each of the 297 residential units located within the current development phase will be assessed $150.00 and the remaining 331 residential units and one commercial retail parcel within the future development phase will be assessed $0.00 as shown below:

  $150.00 per unit (Current Development – Residential Unit)
  $0.00 per parcel (Future Development – Commercial Parcel)
  $0.00 per unit (Future Development – Residential Unit)

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within the City of Hayward's Landscaping & Lighting Assessment District No. 96-1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which by reference is hereby made a part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for FY 2012 apportioned to each lot or parcel. The Assessment Roll is on file in the Office of the City Clerk of the City of Hayward and is shown in this report as Appendix "C".

APPENDIX A

DETAILED PROJECT COST BREAKDOWN

Fund 831 - Zone 1 - Fiscal Year 2012 Huntwood Avenue & Panjon Street	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	30
Beginning Balance of Fiscal Year (July 1, 2011)	$17,621.48
REVENUE	
Annual Assessment Fee (30 Assessable Parcels)	$6,900.00
County Collection Fee (1.7%)	($117.30)
Net Revenue	$6,782.70
Total Available	$24,404.18
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$700.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$2,000.00
(c) **Landscape Upgrade/Replacement**	$1,700.00
Subtotal I:	$4,400.00
II. Supplies & Services	
(a) Special Services	$865.00
(b) Supplies: printing and postage	$15.00
Subtotal II:	$880.00
III. Administrative Services	
(a) Administration	$1,500.00
Subtotal III:	$1,500.00
Total Expense (Sum of I, II and II)	$6,780.00
Ending Balance of Fiscal Year (June 30, 2012)	$17,624.18
Deposit to Reserves	$2.70
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$3,390.00
(b) Current Working Capital Reserves [2]	$14,234.18
Anticipated Total Reserve at the end of Fiscal Year	$17,624.18
Collection per Parcel	$230.00
Base Assessment per Parcel	$265.64

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need repair/replacement because of failure, damage, or vandalism these funds will be used.

Fund 832 - Zone 2 - Fiscal Year 2012 Harder Road & Mocine Avenue	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	85
Beginning Balance of Fiscal Year (July 1, 2011)	$9,558.85
REVENUE	
Annual Assessment Fee (85 Assessable Parcels)	$7,911.80
County Collection Fee (1.7%)	($134.50)
Net Revenue	$7,777.30
Total Available	$17,336.15
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$900.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$4,500.00
(c) **Landscape Upgrade/Replacement**	$500.00
Subtotal I:	$5,900.00
II. Supplies & Services	
(a) Special Services	$865.00
(b) Supplies: printing and postage	$45.00
Subtotal II:	$910.00
III. Administrative Services	
(a) Administration	$1,000.00
Subtotal III:	$1,000.00
Total Expense (Sum of I, II and II)	$7,810.00
Ending Balance (June 30, 2012)	$9,526.15
Withdrawal from Reserves	($32.70)
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$3,905.00
(b) Current Working Capital Reserves [2]	$5,621.15
Anticipated Total Reserve at the end of Fiscal Year	$9,526.15
Collection per Parcel	$93.08
Base Assessment per Parcel	$93.08

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 833 - Zone 3 - Fiscal Year 2012 Hayward Boulevard & Fairview Avenue	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	155
Beginning Balance of Fiscal Year (July 1, 2011)	$129,123.36
REVENUE	
Annual Assessment Fee (155 Assessable Parcels)	$118,897.40
County Collection Fee (1.7%)	($2,021.26)
Net Revenue	$116,876.14
Total Available	$245,999.50
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$26,500.00
(b) **Capital Project: Calsense Water Conservation Project**	$26,000.00
(c) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$43,000.00
Subtotal I:	$95,500.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Supplies: printing and postage	$80.00
Subtotal II:	$2,675.00
III. Administrative Services	
(a) Administration	$7,500.00
Subtotal III:	$7,500.00
Total Expense (Sum of I, II and II)	$105,675.00
Ending Balance (June 30, 2012)	$140,324.50
Deposit into Reserves (HOA requested minimum of $10,000)	$11,201.14
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$52,837.50
(b) Current Working Capital Reserves [2]	$87,487.00
Anticipated Total Reserve at the end of Fiscal Year	$140,324.50
Collection per Parcel	$767.08
Base Assessment per Parcel	$767.08

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 834 - Zone 4 - Fiscal Year 2012 Pacheco Way, Stratford Road, Ruus Lane, Ward Creek	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	175
Beginning Balance of Fiscal Year (July 1, 2011)	$79,473.61
REVENUE	
Annual Assessment Fee (175 Assessable Parcels)	$21,175.00
County Collection Fee (1.7%)	($359.98)
Net Revenue	$20,815.03
Total Available	$100,288.64
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$2,500.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$11,000.00
Subtotal I:	$13,500.00
II. Supplies & Services	
(a) Special Services	$865.00
(b) Special Services (Alameda County Drainage and Access Facilities)	$4,900.00
(c) Supplies: printing and postage	$50.00
Subtotal II:	$5,815.00
III. Administrative Services	
(a) Administration	$1,500.00
Subtotal III:	$1,500.00
Total Expense (Sum of I, II and II)	$20,815.00
Ending Balance of Fiscal Year (June 30, 2012)	$79,473.64
Deposit into Reserves	$0.02
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$10,407.50
(b) Current Working Capital Reserves [2]	$69,066.14
Anticipated Total Reserve at the end of Fiscal Year	$79,473.64
Collection per Parcel	$121.00
Base Assessment per Parcel	$121.00

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 835 - Zone 5 - Fiscal Year 2012 Soto Road & Plum Tree Street	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	38
Beginning Balance of Fiscal Year (July 1, 2011)	$7,536.17
REVENUE	
Annual Assessment Fee (38 Assessable Parcels)	$5,286.56
County Collection Fee (1.7%)	($89.87)
Net Revenue	$5,196.69
Total Available	$12,732.86
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$1,110.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$1,800.00
(c) **Graffiti Abatement**	$500.00
Subtotal I:	$3,410.00
II. Supplies & Services	
(a) Special Services	$865.00
(b) Supplies: printing and postage	$20.00
Subtotal II:	$885.00
III. Administrative Services	
(a) Administration	$900.00
Subtotal III:	$900.00
Total Expense (Sum of I, II and II)	$5,195.00
Ending Balance of Fiscal Year (June 30, 2012)	$7,537.86
Deposit into Reserves	$1.69
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense)[1]	$2,597.50
(b) Current Working Capital Reserves[2]	$4,940.36
Anticipated Total Reserve at the end of Fiscal Year	$7,537.86
Collection per Parcel	$139.12
Base Assessment per Parcel	$139.12

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 820 - Zone 6 - Fiscal Year 2012 Peppertree Park	
	Fiscal Year 2012 Budget
Length of Assessable Street Frontage	4,994
Beginning Balance of Fiscal Year (July 1, 2011)	$40,314.45
REVENUE	
Annual Assessment Fee (4,994 Assessable Liner Feet)	$9,988.00
County Collection Fee (1.7%)	($169.80)
Net Revenue	$9,818.20
Total Available	$50,132.66
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$2,350.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$3,000.00
(c) **Landscape Upgrade/Replacement**	$2,000.00
Subtotal I:	$7,350.00
II. Supplies & Services	
(a) Special Services	$865.00
(b) Supplies: printing and postage	$10.00
Subtotal II:	$875.00
III. Administrative Services	
(a) Administration	$1,500.00
Subtotal III:	$1,500.00
Total Expense (Sum of I, II and II)	$9,725.00
Ending Balance of Fiscal Year (June 30, 2012)	$40,407.66
Deposit into Reserves	$93.20
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$4,862.50
(b) Current Working Capital Reserves [2]	$35,545.16
Anticipated Total Reserve at the end of Fiscal Year	$40,407.66
Collection per Parcel	$2.00
Base Assessment per Linear Foot	$2.61

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 837 - Zone 7 - Fiscal Year 2012 Mission Boulevard, Industrial Parkway, Arrowhead Way	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	348
Beginning Balance of Fiscal Year (July 1, 2011)	$285,995.66
REVENUE	
Annual Assessment Fee (348 Assessable Parcels)	$167,040.00
County Collection Fee (1.7%)	($2,839.68)
Net Revenue	$164,200.32
Total Available	$450,195.98
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$31,000.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$51,400.00
Subtotal I:	$82,400.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Special Services (HARD)	$70,000.00
(c) Supplies: printing and postage	$200.00
Subtotal II:	$72,795.00
III. Administrative Services	
(a) Administration	$9,000.00
Subtotal III:	$9,000.00
Total Expense (Sum of I, II and II)	$164,195.00
Ending Balance of Fiscal Year (June 30, 2012)	$286,000.98
Deposit into Reserves	$5.32
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$82,097.50
(b) Current Working Capital Reserves [2]	$203,903.48
Anticipated Total Reserve at the end of Fiscal Year	$286,000.98
Collection per Parcel	$480.00
Base Assessment per Parcel	$802.32

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 839 - Zone 8 - Fiscal Year 2012 Capitola Street	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	24
Beginning Balance of Fiscal Year (July 1, 2011)	$13,465.78
REVENUE	
Annual Assessment Fee (24 Assessable Parcels)	$8,400.00
County Collection Fee (1.7%)	($142.80)
Net Revenue	$8,257.20
Total Available	$21,722.98
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$3,500.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$2,600.00
Subtotal I:	$6,100.00
II. Supplies & Services	
(a) Special Services	$865.00
(b) Supplies: printing and postage	$20.00
Subtotal II:	$885.00
III. Administrative Services	
(a) Administration	$1,200.00
Subtotal III:	$1,200.00
Total Expense (Sum of I, II and II)	$8,185.00
Ending Balance of Fiscal Year (June 30, 2012)	$13,537.98
Deposit into Reserves	$72.20
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$4,092.50
(b) Current Working Capital Reserves [2]	$9,445.48
Anticipated Total Reserve at the end of Fiscal Year	$13,537.98
Collection per Parcel	$350.00
Base Assessment per Parcel	$573.82

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 821 - Zone 9 - Fiscal Year 2012 Orchard Avenue	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	74
Beginning Balance of Fiscal Year (July 1, 2011)	$9,582.75
REVENUE	
Annual Assessment Fee (74 Assessable Parcels)	$1,850.00
County Collection Fee (1.7%)	($31.45)
Net Revenue	$1,818.55
Total Available	$11,401.30
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$0.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$400.00
(c) **Landscape Upgrade/Replacement**	$600.00
Subtotal I:	$1,000.00
II. Supplies & Services	
(a) Special Services (consultants)	$865.00
(b) Supplies: printing and postage	$40.00
Subtotal II:	$905.00
III. Administrative Services	
(a) Administration	$500.00
Subtotal III:	$500.00
Total Expense (Sum of I, II and II)	$2,405.00
Ending Balance of Fiscal Year (June 30, 2012)	$8,996.30
Withdrawal from Reserves	($586.45)
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$1,202.50
(b) Current Working Capital Reserves [2]	$7,793.80
Anticipated Total Reserve at the end of Fiscal Year	$8,996.30
Collection per Parcel	$25.00
Base Assessment per Parcel	$153.22

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 822 - Zone 10 - Fiscal Year 2012 Eden Shores	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	534
Beginning Balance of Fiscal Year (July 1, 2011)	$768,730.29
REVENUE	
Annual Assessment Fee (534 Assessable Parcels)	$160,200.00
County Collection Fee (1.7%)	($2,723.40)
Net Revenue	$157,476.60
Total Available	$926,206.89
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$16,500.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, trimming, and masonry wall surface maintenance (See II.c)	$0.00
(d) **Capital Project - Tree Replacement in LLAD Common Areas**	$5,000.00
Subtotal I:	$21,500.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Special Services (HARD 5-Acre Park Maintenance)	$93,700.00
(c) Special Services (Eden Shores HOA)	$36,000.00
(d) Supplies: printing and postage	$150.00
Subtotal II:	$132,445.00
III. Administrative Services	
(a) Administration	$8,500.00
Subtotal III:	$8,500.00
Total Expense (Sum of I, II and II)	$162,445.00
Ending Balance of Fiscal Year (June 30, 2012)	$763,761.89
Withdrawal from Reserves	($4,968.40)
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$81,222.50
(b) Current Working Capital Reserves [2]	$682,539.39
Anticipated Total Reserve at the end of Fiscal Year	$763,761.89
Collection per Parcel	$300.00
Base Assessment per Parcel	$913.62

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 823 - Zone 11 - Fiscal Year 2012 Stonebrae Country Club	
	Fiscal Year 2012 Budget
Number of Assessable Parcels (Current Development)	244
Number of Assessable Parcels (Future Development)	312
Beginning Balance of Fiscal Year (July 1, 2011)	$580,296.75
REVENUE	
Annual Assessment Fee (244 Current Assessable Parcels)	$84,160.48
Annual Assessment Fee (312 Future Assessable Parcels)	$56,216.16
County Collection Fee (1.7%)	($955.67)
Net Revenue	$139,420.97
Total Available	$719,717.72
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) Utilities: Irrigation water and electrical energy (Stonebrae HOA)	$39,500.00
(b) Maintenance Work: Lighting Repair/Replacement	$13,000.00
(c) Landscape Upgrade/Replacement	$10,000.00
Subtotal I:	$62,500.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Special Services (Stonebrae HOA - Landscaping)	$77,000.00
(c) Supplies: printing and postage	$140.00
Subtotal II:	$79,735.00
III. Administrative Services	
(a) Administration	$7,000.00
Subtotal III:	$7,000.00
Total Expense (Sum of I, II and II)	$149,235.00
Ending Balance of Fiscal Year (June 30, 2012)	$570,482.72
Withdrawal from Reserves	($9,814.03)
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$74,617.50
(b) Current Working Capital Reserves [2]	$495,865.22
Anticipated Total Reserve at the end of Fiscal Year	$570,482.72
Collection per Parcel (current development)	$344.92
Collection per Parcel (future development)	$180.18
Base Assessment per Parcel	$1,295.82

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

Fund 824 - Zone 12 - Fiscal Year 2012 Eden Shores East	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	261
Beginning Balance of Fiscal Year (July 1, 2011)	$25,775.71
REVENUE	
Annual Assessment Fee (261 Assessable Parcels)	$44,813.70
County Collection Fee (1.7%)	($761.83)
Net Revenue	$44,051.87
Total Available	$69,827.58
EXPENDITURE	
I. MAINTENANCE & UTILITY (HARD)	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy (HARD)	$0.00
(b) **Maintenance Work**: Landscaping maintenance, debris removal, and masonry wall surface maintenance (See II.b)	$0.00
Subtotal I:	$0.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Special Services (HARD)	$38,000.00
(c) Supplies: printing and postage	$150.00
Subtotal II:	$40,745.00
III. Administrative Services	
(a) Administration	$3,000.00
Subtotal III:	$3,000.00
Total Expense (Sum of I, II and II)	$43,745.00
Ending Balance of Fiscal Year (June 30, 2012)	$26,082.58
Deposit into Reserves	$306.87
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$21,872.50
(b) Current Working Capital Reserves [2]	$4,210.08
Anticipated Total Reserve at the end of Fiscal Year	$26,082.58
Collection per Parcel	$171.70
Base Assessment per Parcel	$171.70

NOTES:

(1) Operating reserves are not needed for future fiscal years because the Hayward Area Recreation and Park District will front the costs until the City is paid by the County.

(2) Capital reserves are not needed for future fiscal years because the Hayward Area Recreation and Park District will budget these costs from their General Fund.

Fund 825 - Zone 13 - Fiscal Year 2012 Cannery Place	
	Fiscal Year 2012 Budget
Number of Assessable Parcels (Current Development)	297
Number of Assessable Parcels (Future Development)	332
Beginning Balance of Fiscal Year (July 1, 2011)	$29,700.67
REVENUE	
Annual Assessment Fee (297 Current Assessable Parcels)	$44,550.00
Annual Assessment Fee (332 Future Assessable Parcels)	$0.00
County Collection Fee (1.7%)	($757.35)
Net Revenue	$43,792.65
Total Available	$73,493.32
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy (Vacant)	$0.00
(b) **Maintenance Work**: Landscaping maintenance plus debris removal, weeding, trimming, spraying, and masonry wall surface maintenance (Vacant)	$0.00
Subtotal I:	$0.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Supplies: printing and postage	$200.00
Subtotal II:	$2,795.00
III. Administrative Services	
(a) Administration	$3,000.00
Subtotal III:	$3,000.00
Total Expense (Sum of I, II and II)	$5,795.00
Ending Balance of Fiscal Year (June 30, 2012)	$67,698.32
Deposit into Reserves	$37,997.65
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$2,897.50
(b) Current Working Capital Reserves [2]	$64,800.82
Anticipated Total Reserve at the end of Fiscal Year	$67,698.32
Collection per Parcel (current development)	$150.00
Collection per Parcel (future development)	$0.00
Base Assessment per Parcel	$974.42

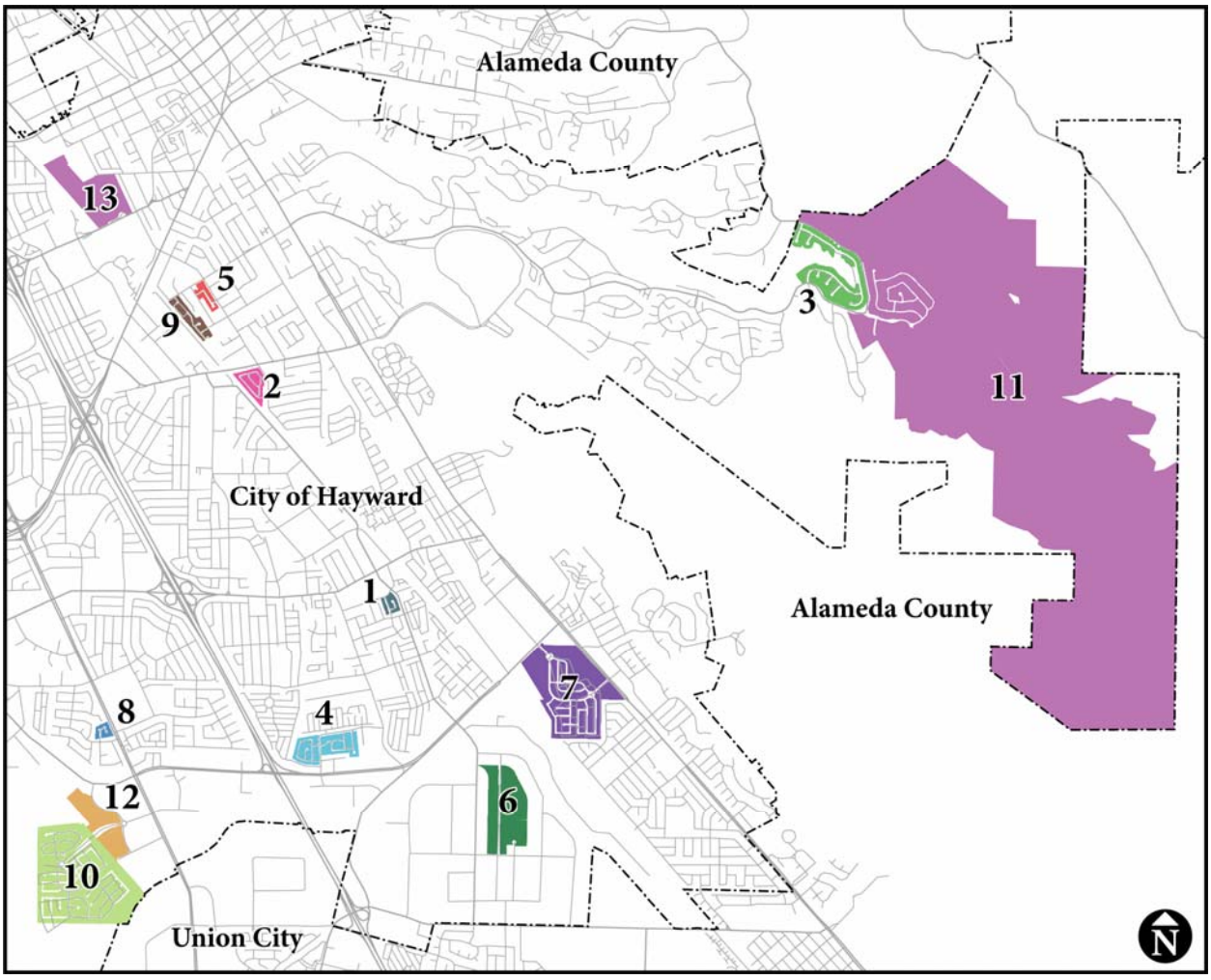
NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

APPENDIX B

VICINITY MAP


Alameda County
13
5
9
2
3
11
City of Hayward
1
Alameda County
7
8
4
12
6
10
Union City
N

APPENDIX C

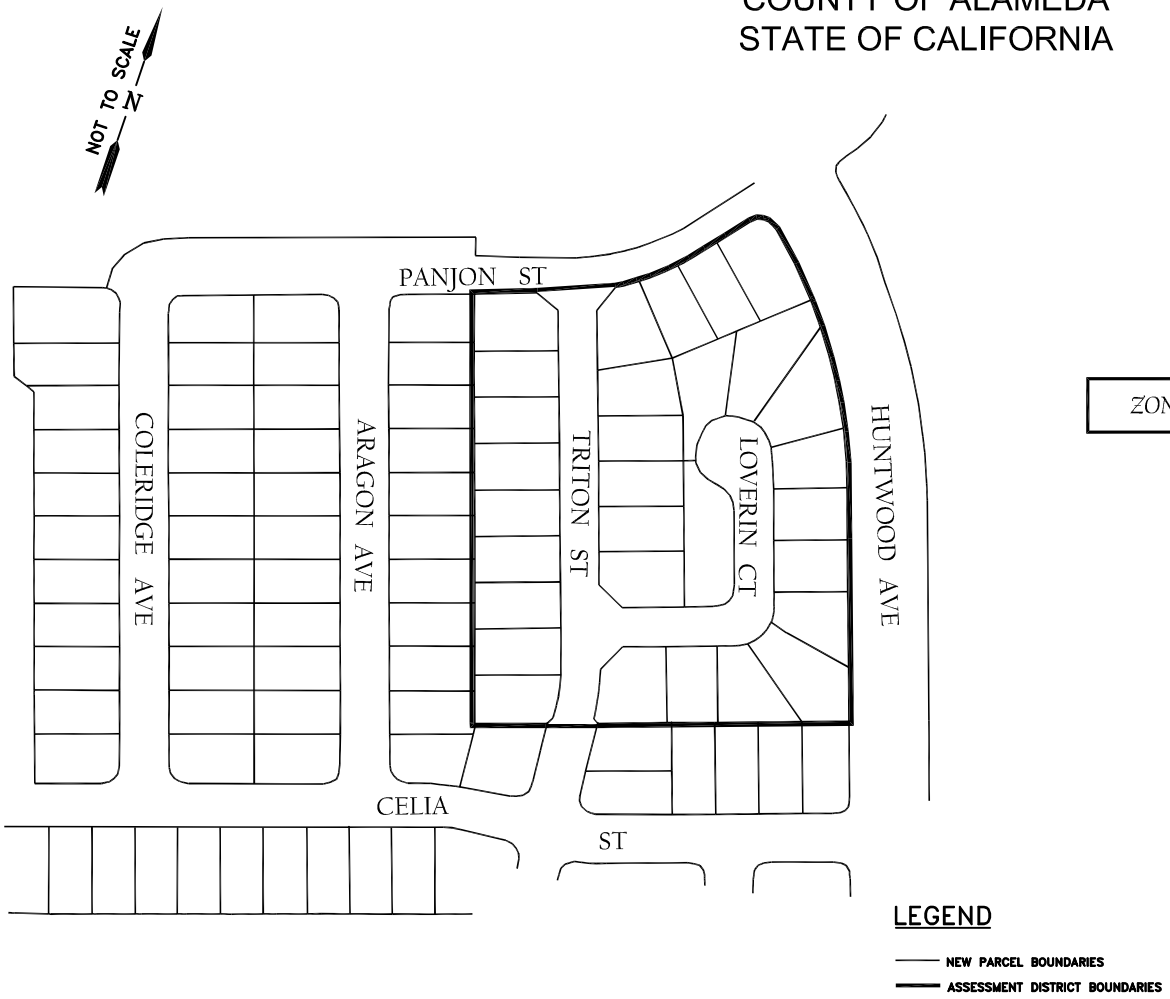
ASSESMENT DIAGRAM

ASSESSMENT DISTRICT DIAGRAM

SHEET 1 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 1: HUNTWOOD AVENUE AND PANJON STREET

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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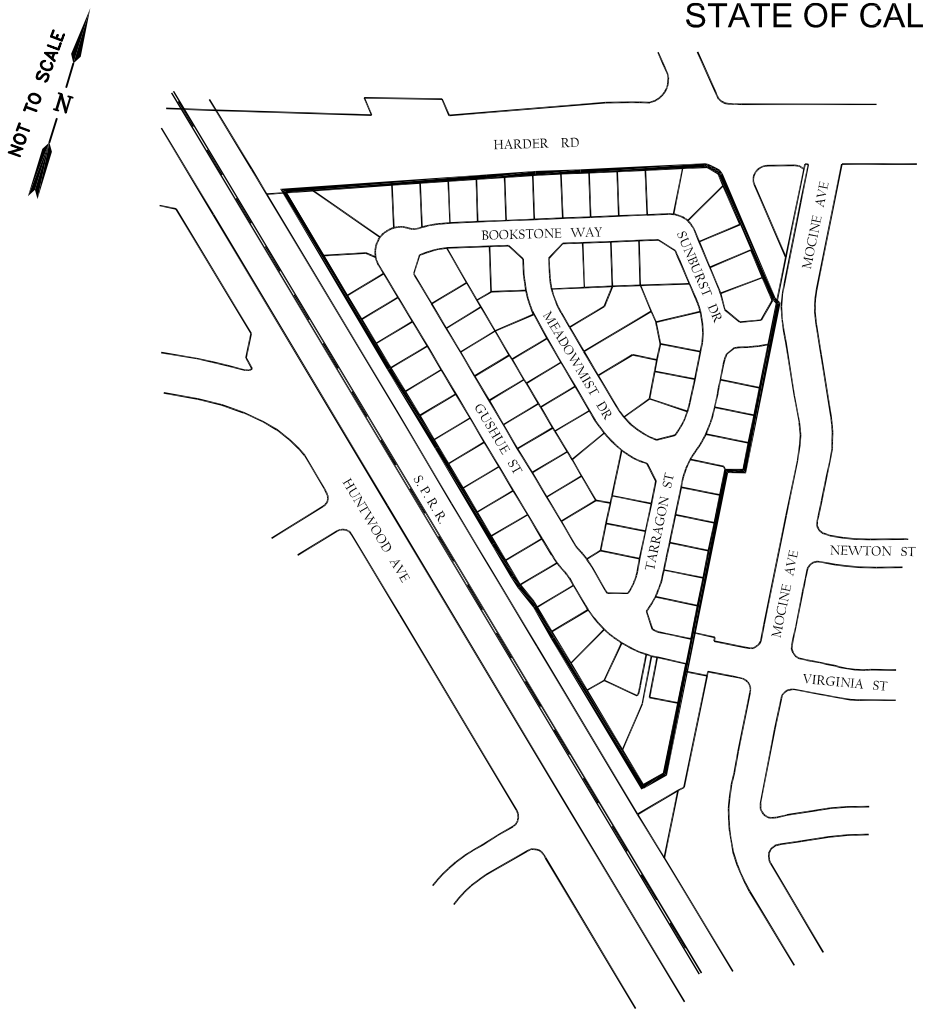
ASSESSMENT DISTRICT DIAGRAM

SHEET 2 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 2: HARDER ROAD AND MOCINO AVENUE

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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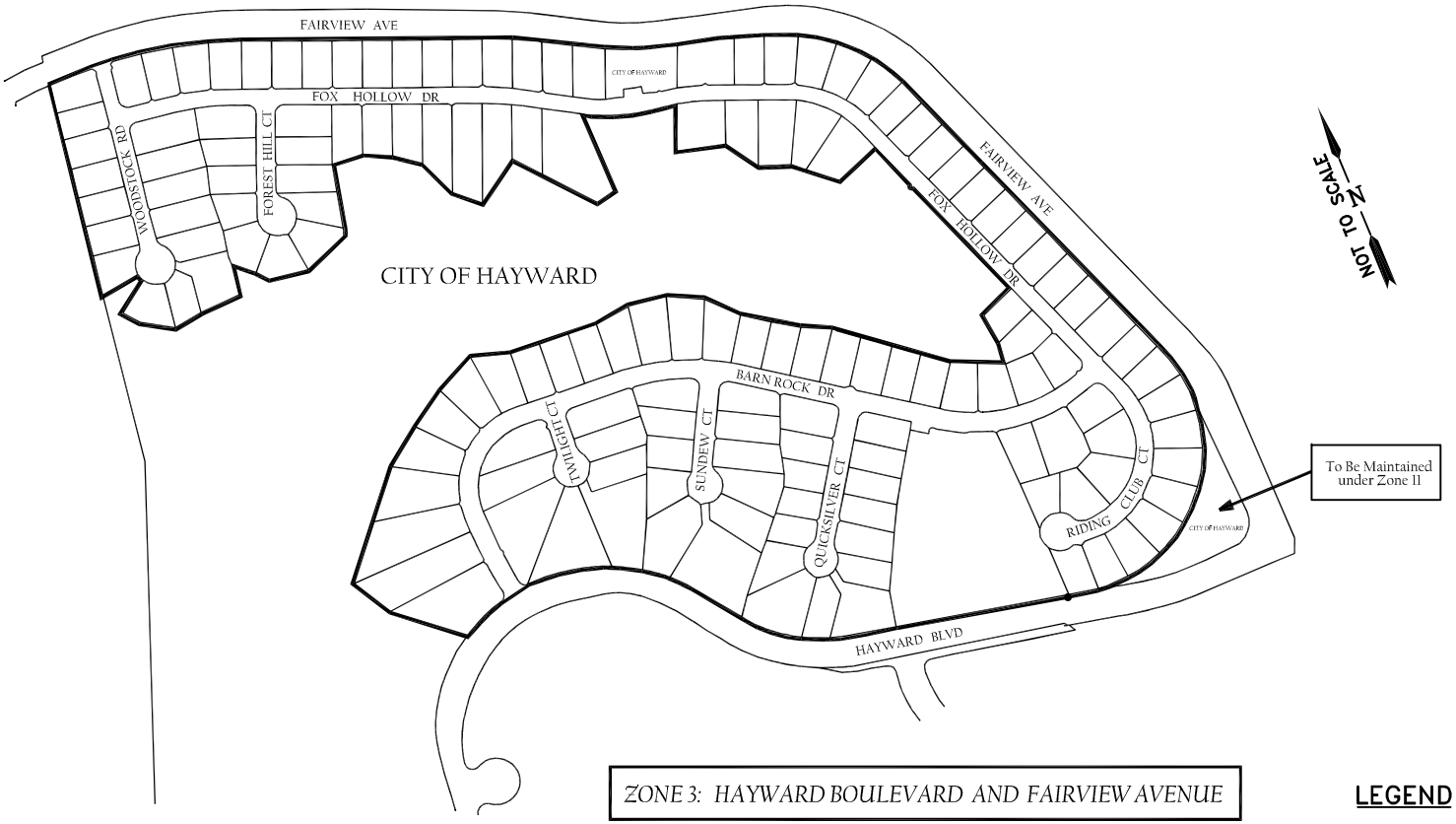
ASSESSMENT DISTRICT DIAGRAM

SHEET 3 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 3: HAYWARD BOULEVARD AND FAIRVIEW AVENUE

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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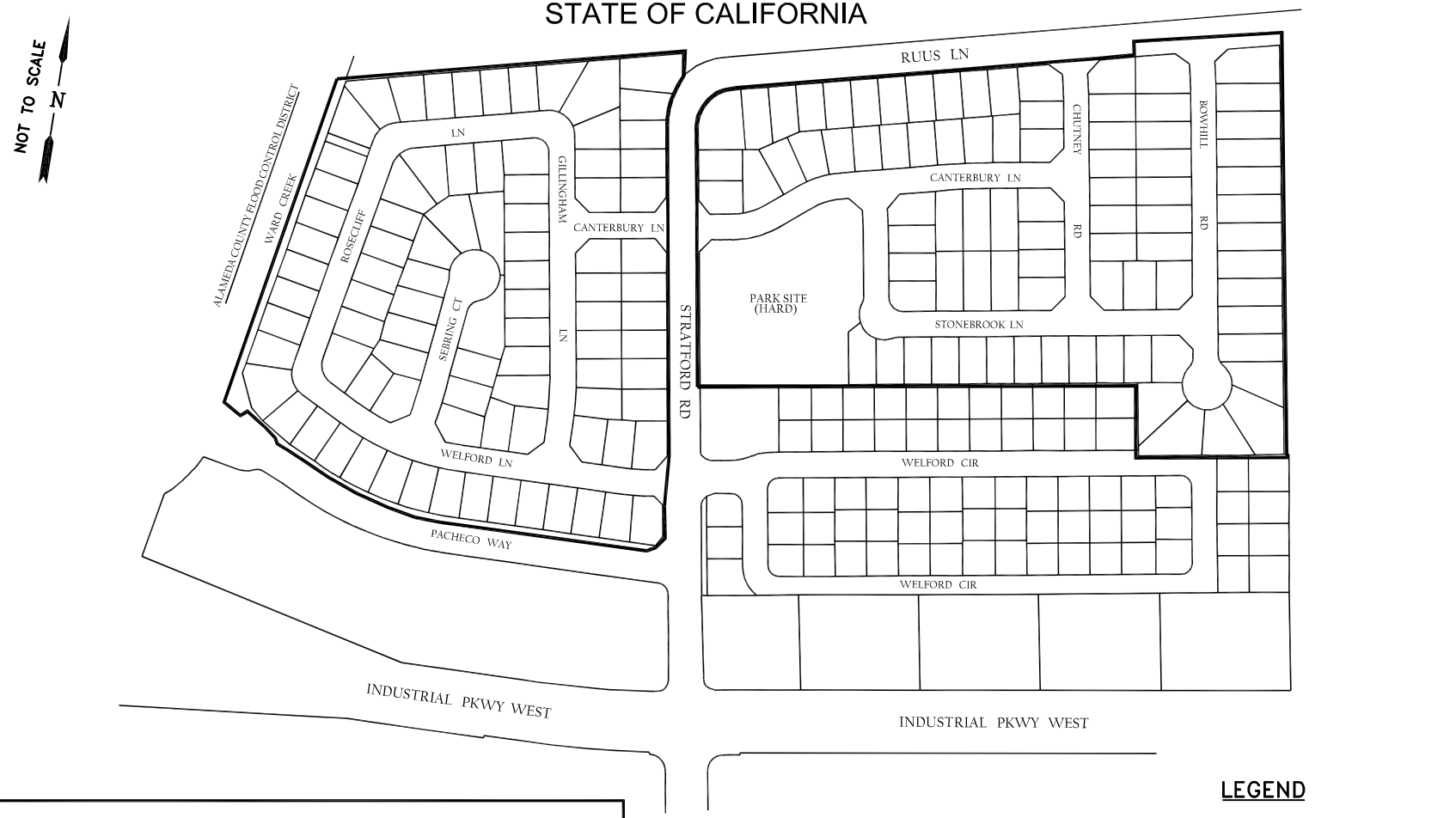
ASSESSMENT DISTRICT DIAGRAM

SHEET 4 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 4: PACHECO WAY, STRATFORD ROAD, RUUS LANE, WARD CREEK

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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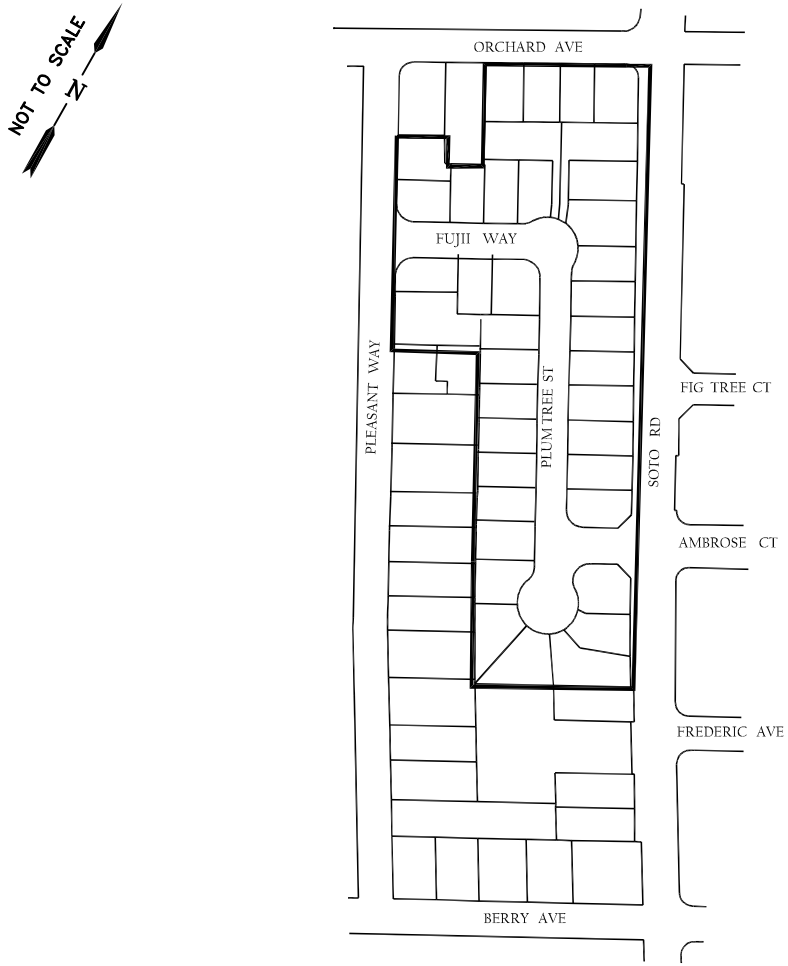
ASSESSMENT DISTRICT DIAGRAM

SHEET 5 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 5: SOTO ROAD AND PLUM TREE STREET

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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ASSESSMENT DISTRICT DIAGRAM

SHEET 6 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

NOT TO SCALE
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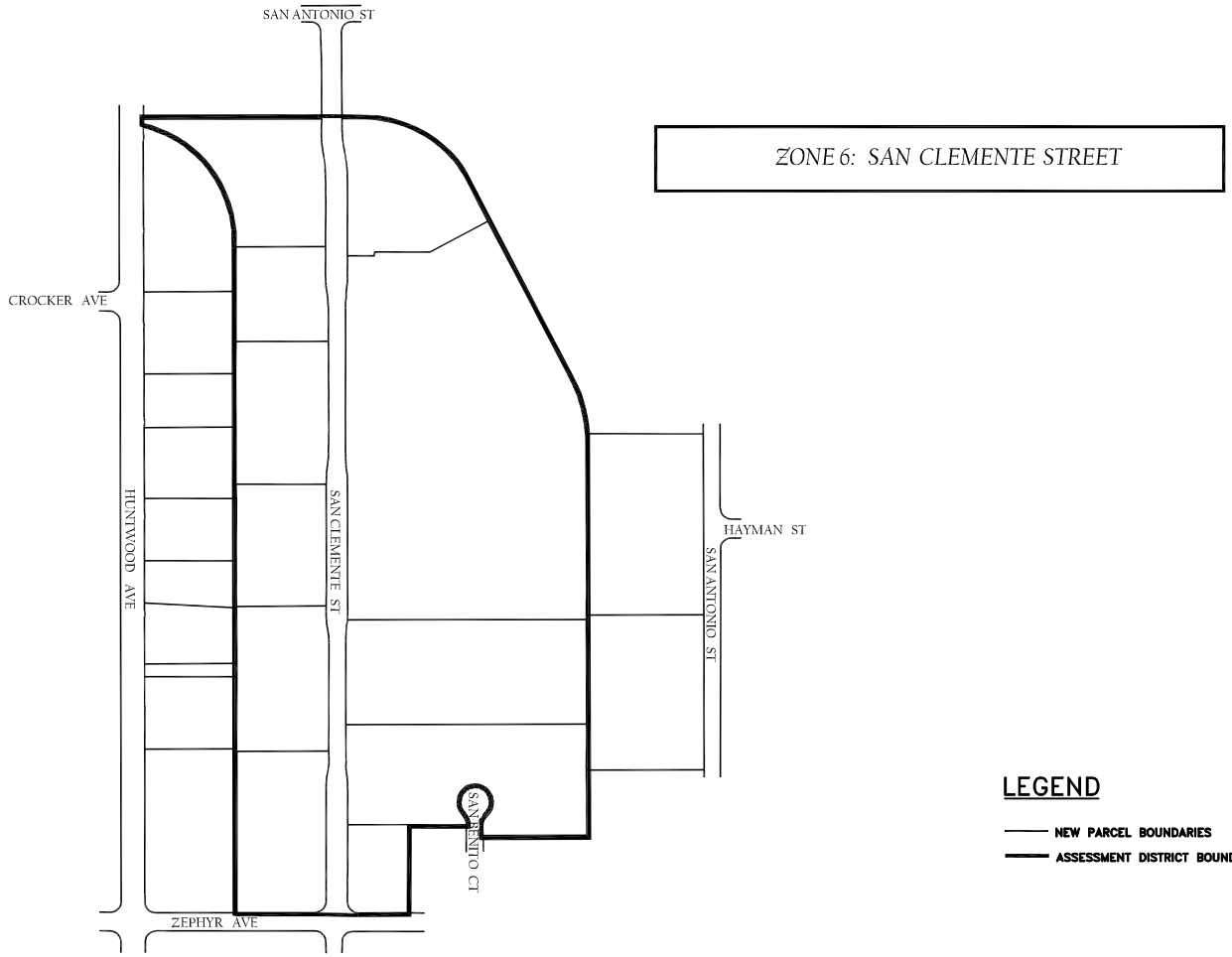

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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ASSESSMENT DISTRICT DIAGRAM

SHEET 7 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

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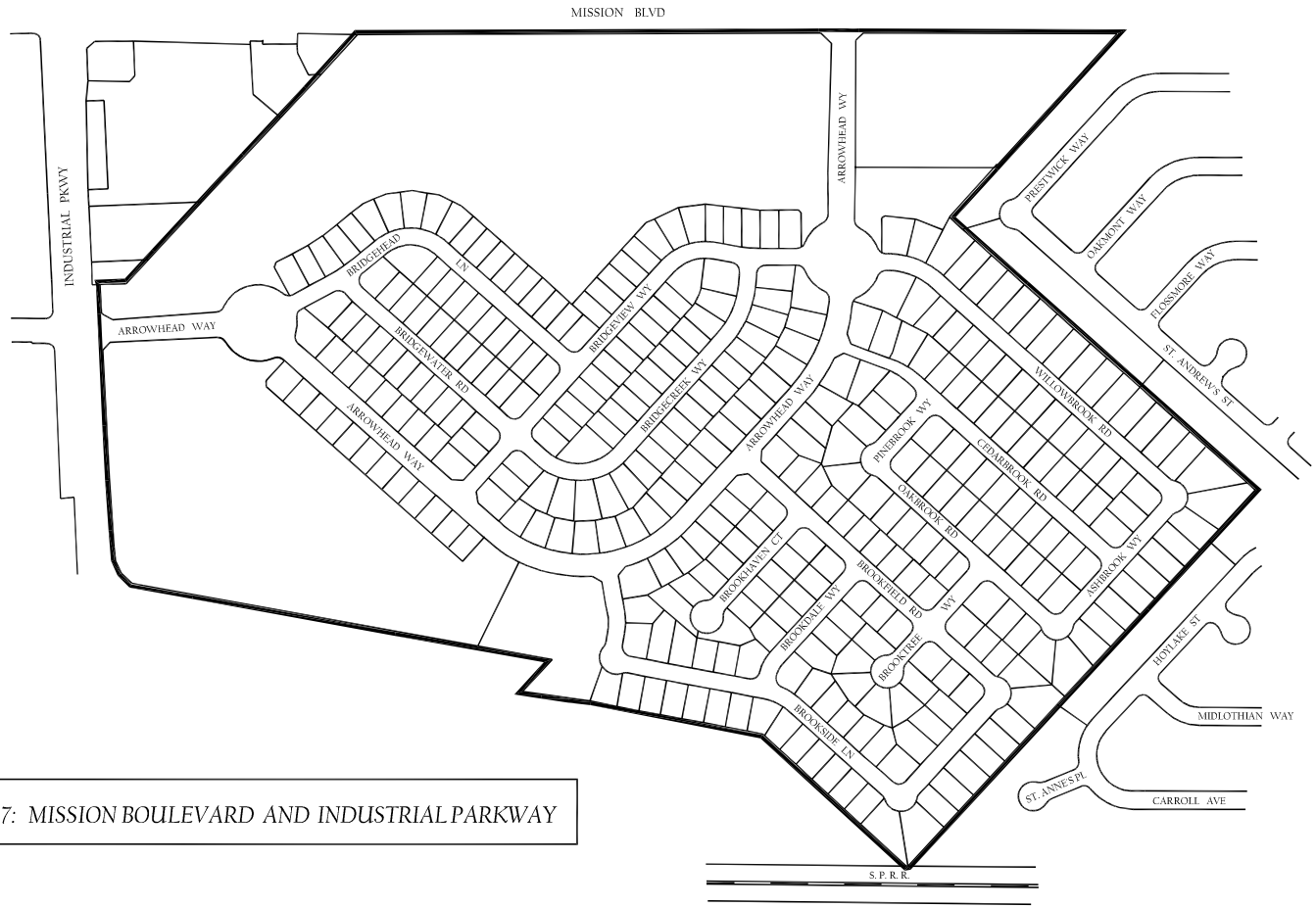
NOT TO SCALE



ZONE 7: MISSION BOULEVARD AND INDUSTRIAL PARKWAY

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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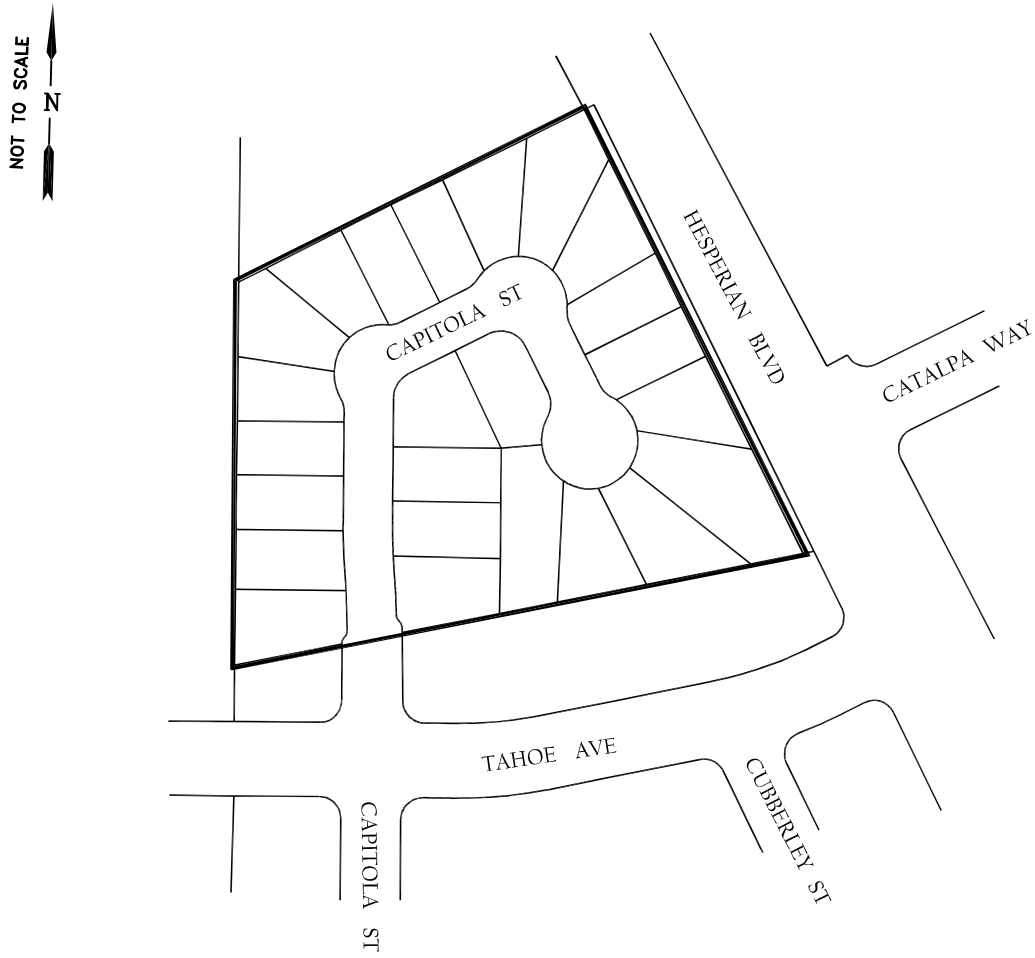
ASSESSMENT DISTRICT DIAGRAM

SHEET 8 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 8: CAPITOLA STREET

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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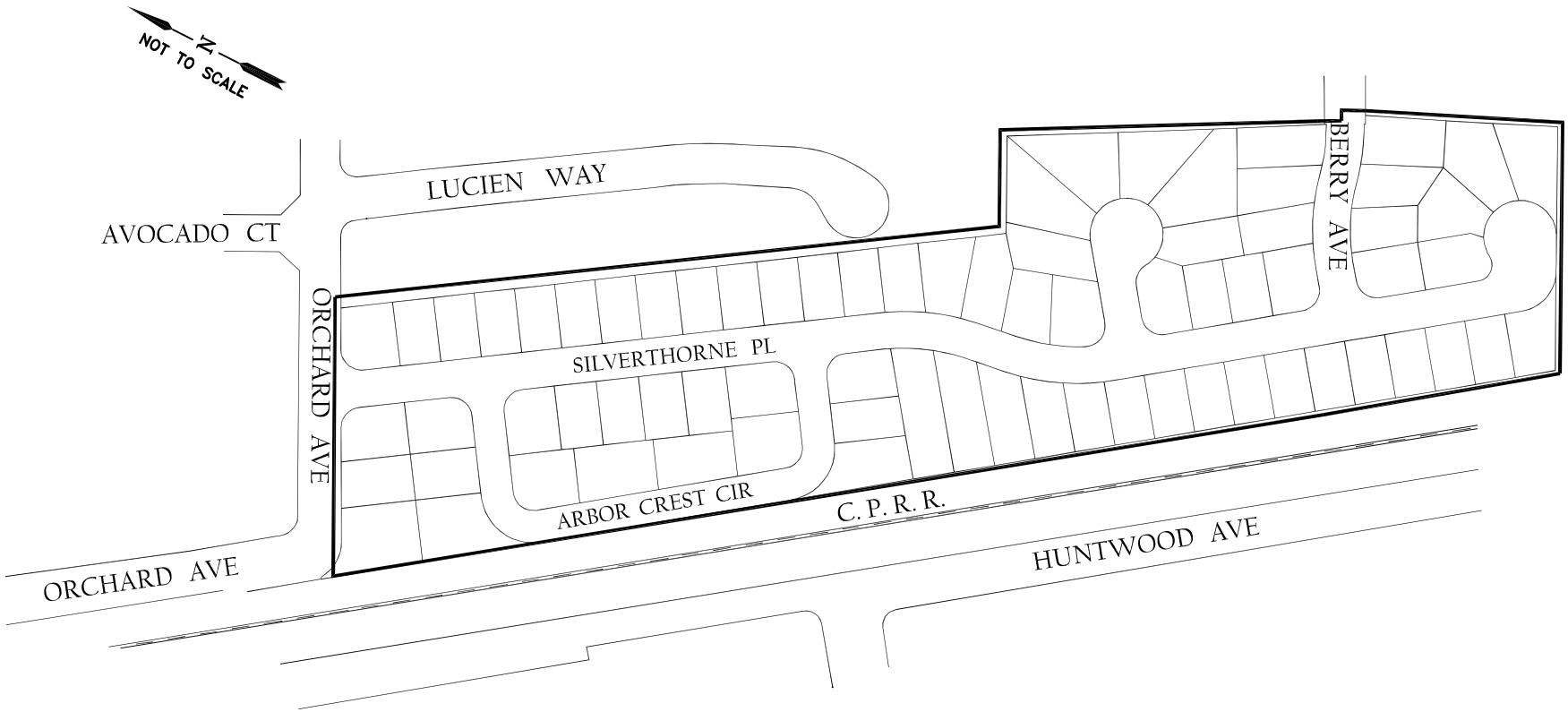
ASSESSMENT DISTRICT DIAGRAM

SHEET 9 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



ZONE 9: ORCHARD AVENUE

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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ASSESSMENT DISTRICT DIAGRAM

SHEET 10 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

NOT TO SCALE

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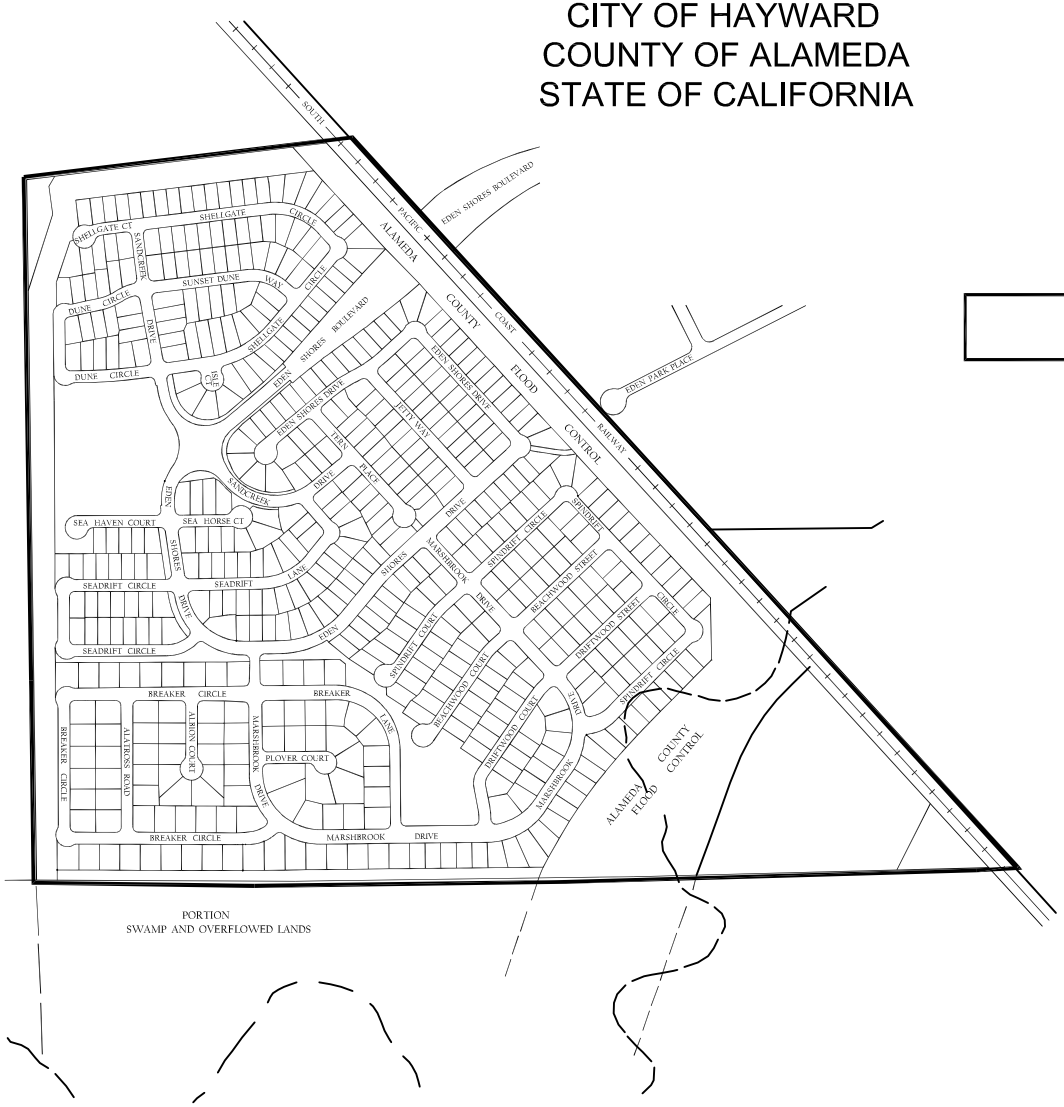

ZONE 10: EDEN SHORES

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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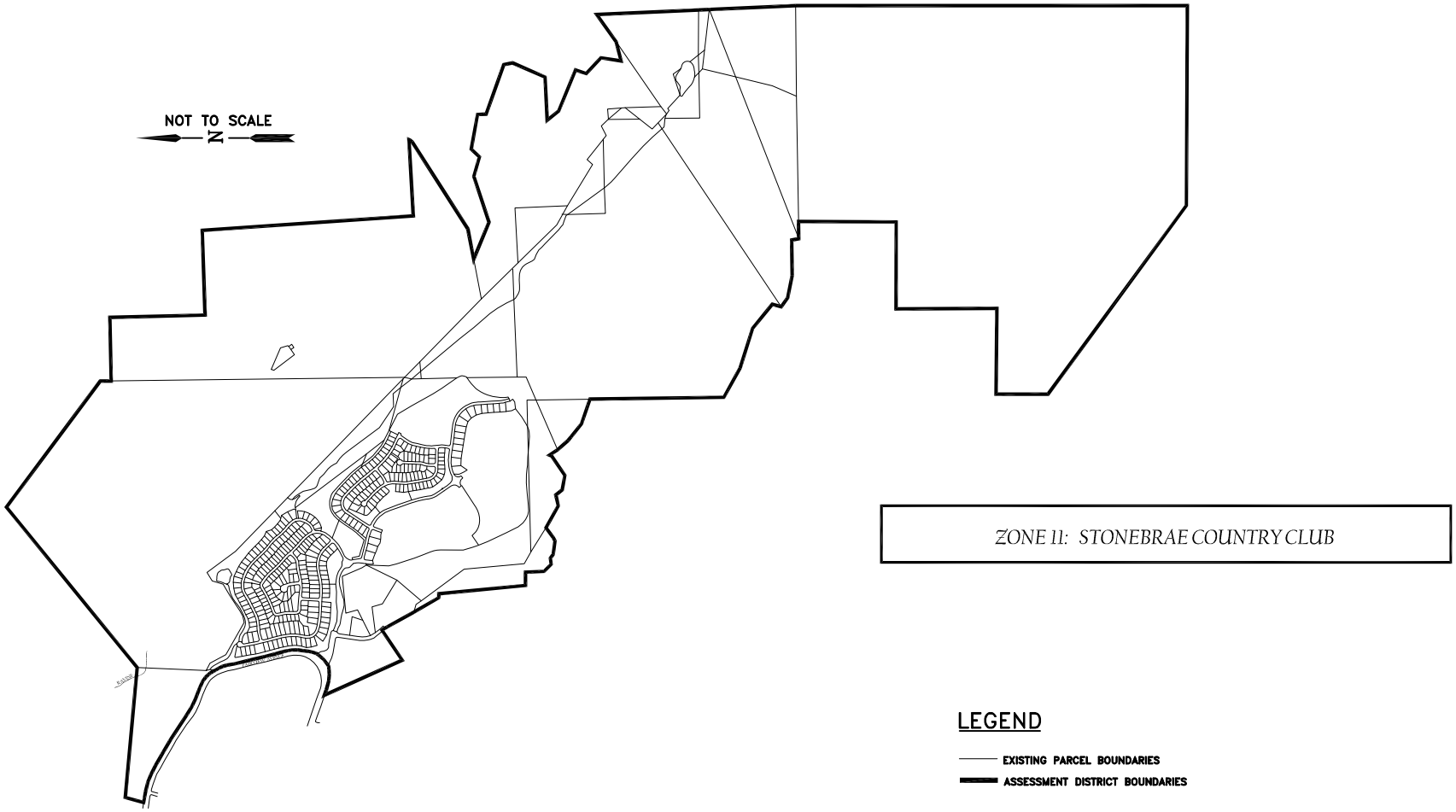
ASSESSMENT DISTRICT DIAGRAM

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



PREPARED BY FRANCISCO & ASSOCIATES, INC.

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ASSESSMENT DISTRICT DIAGRAM

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

NOT TO SCALE
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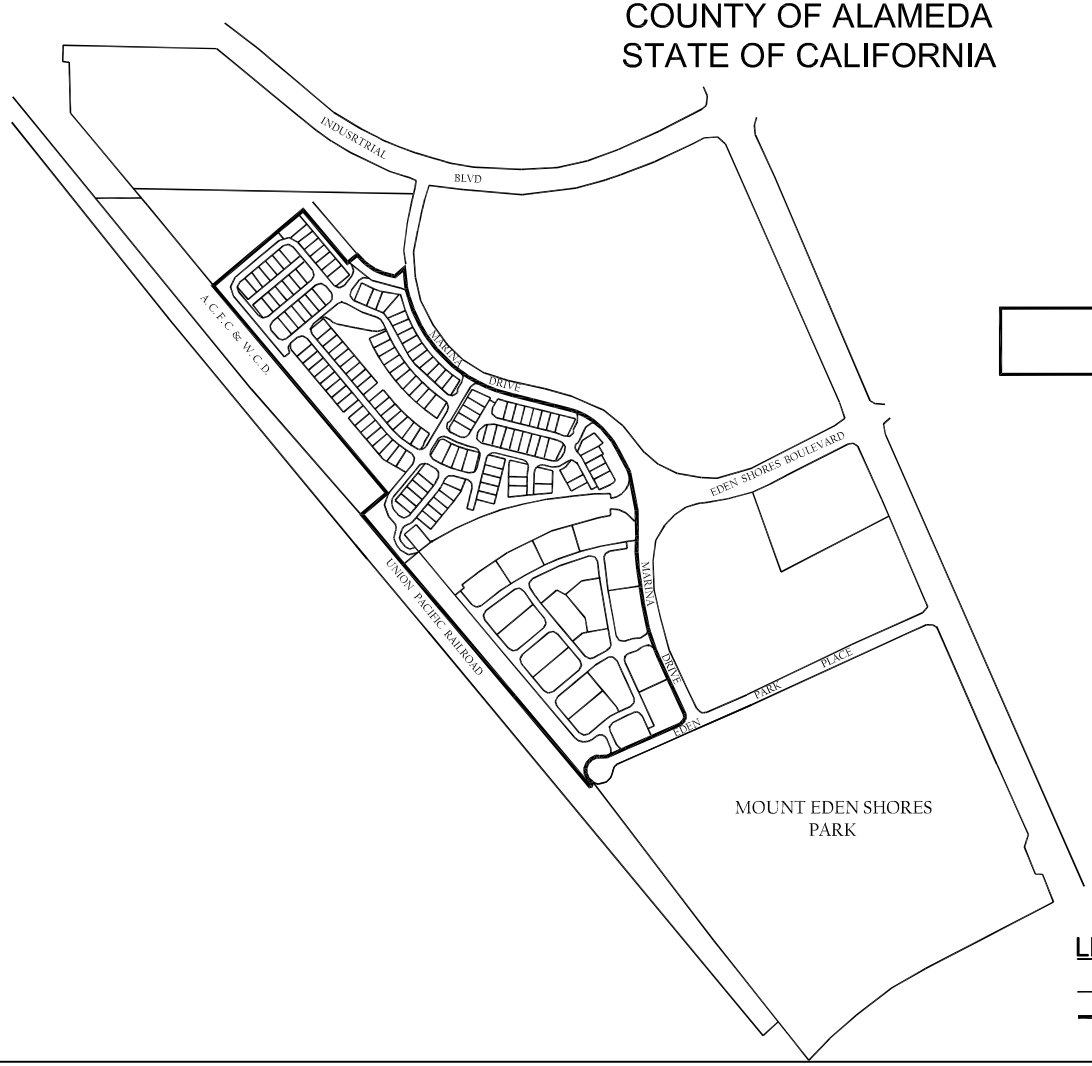

ZONE 12: EDEN SHORES EAST

LEGEND

NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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ASSESSMENT DISTRICT DIAGRAM

SHEET 13 OF 13

LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

NOT TO SCALE
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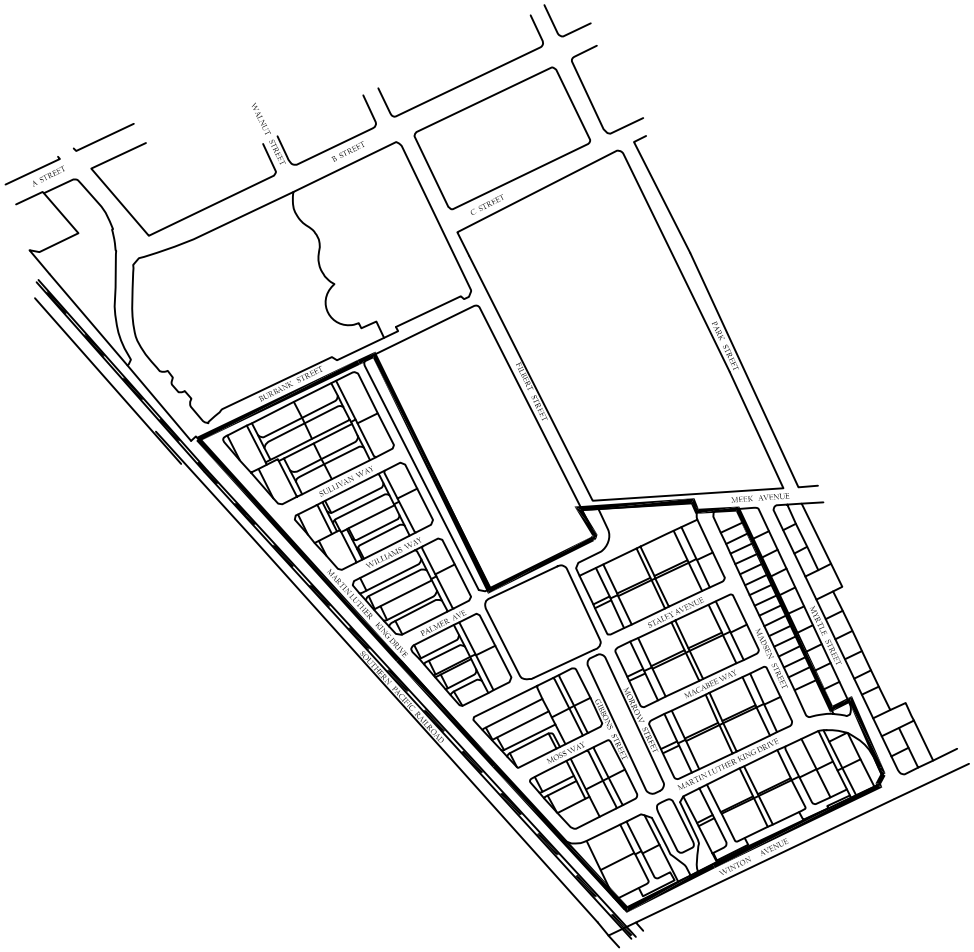

ZONE 13: CANNERY PLACE

LEGEND

EXISTING PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO & ASSOCIATES, INC.

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APPENDIX D

FISCAL YEAR 2012
ASSESSMENT ROLL

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 01

Huntwood Ave. & Panjon St.

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
465 -0005-011-00	$230.00
465 -0005-012-00	$230.00
465 -0005-013-00	$230.00
465 -0005-014-00	$230.00
465 -0005-015-00	$230.00
465 -0005-016-00	$230.00
465 -0005-017-00	$230.00
465 -0005-018-00	$230.00
465 -0005-019-00	$230.00
465 -0005-020-00	$230.00
465 -0005-021-00	$230.00
465 -0005-022-00	$230.00
465 -0005-023-00	$230.00
465 -0005-024-00	$230.00
465 -0005-025-00	$230.00
465 -0005-026-00	$230.00
465 -0005-027-00	$230.00
465 -0005-028-00	$230.00
465 -0005-029-00	$230.00
465 -0005-030-00	$230.00
465 -0005-031-00	$230.00
465 -0005-032-00	$230.00
465 -0005-033-00	$230.00
465 -0005-034-00	$230.00
465 -0005-035-00	$230.00
465 -0005-036-00	$230.00
465 -0005-037-00	$230.00
465 -0005-038-00	$230.00
465 -0005-039-00	$230.00
465 -0005-040-00	$230.00
Total Parcels:	@ 30
Total Assessment:	$6,900.00

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 02
Harder Rd. & Mocine Ave.

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
452 -0004-006-00	$93.08
452 -0004-007-00	$93.08
452 -0004-008-00	$93.08
452 -0004-009-00	$93.08
452 -0004-010-00	$93.08
452 -0004-011-00	$93.08
452 -0004-012-00	$93.08
452 -0004-013-00	$93.08
452 -0004-014-00	$93.08
452 -0004-015-00	$93.08
452 -0004-016-00	$93.08
452 -0004-017-00	$93.08
452 -0004-018-00	$93.08
452 -0004-019-00	$93.08
452 -0004-020-00	$93.08
452 -0004-021-00	$93.08
452 -0004-022-00	$93.08
452 -0004-023-00	$93.08
452 -0004-024-00	$93.08
452 -0004-025-00	$93.08
452 -0004-026-00	$93.08
452 -0004-027-00	$93.08
452 -0004-028-00	$93.08
452 -0004-029-00	$93.08
452 -0004-030-00	$93.08
452 -0004-031-00	$93.08
452 -0004-032-00	$93.08
452 -0004-033-00	$93.08
452 -0004-034-00	$93.08
452 -0004-035-00	$93.08
452 -0004-036-00	$93.08
452 -0004-037-00	$93.08
452 -0004-038-00	$93.08
452 -0004-039-00	$93.08
452 -0004-040-00	$93.08
452 -0004-041-00	$93.08
452 -0004-042-00	$93.08
452 -0004-043-00	$93.08
452 -0004-045-00	$93.08
452 -0004-046-00	$93.08
452 -0004-047-00	$93.08
452 -0004-048-00	$93.08
452 -0004-049-00	$93.08
452 -0004-050-00	$93.08
452 -0004-051-00	$93.08
452 -0004-052-00	$93.08
452 -0004-053-00	$93.08
452 -0004-054-00	$93.08
452 -0004-055-00	$93.08
452 -0004-056-00	$93.08
452 -0004-057-00	$93.08
452 -0004-058-00	$93.08

Assessor's Parcel Number	Assessment Amount
452 -0004-059-00	$93.08
452 -0004-060-00	$93.08
452 -0004-061-00	$93.08
452 -0004-062-00	$93.08
452 -0004-063-00	$93.08
452 -0004-064-00	$93.08
452 -0004-065-00	$93.08
452 -0004-066-00	$93.08
452 -0004-067-00	$93.08
452 -0004-068-00	$93.08
452 -0004-069-00	$93.08
452 -0004-070-00	$93.08
452 -0004-071-00	$93.08
452 -0004-072-00	$93.08
452 -0004-073-00	$93.08
452 -0004-074-00	$93.08
452 -0004-075-00	$93.08
452 -0004-076-00	$93.08
452 -0004-077-00	$93.08
452 -0004-078-00	$93.08
452 -0004-079-00	$93.08
452 -0004-080-00	$93.08
452 -0004-081-00	$93.08
452 -0004-082-00	$93.08
452 -0004-083-00	$93.08
452 -0004-084-00	$93.08
452 -0004-085-00	$93.08
452 -0004-086-00	$93.08
452 -0004-087-00	$93.08
452 -0004-088-00	$93.08
452 -0004-089-00	$93.08
452 -0004-090-00	$93.08
452 -0004-091-00	$93.08
Total Parcels:	@ 85
Total Assessment:	$7,911.80

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 03

Hayward Blvd. & Fairview Ave.

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
425-0490-008-00	$767.08
425-0490-009-00	$767.08
425-0490-010-00	$767.08
425-0490-011-00	$767.08
425-0490-012-00	$767.08
425-0490-013-00	$767.08
425-0490-014-00	$767.08
425-0490-015-00	$767.08
425-0490-016-00	$767.08
425-0490-017-00	$767.08
425-0490-018-00	$767.08
425-0490-019-00	$767.08
425-0490-020-00	$767.08
425-0490-021-00	$767.08
425-0490-022-00	$767.08
425-0490-023-00	$767.08
425-0490-024-00	$767.08
425-0490-025-00	$767.08
425-0490-026-00	$767.08
425-0490-027-00	$767.08
425-0490-028-00	$767.08
425-0490-029-00	$767.08
425-0490-030-00	$767.08
425-0490-031-00	$767.08
425-0490-032-00	$767.08
425-0490-033-00	$767.08
425-0490-034-00	$767.08
425-0490-035-00	$767.08
425-0490-037-00	$767.08
425-0490-039-00	$767.08
425-0490-040-00	$767.08
425-0490-041-00	$767.08
425-0490-042-00	$767.08
425-0490-043-00	$767.08
425-0490-044-00	$767.08
425-0490-045-00	$767.08
425-0490-046-00	$767.08
425-0490-047-00	$767.08
425-0490-048-00	$767.08
425-0490-049-00	$767.08
425-0490-050-00	$767.08
425-0490-051-00	$767.08
425-0490-052-00	$767.08
425-0490-053-00	$767.08
425-0490-054-00	$767.08
425-0490-055-00	$767.08
425-0490-056-00	$767.08
425-0490-057-00	$767.08
425-0490-058-00	$767.08
425-0490-059-00	$767.08
425-0490-060-02	$767.08
425-0490-061-01	$767.08

Assessor's Parcel Number	Assessment Amount
425-0490-062-00	$767.08
425-0490-063-00	$767.08
425-0490-064-00	$767.08
425-0490-065-00	$767.08
425-0490-066-00	$767.08
425-0490-067-00	$767.08
425-0490-068-00	$767.08
425-0490-069-00	$767.08
425-0490-070-00	$767.08
425-0490-071-00	$767.08
425-0490-072-00	$767.08
425-0490-073-00	$767.08
425-0490-074-00	$767.08
425-0490-075-00	$767.08
425-0490-076-00	$767.08
425-0490-077-00	$767.08
425-0490-078-00	$767.08
425-0490-079-00	$767.08
425-0490-080-00	$767.08
425-0490-081-00	$767.08
425-0490-082-00	$767.08
425-0490-083-00	$767.08
425-0490-084-00	$767.08
425-0490-085-00	$767.08
425-0490-086-00	$767.08
425-0490-087-00	$767.08
425-0490-088-00	$767.08
425-0490-093-00	$767.08
425-0490-095-00	$767.08
425-0490-097-00	$767.08
425-0490-098-00	$767.08
425-0490-099-00	$767.08
425-0490-101-00	$767.08
425-0490-102-00	$767.08
425-0490-103-00	$767.08
425-0490-104-00	$767.08
425-0490-105-00	$767.08
425-0490-106-00	$767.08
425-0490-109-00	$767.08
425-0490-111-00	$767.08
425-0490-112-00	$767.08
425-0490-113-00	$767.08
425-0490-114-00	$767.08
425-0490-115-00	$767.08
425-0490-116-00	$767.08
425-0490-117-00	$767.08
425-0490-118-00	$767.08
425-0490-119-00	$767.08
425-0490-120-00	$767.08
425-0490-121-00	$767.08
425-0490-122-00	$767.08
425-0490-123-00	$767.08

Assessor's Parcel Number	Assessment Amount
425-0490-124-00	$767.08
425-0490-125-00	$767.08
425-0490-127-00	$767.08
425-0490-128-00	$767.08
425-0490-129-00	$767.08
425-0490-130-00	$767.08
425-0490-131-00	$767.08
425-0490-132-00	$767.08
425-0490-133-00	$767.08
425-0490-134-00	$767.08
425-0490-135-00	$767.08
425-0490-136-00	$767.08
425-0490-137-00	$767.08
425-0490-138-00	$767.08
425-0490-139-00	$767.08
425-0490-140-00	$767.08
425-0490-141-00	$767.08
425-0490-142-00	$767.08
425-0490-143-00	$767.08
425-0490-144-00	$767.08
425-0490-145-00	$767.08
425-0490-146-00	$767.08
425-0490-147-00	$767.08
425-0490-148-00	$767.08
425-0490-149-00	$767.08
425-0490-150-00	$767.08
425-0490-151-00	$767.08
425-0490-152-00	$767.08
425-0490-153-00	$767.08
425-0490-154-00	$767.08
425-0490-155-00	$767.08
425-0490-156-00	$767.08
425-0490-157-00	$767.08
425-0490-158-00	$767.08
425-0490-159-00	$767.08
425-0490-160-00	$767.08
425-0490-161-00	$767.08
425-0490-162-00	$767.08
425-0490-163-00	$767.08
425-0490-164-00	$767.08
425-0490-165-00	$767.08
425-0490-166-00	$767.08
425-0490-167-00	$767.08
425-0490-168-00	$767.08
425-0490-169-00	$767.08
425-0490-170-00	$767.08
425-0490-171-00	$767.08
425-0490-091-01	$767.08
425-0490-175-00	$767.08
425-0490-177-00	$767.08
425-0490-178-01	$767.08

Assessor's Parcel Number	Assessment Amount
Total Parcels:	@ 155
Total Assessment:	$118,897.40

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 04

Pacheco Wy, Stratford Rd, Russ Ln, Ward

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
464 -0121-001-00	$121.00
464 -0121-002-00	$121.00
464 -0121-003-00	$121.00
464 -0121-004-00	$121.00
464 -0121-005-00	$121.00
464 -0121-006-00	$121.00
464 -0121-007-00	$121.00
464 -0121-008-00	$121.00
464 -0121-009-00	$121.00
464 -0121-010-00	$121.00
464 -0121-011-00	$121.00
464 -0121-012-00	$121.00
464 -0121-013-00	$121.00
464 -0121-014-00	$121.00
464 -0121-015-00	$121.00
464 -0121-016-00	$121.00
464 -0121-017-00	$121.00
464 -0121-018-00	$121.00
464 -0121-019-00	$121.00
464 -0121-020-00	$121.00
464 -0121-021-00	$121.00
464 -0121-022-00	$121.00
464 -0121-023-00	$121.00
464 -0121-024-00	$121.00
464 -0121-025-00	$121.00
464 -0121-026-00	$121.00
464 -0121-027-00	$121.00
464 -0121-028-00	$121.00
464 -0121-029-00	$121.00
464 -0121-030-00	$121.00
464 -0121-031-00	$121.00
464 -0121-032-00	$121.00
464 -0121-033-00	$121.00
464 -0121-034-00	$121.00
464 -0121-035-00	$121.00
464 -0121-036-00	$121.00
464 -0121-037-00	$121.00
464 -0121-038-00	$121.00
464 -0121-039-00	$121.00
464 -0121-040-00	$121.00
464 -0121-041-00	$121.00
464 -0121-042-00	$121.00
464 -0121-049-00	$121.00
464 -0121-050-00	$121.00
464 -0121-051-00	$121.00
464 -0121-052-00	$121.00
464 -0121-053-00	$121.00
464 -0121-054-00	$121.00
464 -0121-055-00	$121.00
464 -0121-056-00	$121.00
464 -0121-057-00	$121.00
464 -0121-058-00	$121.00
464 -0121-059-00	$121.00
464 -0121-060-00	$121.00
464 -0121-061-00	$121.00
464 -0121-062-00	$121.00
464 -0121-063-00	$121.00
464 -0121-064-00	$121.00
464 -0121-065-00	$121.00
464 -0121-066-00	$121.00
464 -0121-067-00	$121.00
464 -0121-068-00	$121.00
464 -0121-069-00	$121.00
464 -0121-070-00	$121.00
464 -0121-071-00	$121.00
464 -0121-072-00	$121.00
464 -0121-073-00	$121.00
464 -0121-074-00	$121.00
464 -0121-075-00	$121.00
464 -0121-076-00	$121.00
464 -0121-077-00	$121.00
464 -0121-078-00	$121.00
464 -0121-080-00	$121.00
464 -0121-081-00	$121.00
464 -0121-082-00	$121.00
464 -0121-083-00	$121.00
464 -0121-084-00	$121.00
464 -0121-085-00	$121.00
464 -0121-086-00	$121.00
464 -0121-087-00	$121.00
464 -0121-088-00	$121.00
464 -0121-089-00	$121.00
464 -0121-090-00	$121.00
464 -0121-091-00	$121.00
464 -0121-092-00	$121.00
464 -0121-093-00	$121.00
464 -0121-094-00	$121.00
464 -0121-095-00	$121.00
464 -0121-096-00	$121.00
464 -0122-001-00	$121.00
464 -0122-003-00	$121.00
464 -0122-004-00	$121.00
464 -0122-005-00	$121.00
464 -0122-006-00	$121.00
464 -0122-007-00	$121.00
464 -0122-008-00	$121.00
464 -0122-009-00	$121.00
464 -0122-010-00	$121.00
464 -0122-011-00	$121.00
464 -0122-012-00	$121.00
464 -0122-013-00	$121.00
464 -0122-014-00	$121.00
464 -0122-015-00	$121.00
464 -0122-016-00	$121.00
464 -0122-017-00	$121.00
464 -0122-018-00	$121.00
464 -0122-019-00	$121.00
464 -0122-020-00	$121.00
464 -0122-021-00	$121.00
464 -0122-022-00	$121.00
464 -0122-023-00	$121.00
464 -0122-024-00	$121.00
464 -0122-025-00	$121.00
464 -0122-026-00	$121.00
464 -0122-027-00	$121.00
464 -0122-028-00	$121.00
464 -0122-029-00	$121.00
464 -0122-030-00	$121.00
464 -0122-031-00	$121.00
464 -0122-032-00	$121.00
464 -0122-033-00	$121.00
464 -0122-034-00	$121.00
464 -0122-035-00	$121.00
464 -0122-036-00	$121.00
464 -0122-037-00	$121.00
464 -0122-038-00	$121.00
464 -0122-039-00	$121.00
464 -0122-040-00	$121.00
464 -0122-041-00	$121.00
464 -0122-042-00	$121.00
464 -0122-043-00	$121.00
464 -0122-044-00	$121.00
464 -0122-045-00	$121.00
464 -0122-046-00	$121.00
464 -0122-047-00	$121.00
464 -0122-048-00	$121.00
464 -0122-049-00	$121.00
464 -0122-050-00	$121.00
464 -0122-051-00	$121.00
464 -0122-052-00	$121.00
464 -0122-053-00	$121.00
464 -0122-054-00	$121.00
464 -0122-055-00	$121.00
464 -0122-056-00	$121.00
464 -0122-057-00	$121.00
464 -0122-058-00	$121.00
464 -0122-059-00	$121.00
464 -0122-060-00	$121.00
464 -0122-061-00	$121.00
464 -0122-062-00	$121.00
464 -0122-063-00	$121.00
464 -0122-064-00	$121.00
464 -0122-065-00	$121.00
464 -0122-066-00	$121.00
464 -0122-067-00	$121.00
464 -0122-068-00	$121.00
464 -0122-069-00	$121.00
464 -0122-070-00	$121.00
464 -0122-071-00	$121.00
464 -0122-072-00	$121.00
464 -0122-073-00	$121.00
464 -0122-074-00	$121.00
464 -0122-075-00	$121.00
464 -0122-076-00	$121.00
464 -0122-077-00	$121.00
464 -0122-078-00	$121.00
464 -0122-079-00	$121.00
464 -0122-080-00	$121.00
464 -0122-081-00	$121.00
464 -0122-082-00	$121.00
464 -0122-083-00	$121.00
464 -0122-084-00	$121.00
464 -0122-085-00	$121.00
464 -0122-086-00	$121.00
464 -0122-087-00	$121.00

Total Parcels: @ 175

Total Assessment: $21,175.00

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 05

Soto Rd. & Plum Tree St.

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
444 -0048-078-00	$139.12
444 -0048-079-00	$139.12
444 -0048-080-00	$139.12
444 -0048-081-00	$139.12
444 -0048-082-00	$139.12
444 -0048-083-00	$139.12
444 -0048-084-00	$139.12
444 -0048-085-00	$139.12
444 -0048-086-00	$139.12
444 -0048-087-00	$139.12
444 -0048-088-00	$139.12
444 -0048-089-00	$139.12
444 -0048-090-00	$139.12
444 -0048-091-00	$139.12
444 -0048-092-00	$139.12
444 -0048-097-00	$139.12
444 -0048-098-00	$139.12
444 -0048-099-00	$139.12
444 -0048-100-00	$139.12
444 -0048-101-00	$139.12
444 -0048-102-00	$139.12
444 -0048-103-00	$139.12
444 -0048-104-00	$139.12
444 -0048-105-00	$139.12
444 -0048-106-00	$139.12
444 -0048-107-00	$139.12
444 -0048-108-00	$139.12
444 -0048-109-00	$139.12
444 -0048-110-00	$139.12
444 -0048-111-00	$139.12
444 -0048-112-00	$139.12
444 -0048-113-00	$139.12
444 -0048-114-00	$139.12
444 -0048-115-00	$139.12
444 -0048-116-00	$139.12
444 -0048-117-00	$139.12
444 -0048-118-00	$139.12
444 -0048-119-00	$139.12
Total Parcels:	@ 38
Total Assessment:	$5,286.56

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 06

Peppertree Pk

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
475 -0174-011-05	$954.44
475 -0174-014-01	$928.70
475 -0174-017-01	$783.58
475 -0174-019-02	$911.20
475 -0174-022-01	$604.58
475 -0174-025-01	$811.18
475 -0174-027-01	$489.46
475 -0174-033-00	$644.48
475 -0174-034-00	$658.58
475 -0174-042-00	$874.70
475 -0174-043-00	$2,327.10
Total Parcels:	@ 11
Total Assessment:	$9,988.00

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 07
Mission Blvd, Industrial Pkwy, Arrowhead

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
078G-2651-016-00	$480.00
078G-2651-018-01	$480.00
078G-2651-018-02	$480.00
078G-2651-019-00	$480.00
078G-2652-002-00	$480.00
078G-2652-003-00	$480.00
078G-2652-004-00	$480.00
078G-2652-005-00	$480.00
078G-2652-006-00	$480.00
078G-2652-007-00	$480.00
078G-2652-008-00	$480.00
078G-2652-009-00	$480.00
078G-2652-010-00	$480.00
078G-2652-011-00	$480.00
078G-2652-012-00	$480.00
078G-2652-013-00	$480.00
078G-2652-014-00	$480.00
078G-2652-015-00	$480.00
078G-2652-016-00	$480.00
078G-2652-017-00	$480.00
078G-2652-018-00	$480.00
078G-2652-019-00	$480.00
078G-2652-020-00	$480.00
078G-2652-021-00	$480.00
078G-2652-022-00	$480.00
078G-2652-023-00	$480.00
078G-2652-024-00	$480.00
078G-2652-025-00	$480.00
078G-2652-026-00	$480.00
078G-2652-027-00	$480.00
078G-2652-028-00	$480.00
078G-2652-029-00	$480.00
078G-2652-030-00	$480.00
078G-2652-031-00	$480.00
078G-2652-032-00	$480.00
078G-2652-033-00	$480.00
078G-2652-034-00	$480.00
078G-2652-035-00	$480.00
078G-2652-036-00	$480.00
078G-2652-037-00	$480.00
078G-2652-038-00	$480.00
078G-2652-039-00	$480.00
078G-2652-040-00	$480.00
078G-2652-041-00	$480.00
078G-2652-042-00	$480.00
078G-2652-043-00	$480.00
078G-2652-044-00	$480.00
078G-2652-045-00	$480.00
078G-2652-046-00	$480.00
078G-2652-047-00	$480.00
078G-2652-048-00	$480.00
078G-2652-049-00	$480.00

Assessor's Parcel Number	Assessment Amount
078G-2652-050-00	$480.00
078G-2652-051-00	$480.00
078G-2652-052-00	$480.00
078G-2652-053-00	$480.00
078G-2652-054-00	$480.00
078G-2652-055-00	$480.00
078G-2652-056-00	$480.00
078G-2652-057-00	$480.00
078G-2652-058-00	$480.00
078G-2652-059-00	$480.00
078G-2652-060-00	$480.00
078G-2652-061-00	$480.00
078G-2652-062-00	$480.00
078G-2652-063-00	$480.00
078G-2652-064-00	$480.00
078G-2652-065-00	$480.00
078G-2652-066-00	$480.00
078G-2652-067-00	$480.00
078G-2652-068-00	$480.00
078G-2652-069-00	$480.00
078G-2652-070-00	$480.00
078G-2652-071-00	$480.00
078G-2652-072-00	$480.00
078G-2652-073-00	$480.00
078G-2652-074-00	$480.00
078G-2652-075-00	$480.00
078G-2652-076-00	$480.00
078G-2652-077-00	$480.00
078G-2652-078-00	$480.00
078G-2652-079-00	$480.00
078G-2652-080-00	$480.00
078G-2652-081-00	$480.00
078G-2652-082-00	$480.00
078G-2652-083-00	$480.00
078G-2652-084-00	$480.00
078G-2652-085-00	$480.00
078G-2652-086-00	$480.00
078G-2652-087-00	$480.00
078G-2652-088-00	$480.00
078G-2652-089-00	$480.00
078G-2652-090-00	$480.00
078G-2652-091-00	$480.00
078G-2652-092-00	$480.00
078G-2652-093-00	$480.00
078G-2652-094-00	$480.00
078G-2652-095-00	$480.00
078G-2652-096-00	$480.00
078G-2652-097-00	$480.00
078G-2652-098-00	$480.00
078G-2652-099-00	$480.00
078G-2652-100-00	$480.00
078G-2652-101-00	$480.00

Assessor's Parcel Number	Assessment Amount
078G-2652-102-00	$480.00
078G-2652-103-00	$480.00
078G-2652-104-00	$480.00
078G-2652-105-00	$480.00
078G-2652-106-00	$480.00
078G-2652-107-00	$480.00
078G-2652-108-00	$480.00
078G-2652-109-00	$480.00
078G-2652-110-00	$480.00
078G-2652-111-00	$480.00
078G-2652-112-00	$480.00
078G-2652-113-00	$480.00
078G-2652-114-00	$480.00
078G-2652-115-00	$480.00
078G-2652-116-00	$480.00
078G-2652-117-00	$480.00
078G-2652-118-00	$480.00
078G-2652-119-00	$480.00
078G-2652-120-00	$480.00
078G-2652-121-00	$480.00
078G-2652-122-00	$480.00
078G-2652-123-00	$480.00
078G-2652-124-00	$480.00
078G-2652-125-00	$480.00
078G-2652-126-00	$480.00
078G-2652-127-00	$480.00
078G-2652-128-00	$480.00
078G-2652-129-00	$480.00
078G-2652-130-00	$480.00
078G-2652-131-00	$480.00
078G-2652-132-00	$480.00
078G-2652-133-00	$480.00
078G-2652-134-00	$480.00
078G-2652-135-00	$480.00
078G-2652-136-00	$480.00
078G-2652-137-00	$480.00
078G-2652-138-00	$480.00
078G-2652-139-00	$480.00
078G-2652-140-00	$480.00
078G-2652-141-00	$480.00
078G-2652-142-00	$480.00
078G-2652-143-00	$480.00
078G-2652-144-00	$480.00
078G-2652-145-00	$480.00
078G-2652-146-00	$480.00
078G-2652-147-00	$480.00
078G-2652-148-00	$480.00
078G-2652-149-00	$480.00
078G-2652-150-00	$480.00
078G-2652-151-00	$480.00
078G-2652-152-00	$480.00
078G-2652-153-00	$480.00

Assessor's Parcel Number	Assessment Amount
078G-2652-154-00	$480.00
078G-2652-155-00	$480.00
078G-2652-156-00	$480.00
078G-2652-157-00	$480.00
078G-2652-158-00	$480.00
078G-2652-159-00	$480.00
078G-2652-160-00	$480.00
078G-2652-161-00	$480.00
078G-2653-001-00	$480.00
078G-2653-002-00	$480.00
078G-2653-003-00	$480.00
078G-2653-004-00	$480.00
078G-2653-005-00	$480.00
078G-2653-006-00	$480.00
078G-2653-007-00	$480.00
078G-2653-008-00	$480.00
078G-2653-009-00	$480.00
078G-2653-010-00	$480.00
078G-2653-011-00	$480.00
078G-2653-012-00	$480.00
078G-2653-013-00	$480.00
078G-2653-014-00	$480.00
078G-2653-015-00	$480.00
078G-2653-016-00	$480.00
078G-2653-017-00	$480.00
078G-2653-018-00	$480.00
078G-2653-019-00	$480.00
078G-2653-020-00	$480.00
078G-2653-021-00	$480.00
078G-2653-022-00	$480.00
078G-2653-023-00	$480.00
078G-2653-024-00	$480.00
078G-2653-025-00	$480.00
078G-2653-026-00	$480.00
078G-2653-027-00	$480.00
078G-2653-028-00	$480.00
078G-2653-029-00	$480.00
078G-2653-030-00	$480.00
078G-2653-031-00	$480.00
078G-2653-032-00	$480.00
078G-2653-033-00	$480.00
078G-2653-034-00	$480.00
078G-2653-035-00	$480.00
078G-2653-036-00	$480.00
078G-2653-037-00	$480.00
078G-2653-038-00	$480.00
078G-2653-039-00	$480.00
078G-2653-040-00	$480.00
078G-2653-041-00	$480.00
078G-2653-042-00	$480.00
078G-2653-043-00	$480.00
078G-2653-044-00	$480.00

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 07
Mission Blvd, Industrial Pkwy, Arrowhead

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
078G-2653-045-00	$480.00
078G-2653-046-00	$480.00
078G-2653-047-00	$480.00
078G-2653-048-00	$480.00
078G-2653-049-00	$480.00
078G-2653-050-00	$480.00
078G-2653-051-00	$480.00
078G-2653-052-00	$480.00
078G-2653-053-00	$480.00
078G-2653-054-00	$480.00
078G-2653-055-00	$480.00
078G-2653-056-00	$480.00
078G-2653-057-00	$480.00
078G-2653-058-00	$480.00
078G-2653-059-00	$480.00
078G-2653-060-00	$480.00
078G-2653-061-00	$480.00
078G-2653-062-00	$480.00
078G-2653-063-00	$480.00
078G-2653-064-00	$480.00
078G-2653-065-00	$480.00
078G-2653-066-00	$480.00
078G-2653-067-00	$480.00
078G-2653-068-00	$480.00
078G-2653-069-00	$480.00
078G-2653-070-00	$480.00
078G-2653-071-00	$480.00
078G-2653-072-00	$480.00
078G-2653-073-00	$480.00
078G-2653-074-00	$480.00
078G-2653-075-00	$480.00
078G-2653-076-00	$480.00
078G-2653-077-00	$480.00
078G-2653-078-00	$480.00
078G-2653-079-00	$480.00
078G-2653-080-00	$480.00
078G-2653-081-00	$480.00
078G-2653-082-00	$480.00
078G-2653-083-00	$480.00
078G-2653-084-00	$480.00
078G-2653-085-00	$480.00
078G-2653-086-00	$480.00
078G-2653-087-00	$480.00
078G-2654-001-00	$480.00
078G-2654-002-00	$480.00
078G-2654-003-00	$480.00
078G-2654-004-00	$480.00
078G-2654-005-00	$480.00
078G-2654-006-00	$480.00
078G-2654-007-00	$480.00
078G-2654-008-00	$480.00
078G-2654-009-00	$480.00

Assessor's Parcel Number	Assessment Amount
078G-2654-010-00	$480.00
078G-2654-011-00	$480.00
078G-2654-012-00	$480.00
078G-2654-013-00	$480.00
078G-2654-014-00	$480.00
078G-2654-015-00	$480.00
078G-2654-016-00	$480.00
078G-2654-017-00	$480.00
078G-2654-018-00	$480.00
078G-2654-019-00	$480.00
078G-2654-020-00	$480.00
078G-2654-021-00	$480.00
078G-2654-022-00	$480.00
078G-2654-023-00	$480.00
078G-2654-024-00	$480.00
078G-2654-025-00	$480.00
078G-2654-026-00	$480.00
078G-2654-027-00	$480.00
078G-2654-028-00	$480.00
078G-2654-029-00	$480.00
078G-2654-030-00	$480.00
078G-2654-031-00	$480.00
078G-2654-032-00	$480.00
078G-2654-033-00	$480.00
078G-2654-034-00	$480.00
078G-2654-035-00	$480.00
078G-2654-036-00	$480.00
078G-2654-037-00	$480.00
078G-2654-038-00	$480.00
078G-2654-039-00	$480.00
078G-2654-040-00	$480.00
078G-2654-041-00	$480.00
078G-2654-042-00	$480.00
078G-2654-043-00	$480.00
078G-2654-044-00	$480.00
078G-2654-045-00	$480.00
078G-2654-046-00	$480.00
078G-2654-047-00	$480.00
078G-2654-048-00	$480.00
078G-2654-049-00	$480.00
078G-2654-050-00	$480.00
078G-2654-051-00	$480.00
078G-2654-052-00	$480.00
078G-2654-053-00	$480.00
078G-2654-054-00	$480.00
078G-2654-055-00	$480.00
078G-2654-056-00	$480.00
078G-2654-057-00	$480.00
078G-2654-058-00	$480.00
078G-2654-059-00	$480.00
078G-2654-060-00	$480.00
078G-2654-061-00	$480.00

Assessor's Parcel Number	Assessment Amount
078G-2654-062-00	$480.00
078G-2654-063-00	$480.00
078G-2654-064-00	$480.00
078G-2654-065-00	$480.00
078G-2654-066-00	$480.00
078G-2654-067-00	$480.00
078G-2654-068-00	$480.00
078G-2654-069-00	$480.00
078G-2654-070-00	$480.00
078G-2654-071-00	$480.00
078G-2654-072-00	$480.00
078G-2654-073-00	$480.00
078G-2654-074-00	$480.00
078G-2654-075-00	$480.00
078G-2654-076-00	$480.00
078G-2654-077-00	$480.00
078G-2654-078-00	$480.00
078G-2654-079-00	$480.00
078G-2654-080-00	$480.00
078G-2654-081-00	$480.00
078G-2654-082-00	$480.00
078G-2654-083-00	$480.00
078G-2654-084-00	$480.00
078G-2654-085-00	$480.00
078G-2654-086-00	$480.00
078G-2654-087-00	$480.00
078G-2654-088-00	$480.00
078G-2654-089-00	$480.00
078G-2654-090-00	$480.00
078G-2654-091-00	$480.00
078G-2654-092-00	$480.00
078G-2654-093-00	$480.00
078G-2654-094-03	$480.00
078G-2654-095-03	$480.00
078G-2654-096-00	$480.00
078G-2651-017-02	$480.00

Total Parcels: **@ 348**

Total Assessment: **$167,040.00**

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 08

Capitola St.

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
456 -0096-002-00	$350.00
456 -0096-003-00	$350.00
456 -0096-004-00	$350.00
456 -0096-005-00	$350.00
456 -0096-006-00	$350.00
456 -0096-007-00	$350.00
456 -0096-008-00	$350.00
456 -0096-009-00	$350.00
456 -0096-010-00	$350.00
456 -0096-011-00	$350.00
456 -0096-012-00	$350.00
456 -0096-013-00	$350.00
456 -0096-014-00	$350.00
456 -0096-015-00	$350.00
456 -0096-016-00	$350.00
456 -0096-017-00	$350.00
456 -0096-018-00	$350.00
456 -0096-019-00	$350.00
456 -0096-020-00	$350.00
456 -0096-021-00	$350.00
456 -0096-022-00	$350.00
456 -0096-023-00	$350.00
456 -0096-024-00	$350.00
456 -0096-025-00	$350.00
Total Parcels:	@ 24
Total Assessment:	$8,400.00

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 09
Orchard Avenue

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
444 -0049-001-00	$25.00
444 -0049-002-00	$25.00
444 -0049-003-00	$25.00
444 -0049-004-00	$25.00
444 -0049-005-00	$25.00
444 -0049-006-00	$25.00
444 -0049-007-00	$25.00
444 -0049-008-00	$25.00
444 -0049-009-00	$25.00
444 -0049-010-00	$25.00
444 -0049-011-00	$25.00
444 -0049-012-00	$25.00
444 -0049-013-00	$25.00
444 -0049-014-00	$25.00
444 -0049-015-00	$25.00
444 -0049-016-00	$25.00
444 -0049-017-00	$25.00
444 -0049-018-00	$25.00
444 -0049-019-00	$25.00
444 -0049-020-00	$25.00
444 -0049-021-00	$25.00
444 -0049-022-00	$25.00
444 -0049-023-00	$25.00
444 -0049-024-00	$25.00
444 -0049-025-00	$25.00
444 -0049-026-00	$25.00
444 -0049-027-00	$25.00
444 -0049-028-00	$25.00
444 -0049-029-00	$25.00
444 -0049-030-00	$25.00
444 -0049-031-00	$25.00
444 -0049-032-00	$25.00
444 -0049-033-00	$25.00
444 -0049-034-00	$25.00
444 -0049-035-00	$25.00
444 -0049-036-00	$25.00
444 -0049-037-00	$25.00
444 -0049-038-00	$25.00
444 -0049-039-00	$25.00
444 -0049-040-00	$25.00
444 -0049-041-00	$25.00
444 -0049-042-00	$25.00
444 -0049-043-00	$25.00
444 -0049-044-00	$25.00
444 -0049-045-00	$25.00
444 -0049-046-00	$25.00
444 -0049-047-00	$25.00
444 -0049-048-00	$25.00
444 -0049-049-00	$25.00
444 -0049-050-00	$25.00
444 -0049-051-00	$25.00
444 -0049-052-00	$25.00
444 -0049-053-00	$25.00
444 -0049-054-00	$25.00
444 -0049-055-00	$25.00
444 -0049-056-00	$25.00
444 -0049-057-00	$25.00
444 -0049-058-00	$25.00
444 -0049-059-00	$25.00
444 -0049-060-00	$25.00
444 -0049-061-00	$25.00
444 -0049-062-00	$25.00
444 -0049-063-00	$25.00
444 -0049-064-00	$25.00
444 -0049-065-00	$25.00
444 -0049-066-00	$25.00
444 -0049-067-00	$25.00
444 -0049-068-00	$25.00
444 -0049-069-00	$25.00
444 -0049-070-00	$25.00
444 -0049-071-00	$25.00
444 -0049-072-00	$25.00
444 -0049-073-00	$25.00
444 -0049-074-00	$25.00
Total Parcels:	**@ 74**
Total Assessment:	**$1,850.00**

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 10

Eden Shores

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
461 -0037-002-00	$300.00	461 -0037-054-00	$300.00	461 -0037-106-00	$300.00	461 -0100-050-00	$300.00
461 -0037-003-00	$300.00	461 -0037-055-00	$300.00	461 -0037-107-00	$300.00	461 -0100-051-00	$300.00
461 -0037-004-00	$300.00	461 -0037-056-00	$300.00	461 -0037-108-00	$300.00	461 -0100-052-00	$300.00
461 -0037-005-00	$300.00	461 -0037-057-00	$300.00	461 -0037-109-00	$300.00	461 -0100-053-00	$300.00
461 -0037-006-00	$300.00	461 -0037-058-00	$300.00	461 -0037-110-00	$300.00	461 -0100-054-00	$300.00
461 -0037-007-00	$300.00	461 -0037-059-00	$300.00	461 -0100-003-00	$300.00	461 -0100-055-00	$300.00
461 -0037-008-00	$300.00	461 -0037-060-00	$300.00	461 -0100-004-00	$300.00	461 -0100-056-00	$300.00
461 -0037-009-00	$300.00	461 -0037-061-00	$300.00	461 -0100-005-00	$300.00	461 -0100-057-00	$300.00
461 -0037-010-00	$300.00	461 -0037-062-00	$300.00	461 -0100-006-00	$300.00	461 -0100-058-00	$300.00
461 -0037-011-00	$300.00	461 -0037-063-00	$300.00	461 -0100-007-00	$300.00	461 -0100-059-00	$300.00
461 -0037-012-00	$300.00	461 -0037-064-00	$300.00	461 -0100-008-00	$300.00	461 -0100-060-00	$300.00
461 -0037-013-00	$300.00	461 -0037-065-00	$300.00	461 -0100-009-00	$300.00	461 -0100-061-00	$300.00
461 -0037-014-00	$300.00	461 -0037-066-00	$300.00	461 -0100-010-00	$300.00	461 -0100-062-00	$300.00
461 -0037-015-00	$300.00	461 -0037-067-00	$300.00	461 -0100-011-00	$300.00	461 -0100-063-00	$300.00
461 -0037-016-00	$300.00	461 -0037-068-00	$300.00	461 -0100-012-00	$300.00	461 -0100-064-00	$300.00
461 -0037-017-00	$300.00	461 -0037-069-00	$300.00	461 -0100-013-00	$300.00	461 -0100-065-00	$300.00
461 -0037-018-00	$300.00	461 -0037-070-00	$300.00	461 -0100-014-00	$300.00	461 -0100-066-00	$300.00
461 -0037-019-00	$300.00	461 -0037-071-00	$300.00	461 -0100-015-00	$300.00	461 -0100-067-00	$300.00
461 -0037-020-00	$300.00	461 -0037-072-00	$300.00	461 -0100-016-00	$300.00	461 -0100-068-00	$300.00
461 -0037-021-00	$300.00	461 -0037-073-00	$300.00	461 -0100-017-00	$300.00	461 -0100-069-00	$300.00
461 -0037-022-00	$300.00	461 -0037-074-00	$300.00	461 -0100-018-00	$300.00	461 -0100-070-00	$300.00
461 -0037-023-00	$300.00	461 -0037-075-00	$300.00	461 -0100-019-00	$300.00	461 -0100-071-00	$300.00
461 -0037-024-00	$300.00	461 -0037-076-00	$300.00	461 -0100-020-00	$300.00	461 -0100-072-00	$300.00
461 -0037-025-00	$300.00	461 -0037-077-00	$300.00	461 -0100-021-00	$300.00	461 -0100-073-00	$300.00
461 -0037-026-00	$300.00	461 -0037-078-00	$300.00	461 -0100-022-00	$300.00	461 -0100-074-00	$300.00
461 -0037-027-00	$300.00	461 -0037-079-00	$300.00	461 -0100-023-00	$300.00	461 -0100-075-00	$300.00
461 -0037-028-00	$300.00	461 -0037-080-00	$300.00	461 -0100-024-00	$300.00	461 -0100-076-00	$300.00
461 -0037-029-00	$300.00	461 -0037-081-00	$300.00	461 -0100-025-00	$300.00	461 -0100-077-00	$300.00
461 -0037-030-00	$300.00	461 -0037-082-00	$300.00	461 -0100-026-00	$300.00	461 -0100-078-00	$300.00
461 -0037-031-00	$300.00	461 -0037-083-00	$300.00	461 -0100-027-00	$300.00	461 -0100-079-00	$300.00
461 -0037-032-00	$300.00	461 -0037-084-00	$300.00	461 -0100-028-00	$300.00	461 -0100-080-00	$300.00
461 -0037-033-00	$300.00	461 -0037-085-00	$300.00	461 -0100-029-00	$300.00	461 -0100-081-00	$300.00
461 -0037-034-00	$300.00	461 -0037-086-00	$300.00	461 -0100-030-00	$300.00	461 -0100-082-00	$300.00
461 -0037-035-00	$300.00	461 -0037-087-00	$300.00	461 -0100-031-00	$300.00	461 -0100-083-00	$300.00
461 -0037-036-00	$300.00	461 -0037-088-00	$300.00	461 -0100-032-00	$300.00	461 -0100-084-00	$300.00
461 -0037-037-00	$300.00	461 -0037-089-00	$300.00	461 -0100-033-00	$300.00	461 -0100-085-00	$300.00
461 -0037-038-00	$300.00	461 -0037-090-00	$300.00	461 -0100-034-00	$300.00	461 -0100-086-00	$300.00
461 -0037-039-00	$300.00	461 -0037-091-00	$300.00	461 -0100-035-00	$300.00	461 -0100-087-00	$300.00
461 -0037-040-00	$300.00	461 -0037-092-00	$300.00	461 -0100-036-00	$300.00	461 -0100-088-00	$300.00
461 -0037-041-00	$300.00	461 -0037-093-00	$300.00	461 -0100-037-00	$300.00	461 -0100-089-00	$300.00
461 -0037-042-00	$300.00	461 -0037-094-00	$300.00	461 -0100-038-00	$300.00	461 -0100-090-00	$300.00
461 -0037-043-00	$300.00	461 -0037-095-00	$300.00	461 -0100-039-00	$300.00	461 -0100-091-00	$300.00
461 -0037-044-00	$300.00	461 -0037-096-00	$300.00	461 -0100-040-00	$300.00	461 -0100-092-00	$300.00
461 -0037-045-00	$300.00	461 -0037-097-00	$300.00	461 -0100-041-00	$300.00	461 -0100-093-00	$300.00
461 -0037-046-00	$300.00	461 -0037-098-00	$300.00	461 -0100-042-00	$300.00	461 -0100-094-00	$300.00
461 -0037-047-00	$300.00	461 -0037-099-00	$300.00	461 -0100-043-00	$300.00	461 -0100-095-00	$300.00
461 -0037-048-00	$300.00	461 -0037-100-00	$300.00	461 -0100-044-00	$300.00	461 -0100-096-00	$300.00
461 -0037-049-00	$300.00	461 -0037-101-00	$300.00	461 -0100-045-00	$300.00	461 -0100-097-00	$300.00
461 -0037-050-00	$300.00	461 -0037-102-00	$300.00	461 -0100-046-00	$300.00	461 -0100-098-00	$300.00
461 -0037-051-00	$300.00	461 -0037-103-00	$300.00	461 -0100-047-00	$300.00	461 -0100-099-00	$300.00
461 -0037-052-00	$300.00	461 -0037-104-00	$300.00	461 -0100-048-00	$300.00	461 -0100-100-00	$300.00
461 -0037-053-00	$300.00	461 -0037-105-00	$300.00	461 -0100-049-00	$300.00	461 -0100-101-00	$300.00

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 10

Eden Shores

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
461 -0100-102-00	$300.00
461 -0100-103-00	$300.00
461 -0100-104-00	$300.00
461 -0100-105-00	$300.00
461 -0100-106-00	$300.00
461 -0100-107-00	$300.00
461 -0100-108-00	$300.00
461 -0100-109-00	$300.00
461 -0100-110-00	$300.00
461 -0100-111-00	$300.00
461 -0100-112-00	$300.00
461 -0100-113-00	$300.00
461 -0100-114-00	$300.00
461 -0100-115-00	$300.00
461 -0100-116-00	$300.00
461 -0100-117-00	$300.00
461 -0100-118-00	$300.00
461 -0101-005-00	$300.00
461 -0101-006-00	$300.00
461 -0101-007-00	$300.00
461 -0101-008-00	$300.00
461 -0101-009-00	$300.00
461 -0101-010-00	$300.00
461 -0101-011-00	$300.00
461 -0101-012-00	$300.00
461 -0101-013-00	$300.00
461 -0101-014-00	$300.00
461 -0101-015-00	$300.00
461 -0101-016-00	$300.00
461 -0101-017-00	$300.00
461 -0101-018-00	$300.00
461 -0101-019-00	$300.00
461 -0101-020-00	$300.00
461 -0101-021-00	$300.00
461 -0101-022-00	$300.00
461 -0101-023-00	$300.00
461 -0101-024-00	$300.00
461 -0101-025-00	$300.00
461 -0101-026-00	$300.00
461 -0101-027-00	$300.00
461 -0101-028-00	$300.00
461 -0101-029-00	$300.00
461 -0101-030-00	$300.00
461 -0101-031-00	$300.00
461 -0101-032-00	$300.00
461 -0101-033-00	$300.00
461 -0101-034-00	$300.00
461 -0101-035-00	$300.00
461 -0101-036-00	$300.00
461 -0101-037-00	$300.00
461 -0101-038-00	$300.00
461 -0101-039-00	$300.00

Assessor's Parcel Number	Assessment Amount
461 -0101-040-00	$300.00
461 -0101-041-00	$300.00
461 -0101-042-00	$300.00
461 -0101-043-00	$300.00
461 -0101-044-00	$300.00
461 -0101-045-00	$300.00
461 -0101-046-00	$300.00
461 -0101-047-00	$300.00
461 -0101-048-00	$300.00
461 -0101-049-00	$300.00
461 -0101-050-00	$300.00
461 -0101-051-00	$300.00
461 -0101-052-00	$300.00
461 -0101-053-00	$300.00
461 -0101-054-00	$300.00
461 -0101-055-00	$300.00
461 -0101-056-00	$300.00
461 -0101-057-00	$300.00
461 -0101-058-00	$300.00
461 -0101-059-00	$300.00
461 -0101-060-00	$300.00
461 -0101-061-00	$300.00
461 -0101-062-00	$300.00
461 -0101-063-00	$300.00
461 -0101-064-00	$300.00
461 -0101-065-00	$300.00
461 -0101-066-00	$300.00
461 -0101-067-00	$300.00
461 -0101-068-00	$300.00
461 -0101-069-00	$300.00
461 -0101-070-00	$300.00
461 -0101-071-00	$300.00
461 -0101-072-00	$300.00
461 -0101-073-00	$300.00
461 -0101-074-00	$300.00
461 -0101-075-00	$300.00
461 -0101-076-00	$300.00
461 -0101-077-00	$300.00
461 -0101-078-00	$300.00
461 -0101-079-00	$300.00
461 -0101-080-00	$300.00
461 -0101-081-00	$300.00
461 -0101-082-00	$300.00
461 -0101-083-00	$300.00
461 -0101-084-00	$300.00
461 -0101-085-00	$300.00
461 -0101-086-00	$300.00
461 -0101-087-00	$300.00
461 -0101-088-00	$300.00
461 -0101-089-00	$300.00
461 -0101-090-00	$300.00
461 -0101-091-00	$300.00

Assessor's Parcel Number	Assessment Amount
461 -0101-092-00	$300.00
461 -0101-093-00	$300.00
461 -0101-094-00	$300.00
461 -0101-095-00	$300.00
461 -0101-096-00	$300.00
461 -0101-097-00	$300.00
461 -0101-098-00	$300.00
461 -0101-099-00	$300.00
461 -0101-100-00	$300.00
461 -0101-101-00	$300.00
461 -0101-102-00	$300.00
461 -0101-103-00	$300.00
461 -0101-104-00	$300.00
461 -0101-105-00	$300.00
461 -0101-106-00	$300.00
461 -0101-107-00	$300.00
461 -0101-108-00	$300.00
461 -0101-109-00	$300.00
461 -0101-110-00	$300.00
461 -0101-111-00	$300.00
461 -0101-112-00	$300.00
461 -0101-113-00	$300.00
461 -0101-114-00	$300.00
461 -0101-115-00	$300.00
461 -0101-116-00	$300.00
461 -0101-117-00	$300.00
461 -0101-118-00	$300.00
461 -0101-119-00	$300.00
461 -0101-120-00	$300.00
461 -0101-121-00	$300.00
461 -0101-122-00	$300.00
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461 -0101-124-00	$300.00
461 -0101-125-00	$300.00
461 -0101-126-00	$300.00
461 -0101-127-00	$300.00
461 -0101-128-00	$300.00
461 -0101-129-00	$300.00
461 -0101-130-00	$300.00
461 -0101-131-00	$300.00
461 -0101-132-00	$300.00
461 -0101-133-00	$300.00
461 -0101-134-00	$300.00
461 -0101-135-00	$300.00
461 -0101-136-00	$300.00
461 -0101-137-00	$300.00
461 -0101-138-00	$300.00
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461 -0101-140-00	$300.00
461 -0101-141-00	$300.00
461 -0101-142-00	$300.00
461 -0101-143-00	$300.00

Assessor's Parcel Number	Assessment Amount
461 -0101-144-00	$300.00
461 -0101-145-00	$300.00
461 -0101-146-00	$300.00
461 -0101-147-00	$300.00
461 -0101-148-00	$300.00
461 -0101-149-00	$300.00
461 -0101-150-00	$300.00
461 -0101-151-00	$300.00
461 -0101-152-00	$300.00
461 -0101-153-00	$300.00
461 -0101-154-00	$300.00
461 -0101-155-00	$300.00
461 -0101-156-00	$300.00
461 -0101-157-00	$300.00
461 -0101-158-00	$300.00
461 -0101-159-00	$300.00
461 -0101-160-00	$300.00
461 -0101-161-00	$300.00
461 -0101-162-00	$300.00
461 -0101-163-00	$300.00
461 -0101-164-00	$300.00
461 -0101-165-00	$300.00
461 -0101-166-00	$300.00
461 -0101-167-00	$300.00
461 -0101-168-00	$300.00
461 -0101-169-00	$300.00
461 -0101-170-00	$300.00
461 -0101-171-00	$300.00
461 -0102-002-00	$300.00
461 -0102-003-00	$300.00
461 -0102-004-00	$300.00
461 -0102-005-00	$300.00
461 -0102-006-00	$300.00
461 -0102-007-00	$300.00
461 -0102-008-00	$300.00
461 -0102-009-00	$300.00
461 -0102-010-00	$300.00
461 -0102-011-00	$300.00
461 -0102-012-00	$300.00
461 -0102-013-00	$300.00
461 -0102-014-00	$300.00
461 -0102-015-00	$300.00
461 -0102-016-00	$300.00
461 -0102-017-00	$300.00
461 -0102-018-00	$300.00
461 -0102-019-00	$300.00
461 -0102-020-00	$300.00
461 -0102-021-00	$300.00
461 -0102-022-00	$300.00
461 -0102-023-00	$300.00
461 -0102-024-00	$300.00
461 -0102-025-00	$300.00

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 10
Eden Shores

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
461-0102-026-00	$300.00
461-0102-027-00	$300.00
461-0102-028-00	$300.00
461-0102-029-00	$300.00
461-0102-030-00	$300.00
461-0102-031-00	$300.00
461-0102-032-00	$300.00
461-0102-033-00	$300.00
461-0102-034-00	$300.00
461-0102-035-00	$300.00
461-0102-036-00	$300.00
461-0102-037-00	$300.00
461-0102-038-00	$300.00
461-0102-039-00	$300.00
461-0102-040-00	$300.00
461-0102-041-00	$300.00
461-0102-042-00	$300.00
461-0102-043-00	$300.00
461-0102-044-00	$300.00
461-0102-045-00	$300.00
461-0102-046-00	$300.00
461-0102-047-00	$300.00
461-0102-048-00	$300.00
461-0102-049-00	$300.00
461-0102-050-00	$300.00
461-0102-051-00	$300.00
461-0102-052-00	$300.00
461-0102-053-00	$300.00
461-0102-054-00	$300.00
461-0102-055-00	$300.00
461-0102-056-00	$300.00
461-0102-057-00	$300.00
461-0102-058-00	$300.00
461-0102-059-00	$300.00
461-0102-060-00	$300.00
461-0102-061-00	$300.00
461-0102-062-00	$300.00
461-0102-063-00	$300.00
461-0102-064-00	$300.00
461-0102-065-00	$300.00
461-0103-004-00	$300.00
461-0103-005-00	$300.00
461-0103-006-00	$300.00
461-0103-007-00	$300.00
461-0103-008-00	$300.00
461-0103-009-00	$300.00
461-0103-010-00	$300.00
461-0103-011-00	$300.00
461-0103-012-00	$300.00
461-0103-013-00	$300.00
461-0103-014-00	$300.00
461-0103-015-00	$300.00

Assessor's Parcel Number	Assessment Amount
461-0103-016-00	$300.00
461-0103-017-00	$300.00
461-0103-018-00	$300.00
461-0103-019-00	$300.00
461-0103-020-00	$300.00
461-0103-021-00	$300.00
461-0103-022-00	$300.00
461-0103-023-00	$300.00
461-0103-024-00	$300.00
461-0103-025-00	$300.00
461-0103-026-00	$300.00
461-0103-027-00	$300.00
461-0103-028-00	$300.00
461-0103-029-00	$300.00
461-0103-030-00	$300.00
461-0103-031-00	$300.00
461-0103-032-00	$300.00
461-0103-033-00	$300.00
461-0103-034-00	$300.00
461-0103-035-00	$300.00
461-0103-036-00	$300.00
461-0103-037-00	$300.00
461-0103-038-00	$300.00
461-0103-039-00	$300.00
461-0103-040-00	$300.00
461-0103-041-00	$300.00
461-0103-042-00	$300.00
461-0103-043-00	$300.00
461-0103-044-00	$300.00
461-0103-045-00	$300.00
461-0103-046-00	$300.00
461-0103-047-00	$300.00
461-0103-048-00	$300.00
461-0103-049-00	$300.00
461-0103-050-00	$300.00
461-0103-051-00	$300.00
461-0103-052-00	$300.00
461-0103-053-00	$300.00
461-0103-054-00	$300.00
461-0103-055-00	$300.00
461-0103-056-00	$300.00
461-0103-057-00	$300.00
461-0103-058-00	$300.00
461-0103-059-00	$300.00
461-0103-060-00	$300.00
461-0103-061-00	$300.00
461-0103-062-00	$300.00
461-0103-063-00	$300.00
461-0103-064-00	$300.00
461-0103-065-00	$300.00
461-0103-066-00	$300.00
461-0103-067-00	$300.00

Assessor's Parcel Number	Assessment Amount
461-0103-068-00	$300.00
461-0103-069-00	$300.00
461-0103-070-00	$300.00
461-0103-071-00	$300.00
461-0103-072-00	$300.00
461-0103-073-00	$300.00
461-0103-074-00	$300.00
461-0103-075-00	$300.00
461-0103-076-00	$300.00
461-0103-077-00	$300.00
461-0103-078-00	$300.00
461-0103-079-00	$300.00
461-0103-080-00	$300.00
461-0103-081-00	$300.00

Total Parcels: @ 534

Total Assessment: $160,200.00

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 11

Stonebrae LLAD

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
085A-6430-005-00	$344.92	085A-6430-057-00	$344.92	085A-6430-109-00	$344.92	085A-6431-048-00	$344.92
085A-6430-006-00	$344.92	085A-6430-058-00	$344.92	085A-6430-110-00	$344.92	085A-6431-049-00	$344.92
085A-6430-007-00	$344.92	085A-6430-059-00	$344.92	085A-6430-111-00	$344.92	085A-6431-050-00	$344.92
085A-6430-008-00	$344.92	085A-6430-060-00	$344.92	085A-6430-112-00	$344.92	085A-6431-051-00	$344.92
085A-6430-009-00	$344.92	085A-6430-061-00	$344.92	085A-6430-113-00	$344.92	085A-6431-052-00	$344.92
085A-6430-010-00	$344.92	085A-6430-062-00	$344.92	085A-6430-114-00	$344.92	085A-6431-053-00	$344.92
085A-6430-011-00	$344.92	085A-6430-063-00	$344.92	085A-6430-115-00	$344.92	085A-6431-054-00	$344.92
085A-6430-012-00	$344.92	085A-6430-064-00	$344.92	085A-6430-116-00	$344.92	085A-6431-055-00	$344.92
085A-6430-013-00	$344.92	085A-6430-065-00	$344.92	085A-6431-004-00	$344.92	085A-6431-056-00	$344.92
085A-6430-014-00	$344.92	085A-6430-066-00	$344.92	085A-6431-005-00	$344.92	085A-6431-057-00	$344.92
085A-6430-015-00	$344.92	085A-6430-067-00	$344.92	085A-6431-006-00	$344.92	085A-6431-058-00	$344.92
085A-6430-016-00	$344.92	085A-6430-068-00	$344.92	085A-6431-007-00	$344.92	085A-6431-059-00	$344.92
085A-6430-017-00	$344.92	085A-6430-069-00	$344.92	085A-6431-008-00	$344.92	085A-6431-060-00	$344.92
085A-6430-018-00	$344.92	085A-6430-070-00	$344.92	085A-6431-009-00	$344.92	085A-6431-061-00	$344.92
085A-6430-019-00	$344.92	085A-6430-071-00	$344.92	085A-6431-010-00	$344.92	085A-6431-062-00	$344.92
085A-6430-020-00	$344.92	085A-6430-072-00	$344.92	085A-6431-011-00	$344.92	085A-6431-063-00	$344.92
085A-6430-021-00	$344.92	085A-6430-073-00	$344.92	085A-6431-012-00	$344.92	085A-6431-064-00	$344.92
085A-6430-022-00	$344.92	085A-6430-074-00	$344.92	085A-6431-013-00	$344.92	085A-6431-065-00	$344.92
085A-6430-023-00	$344.92	085A-6430-075-00	$344.92	085A-6431-014-00	$344.92	085A-6431-066-00	$344.92
085A-6430-024-00	$344.92	085A-6430-076-00	$344.92	085A-6431-015-00	$344.92	085A-6431-067-00	$344.92
085A-6430-025-00	$344.92	085A-6430-077-00	$344.92	085A-6431-016-00	$344.92	085A-6431-068-00	$344.92
085A-6430-026-00	$344.92	085A-6430-078-00	$344.92	085A-6431-017-00	$344.92	085A-6431-069-00	$344.92
085A-6430-027-00	$344.92	085A-6430-079-00	$344.92	085A-6431-018-00	$344.92	085A-6431-070-00	$344.92
085A-6430-028-00	$344.92	085A-6430-080-00	$344.92	085A-6431-019-00	$344.92	085A-6431-071-00	$344.92
085A-6430-029-00	$344.92	085A-6430-081-00	$344.92	085A-6431-020-00	$344.92	085A-6431-072-00	$344.92
085A-6430-030-00	$344.92	085A-6430-082-00	$344.92	085A-6431-021-00	$344.92	085A-6431-073-00	$344.92
085A-6430-031-00	$344.92	085A-6430-083-00	$344.92	085A-6431-022-00	$344.92	085A-6431-074-00	$344.92
085A-6430-032-00	$344.92	085A-6430-084-00	$344.92	085A-6431-023-00	$344.92	085A-6431-075-00	$344.92
085A-6430-033-00	$344.92	085A-6430-085-00	$344.92	085A-6431-024-00	$344.92	085A-6431-076-00	$344.92
085A-6430-034-00	$344.92	085A-6430-086-00	$344.92	085A-6431-025-00	$344.92	085A-6431-077-00	$344.92
085A-6430-035-00	$344.92	085A-6430-087-00	$344.92	085A-6431-026-00	$344.92	085A-6431-078-00	$344.92
085A-6430-036-00	$344.92	085A-6430-088-00	$344.92	085A-6431-027-00	$344.92	085A-6431-079-00	$344.92
085A-6430-037-00	$344.92	085A-6430-089-00	$344.92	085A-6431-028-00	$344.92	085A-6431-080-00	$344.92
085A-6430-038-00	$344.92	085A-6430-090-00	$344.92	085A-6431-029-00	$344.92	085A-6431-081-00	$344.92
085A-6430-039-00	$344.92	085A-6430-091-00	$344.92	085A-6431-030-00	$344.92	085A-6431-082-00	$344.92
085A-6430-040-00	$344.92	085A-6430-092-00	$344.92	085A-6431-031-00	$344.92	085A-6431-083-00	$344.92
085A-6430-041-00	$344.92	085A-6430-093-00	$344.92	085A-6431-032-00	$344.92	085A-6431-084-00	$344.92
085A-6430-042-00	$344.92	085A-6430-094-00	$344.92	085A-6431-033-00	$344.92	085A-6431-085-00	$344.92
085A-6430-043-00	$344.92	085A-6430-095-00	$344.92	085A-6431-034-00	$344.92	085A-6431-086-00	$344.92
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085A-6430-045-00	$344.92	085A-6430-097-00	$344.92	085A-6431-036-00	$344.92	085A-6431-088-00	$344.92
085A-6430-046-00	$344.92	085A-6430-098-00	$344.92	085A-6431-037-00	$344.92	085A-6431-089-00	$344.92
085A-6430-047-00	$344.92	085A-6430-099-00	$344.92	085A-6431-038-00	$344.92	085A-6431-090-00	$344.92
085A-6430-048-00	$344.92	085A-6430-100-00	$344.92	085A-6431-039-00	$344.92	085A-6431-091-00	$344.92
085A-6430-049-00	$344.92	085A-6430-101-00	$344.92	085A-6431-040-00	$344.92	085A-6431-092-00	$344.92
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085A-6430-051-00	$344.92	085A-6430-103-00	$344.92	085A-6431-042-00	$344.92	085A-6431-094-00	$344.92
085A-6430-052-00	$344.92	085A-6430-104-00	$344.92	085A-6431-043-00	$344.92	085A-6431-095-00	$344.92
085A-6430-053-00	$344.92	085A-6430-105-00	$344.92	085A-6431-044-00	$344.92	085A-6431-096-00	$344.92
085A-6430-054-00	$344.92	085A-6430-106-00	$344.92	085A-6431-045-00	$344.92	085A-6431-097-00	$344.92
085A-6430-055-00	$344.92	085A-6430-107-00	$344.92	085A-6431-046-00	$344.92	085A-6431-098-00	$344.92
085A-6430-056-00	$344.92	085A-6430-108-00	$344.92	085A-6431-047-00	$344.92	085A-6431-099-00	$344.92

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 11
Stonebrae LLAD

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
085A-6431-100-00	$344.92
085A-6431-101-00	$344.92
085A-6431-102-00	$344.92
085A-6431-103-00	$344.92
085A-6431-104-00	$344.92
085A-6431-105-00	$344.92
085A-6428-027-00	$7,927.92
085A-6432-006-00	$180.18
085A-6432-007-00	$180.18
085A-6432-008-00	$180.18
085A-6432-009-00	$180.18
085A-6432-010-00	$180.18
085A-6432-011-00	$180.18
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085A-6432-014-00	$180.18
085A-6432-015-00	$180.18
085A-6432-016-00	$180.18
085A-6432-017-00	$180.18
085A-6432-018-00	$180.18
085A-6432-019-00	$180.18
085A-6432-020-00	$180.18
085A-6432-021-00	$180.18
085A-6432-022-00	$180.18
085A-6432-023-00	$180.18
085A-6432-024-00	$180.18
085A-6432-025-00	$180.18
085A-6432-026-00	$180.18
085A-6432-027-00	$180.18
085A-6432-028-00	$180.18
085A-6432-029-00	$180.18
085A-6432-030-00	$180.18
085A-6432-031-00	$180.18
085A-6432-032-00	$180.18
085A-6432-033-00	$180.18
085A-6432-034-00	$180.18
085A-6432-035-00	$180.18
085A-6432-036-00	$180.18
085A-6432-037-00	$180.18
085A-6432-038-00	$180.18
085A-6432-039-00	$180.18
085A-6432-040-00	$180.18
085A-6432-041-00	$180.18
085A-6432-042-00	$180.18
085A-6432-043-00	$180.18
085A-6432-044-00	$180.18
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085A-6432-046-00	$180.18
085A-6432-047-00	$180.18
085A-6432-048-00	$180.18
085A-6432-049-00	$180.18
085A-6432-050-00	$180.18
085A-6432-051-00	$180.18
085A-6432-052-00	$180.18
085A-6432-053-00	$180.18
085A-6432-054-00	$180.18
085A-6432-055-00	$180.18
085A-6432-056-00	$180.18
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085A-6432-058-00	$180.18
085A-6432-059-00	$180.18
085A-6432-060-00	$180.18
085A-6432-061-00	$180.18
085A-6432-062-00	$180.18
085A-6432-063-00	$180.18
085A-6432-064-00	$180.18
085A-6432-065-00	$180.18
085A-6432-066-00	$180.18
085A-6432-067-00	$180.18
085A-6432-068-00	$180.18
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085A-6432-077-00	$180.18
085A-6432-078-00	$180.18
085A-6432-079-00	$180.18
085A-6432-080-00	$180.18
085A-6432-081-00	$180.18
085A-6432-082-00	$344.92
085A-6432-083-00	$344.92
085A-6432-084-00	$344.92
085A-6432-085-00	$344.92
085A-6432-086-00	$344.92
085A-6432-087-00	$180.18
085A-6432-088-00	$180.18
085A-6432-089-00	$180.18
085A-6432-090-00	$180.18
085A-6433-002-00	$344.92
085A-6433-003-00	$180.18
085A-6433-004-00	$344.92
085A-6433-005-00	$344.92
085A-6433-006-00	$344.92
085A-6433-007-00	$344.92
085A-6433-008-00	$344.92
085A-6433-009-00	$344.92
085A-6433-010-00	$344.92
085A-6433-011-00	$344.92
085A-6433-012-00	$344.92
085A-6433-013-00	$180.18
085A-6433-014-00	$180.18
085A-6433-015-00	$180.18
085A-6433-016-00	$180.18
085A-6433-017-00	$180.18
085A-6433-018-00	$180.18
085A-6433-019-00	$180.18
085A-6433-020-00	$344.92
085A-6433-021-00	$344.92
085A-6433-022-00	$180.18
085A-6433-023-00	$180.18
085A-6433-024-00	$180.18
085A-6433-025-00	$344.92
085A-6433-026-00	$344.92
085A-6433-027-00	$344.92
085A-6433-028-00	$344.92
085A-6433-029-00	$344.92
085A-6433-030-00	$344.92
085A-6433-031-00	$344.92
085A-6433-032-00	$344.92
085A-6433-033-00	$344.92
085A-6433-034-00	$344.92
085A-6433-035-00	$344.92
085A-6433-036-00	$344.92
085A-6433-037-00	$344.92
085A-6433-038-00	$180.18
085A-6433-039-00	$180.18
085A-6433-040-00	$180.18
085A-6433-041-00	$180.18
085A-6433-042-00	$180.18
085A-6433-043-00	$180.18
085A-6433-044-00	$180.18
085A-6433-045-00	$180.18
085A-6433-046-00	$180.18
085A-6433-047-00	$180.18
085A-6433-048-00	$180.18
085A-6433-049-00	$180.18
085A-6433-050-00	$180.18
085A-6433-051-00	$180.18
085A-6433-052-00	$180.18
085A-6428-031-00	$16,576.56
085A-6434-001-00	$10,270.26
085A-6434-002-00	$180.18
085A-6434-003-00	$180.18
085A-6434-004-00	$180.18
085A-6434-005-00	$180.18
085A-6434-006-00	$180.18
085A-6434-007-00	$180.18
085A-6434-008-00	$180.18
085A-6434-009-00	$180.18
085A-6434-010-00	$180.18
085A-6434-011-00	$180.18
085A-6434-012-00	$180.18
085A-6434-013-00	$180.18
085A-6434-014-00	$180.18

Total Parcels: @ 366

Total Assessment: **$140,376.64**

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 12

Eden Shores East

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
456 -0099-007-00	$171.70
456 -0099-008-00	$171.70
456 -0099-009-00	$171.70
456 -0099-010-00	$171.70
456 -0099-011-00	$171.70
456 -0099-012-00	$171.70
456 -0099-013-00	$171.70
456 -0099-014-00	$171.70
456 -0099-015-00	$171.70
456 -0099-016-00	$171.70
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456 -0099-019-00	$171.70
456 -0099-020-00	$171.70
456 -0099-021-00	$171.70
456 -0099-022-00	$171.70
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456 -0099-027-00	$171.70
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456 -0099-030-00	$171.70
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456 -0099-033-00	$171.70
456 -0099-034-00	$171.70
456 -0099-035-00	$171.70
456 -0099-036-00	$171.70
456 -0099-037-00	$171.70
456 -0099-038-00	$171.70
456 -0099-039-00	$171.70
456 -0099-040-00	$171.70
456 -0099-041-00	$171.70
456 -0099-042-00	$171.70
456 -0099-043-00	$171.70
456 -0099-044-00	$171.70
456 -0099-045-00	$171.70
456 -0099-046-00	$171.70
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456 -0099-049-00	$171.70
456 -0099-050-00	$171.70
456 -0099-051-00	$171.70
456 -0099-052-00	$171.70
456 -0099-053-00	$171.70
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456 -0099-056-00	$171.70
456 -0099-057-00	$171.70
456 -0099-058-00	$171.70

Assessor's Parcel Number	Assessment Amount
456 -0099-059-00	$171.70
456 -0099-060-00	$171.70
456 -0099-061-00	$171.70
456 -0099-062-00	$171.70
456 -0099-063-00	$171.70
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456 -0100-024-00	$171.70

Assessor's Parcel Number	Assessment Amount
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456 -0100-026-00	$171.70
456 -0100-027-00	$171.70
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456 -0098-030-00	$171.70
456 -0098-031-00	$171.70
456 -0098-032-00	$171.70
456 -0098-033-00	$171.70
456 -0098-034-00	$171.70
456 -0098-035-00	$171.70
456 -0098-036-00	$171.70
456 -0098-037-00	$171.70
456 -0098-039-00	$171.70
456 -0098-040-00	$171.70
456 -0098-041-00	$171.70

Assessor's Parcel Number	Assessment Amount
456 -0098-042-00	$171.70
456 -0098-043-00	$171.70
456 -0098-044-00	$171.70
456 -0098-045-00	$171.70
456 -0098-046-00	$171.70
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456 -0098-094-00	$171.70
456 -0098-096-00	$171.70
456 -0098-097-00	$171.70
456 -0098-098-00	$171.70
456 -0098-099-00	$171.70
456 -0098-100-00	$171.70

City of Hayward
Landscaping & Lighting District No. 96-1
Zone 12
Eden Shores East

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
456 -0098-101-00	$171.70
456 -0098-103-00	$171.70
456 -0098-104-00	$171.70
456 -0098-105-00	$171.70
456 -0098-106-00	$171.70
456 -0098-107-00	$171.70
456 -0098-108-00	$171.70
456 -0098-110-00	$171.70
456 -0098-111-00	$171.70
456 -0098-112-00	$171.70
456 -0098-113-00	$171.70
456 -0098-114-00	$171.70
456 -0098-115-00	$171.70
456 -0098-117-00	$171.70
456 -0098-118-00	$171.70
456 -0098-119-00	$171.70
456 -0098-120-00	$171.70
456 -0098-121-00	$171.70
456 -0098-122-00	$171.70
456 -0098-124-00	$171.70
456 -0098-125-00	$171.70
456 -0098-126-00	$171.70
456 -0098-127-00	$171.70
456 -0098-128-00	$171.70
456 -0098-129-00	$171.70
456 -0098-131-00	$171.70
456 -0098-132-00	$171.70
456 -0098-133-00	$171.70
456 -0098-134-00	$171.70
456 -0098-135-00	$171.70
456 -0098-136-00	$171.70
456 -0098-138-00	$171.70
456 -0098-139-00	$171.70
456 -0098-140-00	$171.70
456 -0098-141-00	$171.70
456 -0098-143-00	$171.70
456 -0098-144-00	$171.70
456 -0098-145-00	$171.70
456 -0098-146-00	$171.70
456 -0098-147-00	$171.70
456 -0098-148-00	$171.70
456 -0098-150-00	$171.70
456 -0098-151-00	$171.70
456 -0098-152-00	$171.70
456 -0098-153-00	$171.70
456 -0098-154-00	$171.70
456 -0098-155-00	$171.70
456 -0098-157-00	$171.70
456 -0098-158-00	$171.70
456 -0098-159-00	$171.70
456 -0098-160-00	$171.70
456 -0098-161-00	$171.70

Assessor's Parcel Number	Assessment Amount
456 -0098-162-00	$171.70
Total Parcels:	**@ 261**
Total Assessment:	**$44,81 3.70**

City of Hayward
Landscaping & Lighting District No. 96-1

Zone 13

Cannery Place

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
431-0109-005-00	$9,300.00
431-0108-003-00	$150.00
431-0108-037-00	$750.00
431-0108-038-00	$900.00
431-0108-042-00	$1,050.00
431-0108-045-00	$900.00
431-0108-046-00	$900.00
431-0108-049-00	$900.00
431-0108-050-00	$1,050.00
431-0108-053-00	$900.00
431-0108-054-00	$750.00
431-0108-055-00	$1,500.00
431-0108-056-00	$1,500.00
431-0108-057-00	$750.00
431-0108-058-00	$150.00
431-0108-059-00	$150.00
431-0108-060-00	$150.00
431-0108-061-00	$150.00
431-0108-062-00	$150.00
431-0108-063-00	$150.00
431-0108-064-00	$150.00
431-0108-065-00	$150.00
431-0108-066-00	$150.00
431-0108-067-00	$150.00
431-0108-068-00	$150.00
431-0108-069-00	$150.00
431-0108-070-00	$150.00
431-0108-071-00	$150.00
431-0108-072-00	$150.00
431-0108-073-00	$150.00
431-0112-019-00	$1,200.00
431-0112-020-00	$1,200.00
431-0112-021-00	$1,200.00
431-0112-022-00	$900.00
431-0112-023-00	$900.00
431-0112-024-00	$1,350.00
431-0112-025-00	$1,350.00
431-0112-026-00	$1,200.00
431-0112-027-00	$1,200.00
431-0112-028-00	$900.00
431-0112-029-00	$900.00
431-0113-017-00	$900.00
431-0114-001-00	$750.00
431-0114-002-00	$600.00
431-0114-005-00	$450.00
431-0114-006-00	$600.00
431-0114-007-00	$600.00
431-0114-012-00	$600.00
431-0108-034-02	$750.00
431-0108-041-01	$1,050.00
431-0112-031-00	$150.00
431-0112-032-00	$150.00

Assessor's Parcel Number	Assessment Amount
431-0112-033-00	$150.00
431-0112-034-00	$150.00
431-0112-035-00	$150.00
431-0112-036-00	$150.00
431-0112-037-00	$150.00
431-0112-038-00	$150.00
431-0114-035-00	$150.00
431-0114-036-00	$150.00
431-0114-037-00	$150.00
431-0114-039-00	$150.00
431-0114-040-00	$150.00
431-0114-041-00	$150.00
431-0114-042-00	$150.00
Total Parcels:	**@ 65**
Total Assessment:	**$44,550.00**

CITY OF
HAYWARD
HEART OF THE BAY

___16____

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012

RECOMMENDATION

That the City Council adopts the attached Resolution approving the Engineer's Report, confirming the assessment diagram and assessment, and ordering a levy and collection of assessments for Fiscal Year 2012 for Maintenance District No. 1.

BACKGROUND

The annual Engineer's Report (Report) for Maintenance District No. 1 is presented to the City Council in compliance with Section 10-10.25 of the Hayward Municipal Code. The Report is attached and includes the recommended amount of assessment to be levied against each property for Fiscal Year 2012.

Maintenance District No. 1 (MD-1) was formed to fund the operation and maintenance of a storm drain pumping station that serves the Stratford Village development near Stratford Road and Ruus Lane. The District includes four tracts totaling 174 residential homes and one park site.

A 1995 agreement between the City and the Alameda County Flood Control and Water Conservation District (Flood Control District) vests responsibility for the maintenance and operation of the storm drain pumping station with the Flood Control District. The 1995 agreement states that the Flood Control District concurred with transfer of the pump station, subject to the City providing the Flood Control District with sufficient funds to operate, maintain, and provide for capital equipment replacement and modifications that may become necessary for the optimal performance of the pump station.

The Flood Control District, based on its experience as operator, provided the Fiscal Year 2012 budget amounts in the attached Report. The collected assessments will generally be used for payment to the Flood Control District for maintenance and operation costs plus regulatory permits, and a required $7,500 Capital Replacement Fund payment, totaling approximately $40,000 annually.

DISCUSSION

On June 28, 2011, the Council adopted Resolution No. 11-105, approving the Preliminary Engineer's Report, declaring intention to levy assessments for Fiscal Year 2012, and setting July 26, 2011, as the public hearing date concerning Maintenance District No. 1.

The MD-1 annual assessment not only does not provide sufficient funds for the annual operating and maintenance costs, but it also fails to fully fund the required capital reserves because the maximum assessment amount of $171.60 set in 1995 prior to the passage of Proposition 218 does not provide for inflation cost adjustments to account for on-going increasing MD-1 operating costs. Absent approval by the affected property owners, the Fiscal Year 2012 assessment cannot exceed $171.60 per parcel.

On April 12, 2011, staff sent an invitation letter to all property owners in the MD-1 inviting them to a public information meeting on April 20, 2011 (Attachment III). Staff also walked the neighborhood on Monday, April 18, 2011, and met about twenty residents. All but two of those residents confirmed that they either received or saw the letter, and four indicated that they would consider attending the Wednesday meeting. City and Flood Control District staff held a public information meeting on April 20, 2011, at Ruus School, in an effort to present the property owners with information pertaining to the MD-1 budget situation, and to seek support for a proposed increase in assessment using the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area, as the basis to increase future assessments to pay for increasing operation costs. However, only one property owner attended the meeting.

At the meeting, the Flood Control District staff explained the pump station operation activities, maintenance costs, estimated costs for pump replacements, and the expected life of the MD-1 pumps. The Director of Public Works explained the history of the MD-1 formation, reasons why there are financial shortfalls, and summarized what has been done since 1999 to keep the pump station in service in order to provide local flooding protection for all properties in the MD-1. The attending property owner indicated that he would discuss the matter with his neighbors, and City staff indicated that it would conduct a future neighborhood meeting in anticipation that the owner could encourage a few more property owners to attend.

As has been done since Fiscal Year 1999, Landscape and Lighting Assessment District 96-1, Zone 4 (LLD Zone 4), which encompasses the same properties as MD-1, will contribute $4,900 from its drainage and access facilities services budget for Fiscal Year 2012 to pay for drainage and access maintenance services budgeted in the Engineer's Report for MD-1.

As mentioned above, the Flood Control District administers the Capital Replacement Fund, which presently has a balance of approximately $55,000 as of January 1, 2011. If needed, this amount is enough to replace two out of three main sump pumps. Also, it is anticipated that within the next three years, there should be sufficient capital reserves for the third pump. These three main pumps are operated alternatively; therefore, it is very unlikely that all three would fail at the same time within any given year.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund for this recommendation because the present expenditures can still be paid for by the MD-1 fund account, with some augmentation from the area's LLD Zone 4 fund. However, if assessment rates are never increased to cover ongoing costs, at some point in the future, other sources of funding will need to be secured in order to continue services.

PUBLIC CONTACT

A Notice of Public Hearing for this hearing and a public meeting notice for the July 12, 2011 meeting were published once in *The Daily Review* newspaper and mailed to all affected property owners within the District. The public meeting was held on July 12, 2011, so that property owners would have the opportunity to ask questions regarding assessments and services, and staff would be available to explain District responsibilities and funding processes. No property owners in the District attended that public meeting. The property owners may also raise questions about assessments during the July 26 Council hearing. As of the writing of this report, no inquiries regarding the hearing notice have been received by staff.

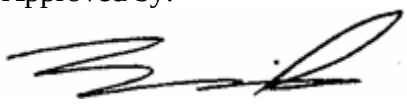
NEXT STEPS

Once the City Council adopts the attached Resolution, the final Assessor's roll will be prepared and filed with the County Assessor's office no later than the third Monday in August following such adoption. This allows the property owners to pay the levied assessments on their FY 2012 property tax bills.

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

Recommended by: David Rizk, Director of Development Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution Approving Engineer's Report
Attachment II Engineer's Report
Attachment III Public Information April 20, 2011 Meeting Letter

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-___

Introduced by Council Member _____

RESOLUTION APPROVING THE ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAM AND ASSESSMENT, AND ORDERING LEVY AND COLLECTION OF ASSESSMENT FOR FISCAL YEAR 2012, MAINTENANCE DISTRICT NO. 1, STORM DRAIN PUMPING STATION AND STORM DRAIN CONDUIT - PACHECO WAY, STRATFORD ROAD, AND RUUS LANE (MD NO.1)

WHEREAS, on June 28, 2011, the Hayward City Council adopted Resolution No.11-105 declaring intention to levy assessments for Fiscal Year 2012 and preliminarily approving the Engineer's Report submitted in accordance with the provisions of Section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a noticed public meeting was held on July 12, 2011, to provide information and allow affected property owners an opportunity to speak on the proposed levy of assessment and preliminary engineer's report, and no comments were received; and

WHEREAS, July 26, 2011, at the hour of 7:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, was appointed as the time and place for a hearing by this City Council for levy of assessment; and

WHEREAS, at the appointed time and place said hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said levy were fully heard and considered by this City Council.

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

1. The public interest, convenience, and necessity require that the levy be assessed;

2. The properties benefitted by the improvements and to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district diagram attached hereto as Exhibit "A" and included in the engineer's report;

3. Said engineer's report as a whole and each part thereof, to wit:

   (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;

   (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;

   (c) the maintenance district diagram;

   (d) the map of the maintenance district showing the boundaries and the respective lots within the district;

   is finally approved and confirmed and incorporated herein.

4. Adoption of the engineer's report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.

5. The assessment in the amount of $171.60 to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are adequate to cover a portion of the assessments for the Fiscal Year 2012, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No. 11-_____ and described in the engineer’s report, and it is hereby determined to order the collection of $171.60 per lot.

6. Based on the oral and documentary evidence offered and received, including the engineer's report, this City Council expressly finds and determines:

   (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot;

   (b) that there is substantial evidence to support this finding and determination as to special benefit;

   (c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.

7. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.

8. Upon receipt of monies representing assessments collected by the county, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the engineer's report, referenced in Resolution No. 11-_____.

IN COUNCIL, HAYWARD, CALIFORNIA, July,_____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

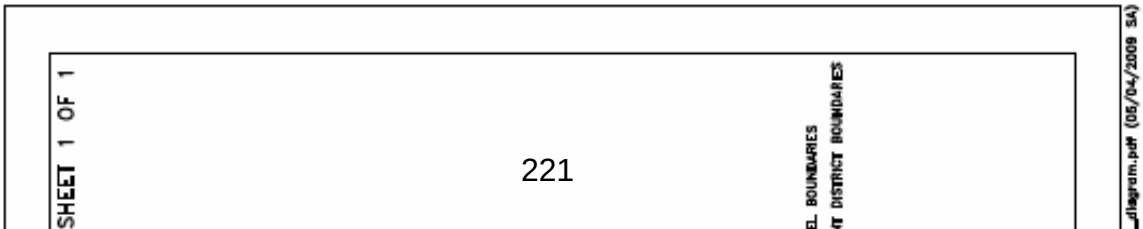
ABSENT: COUNCIL MEMBERS:

ATTEST:_____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

EXHIBIT 'A'



FINAL ENGINEER'S REPORT

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1

Fiscal Year 2012

July 26, 2011

Page No.

Agency Directory ii

Certificates iii

Section I - Introduction 1

Section II - Report 3

Part A - Plans and Specifications 5

Part B - Estimate of Cost 6
Table 1: Cost Estimate 7

Part C – Maintenance Assessment District Diagram 8

Part D - Method of Apportionment of Assessment 9

Part E - Property Owner List & Assessment Roll 10

Appendix A – Vicinity Map

Appendix B - Assessment Diagram

Appendix C - Fiscal Year 2012 Assessment Roll

CITY COUNCIL MEMBERS AND CITY STAFF

Michael Sweeney
Mayor

Barbara Halliday
Council Member

Olden Henson
Council Member

Marvin Peixoto
Council Member

Bill Quirk
Council Member

Mark Salinas
Council Member

Francisco Zermeno
Council Member

Fran David
City Manager

Michael Lawson
City Attorney

Miriam Lens
City Clerk

Robert Bauman, Ph.D., P.E.
Director of Public Works

John Nguyen, M.S.C.E., P.E.
Engineer of Work

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1
FISCAL YEAR 2012

The undersigned, acting on behalf of the City of Hayward, respectfully submits the enclosed Engineer's Report as directed by the City of Hayward City Council. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: _____ By:_____
John Nguyen, M.S.C.E., P.E.
RCE No. 55104

I HEREBY CERTIFY that the Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on the ____ day of _____, 2011.

Miriam Lens
City Clerk, City of Hayward

By:_____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Hayward, Alameda County, California, on the ____ day of _____, 2011.

Miriam Lens
City Clerk, City of Hayward

By:_____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was filed with the County Auditor of the County of Alameda, on the _____ day of _____, 2011.

By:_____
John Nguyen, M.S.C.E., P.E.
RCE No. 55104

SECTION I

INTRODUCTION
ENGINEER'S REPORT

CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 1

FISCAL YEAR 2012

Background Information

On January 5, 1993, by Resolution No. 93-010, the City Council approved the vesting tentative map of Tract 6472 for a 148 lot single-family residential subdivision located on the northerly side of Industrial Parkway West adjacent to the collector streets of Pacheco Way, Stratford Road and Ruus Lane. The final subdivision consisted of 143 lots.

Conditions of approval for Tentative Map Tract 6472, which included Final Tract Maps 6472, 6560, 6682 and 6683, included provisions for storm drainage improvements and construction of an approved stormwater pumping facility. The drainage area and the stormwater pumping facility were analyzed in documents prepared by Wilsey & Ham, Civil Engineers. These documents indicated the following: the drainage basin includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this drainage basin system nor does the industrial property to the south.

In addition to the 143 lots identified above, final Tract Map 6682, with a total of 31 lots located immediately to the east of Chutney Road, was also approved. Therefore, the total number of residential lots in the drainage basin is 174. In addition to the residential lots, there is a park located on one parcel of land. Therefore, there are 175 assessable parcels in the drainage basin.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of Maintenance District No. 1 to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to facilitate the drainage basin.

A Storm Water Lift Station (SWLS) has been constructed to pump storm water run-off for the developed area which is adjacent to the Alameda County Flood Control and Water Conservation District's ("Flood Control District") Line B, Zone No. 3A. The plans for the lift station were approved by the City and the Flood Control District. The SWLS was designed with capacity for only the development of the area encompassing the 175 parcels. No added capacity was constructed for run-off from other areas such as the Georgian Manor and Spanish Ranch Mobile Home Parks, which are presently served by a privately owned and operated pumping facility located within each park.

An agreement between the City and the Flood Control District transferred ownership of the SWLS to the Flood Control District. The agreement states that the Flood Control District concurred with the SWLS transfer subject to the City providing the Flood Control District with the funds to operate, maintain, and provide for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS.

Proposition 218 Compliance

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote On Taxes Act," which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that, even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., Consumer Price Index (CPI) increase or assessment cap) then the City would be in compliance with the provisions of Proposition 218 if the assessments did not exceed the previously approved assessment formula.

For Fiscal Year 2012, the proposed collection rate is $171.60 per parcel, the same as the current fiscal year. Since the proposed Fiscal Year 2012 assessment is at the maximum base assessment of $171.60, Proposition 218 proceedings are not needed.

Current Annual Administration

The agreement between the City and the Flood Control District calls for the City each year to deposit with the Flood Control District the funds to maintain, operate, and set aside assessment revenue to provide for a capital replacement fund.

Each year, no later than December 1, the Flood Control District furnishes the City with an itemized estimate of the cost to operate, maintain and supplement the capital equipment replacement fund for the fiscal year commencing on the next July 1. Should the capital equipment replacement fund be inadequate to cover unscheduled/emergency repairs, equipment replacement or modifications that are found to be necessary for the normal and safe performance of the Storm Water Lift Station (SWLS), the Flood Control District will provide the City with written notice of the need for additional funding.

In FY 2001 the Flood Control District staff evaluated and approved the purchase of a Supervisory Control and Data Acquisition (SCADA) system. This system allows Alameda County Flood Control staff to respond much faster in emergencies and allows staff to remotely observe, troubleshoot, and operate the facility. For instance, during heavy rains, the operator can observe pumping actions, start and stop the pumps, and reset alarms remotely. The cost of purchasing this system has been spread over an eight (8) year period. The last payment for the SCADA system was paid from the FY 2009 assessment proceeds.

The annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed collection rate to be levied upon each assessable lot or parcel.

The City of Hayward will hold a public hearing on July 26, 2011, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified. Following the adoption of this resolution, the final Assessor's Roll will be prepared and filed with the County Auditor's office to be included on the Fiscal Year 2012 tax roll.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

SECTION II

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 1

FISCAL YEAR 2012

Pursuant to Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, and Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code, and in accordance with the Resolution of Intention, being Resolution No. 11-105, Preliminarily Approving the Engineer's Report, on June 28, 2011 by the City Council of the City of Hayward, County of Alameda, State of California, in connection with the proceedings for:

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1

Hereinafter referred to as the "District", I, John Nguyen, P.E., the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements in the District. Plans and specifications for the improvements and maintenance are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward, and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, maintenance and incidental costs and expenses in connection therewith, as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward.

PART C: MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

This part incorporates, by reference, a Diagram of the Maintenance Assessment District showing the exterior boundaries of the Maintenance Assessment District and the boundaries of any zones within the Maintenance Assessment District.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part describes the method of apportionment of assessments based upon the parcel classification of land within the Assessment District, and in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District. The Assessment Roll is filed in the Office of the Hayward City Clerk.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward's Maintenance District No. 1 boundaries, and those which may be subsequently constructed, will be operated, maintained and serviced and are generally described as follows:

DESCRIPTION OF IMPROVEMENTS

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1

FISCAL YEAR 2012

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 1 for Fiscal Year 2012:

- *The Stratford Village Storm Water Lift Station (SWLS)*

The operation and servicing of these facilities include, but are not limited to: personnel; electrical energy; materials, including diesel fuel and oil; hazardous materials clean up; and appurtenant facilities as required to provide sufficient run-off capacity.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the SWLS, including repair, removal or replacement of all or part of any of the SWLS.

For Fiscal Year 2012, the collection rate will remain the same as the current fiscal year at $171.60 per parcel. This amount is the same as the base assessment, and is not indexed to the Consumer Price Index. Any future increases would require noticing and balloting of property owners per the requirements of Proposition 218.

PART B

ESTIMATE OF COST

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California provides that the total cost of operation, maintenance and servicing of the storm drainage improvements and storm water pumping station can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with these improvements can also be included.

The costs for Fiscal Year 2012 are summarized in Table No. 1 on the following page. These cost estimates are based on Alameda County budget projections for Fiscal Year 2012.

TABLE 1: COST ESTIMATE FISCAL YEAR 2012 Fund 836 - Maintenance District No. 1	
	Fiscal Year 2012 Budget
Number of Assessable Parcels	175
Beginning City Fund Balance (July 1, 2011)	$17,170.30
REVENUE	
Annual Assessment Fee (175 Assessable Parcels)	$30,030.00
County Collection Fee (1.7%)	($510.51)
Payment by LLAD - Zone 4	$4,900.00
Net Revenue	$34,419.49
Total Available	**$51,589.79**
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$1,200.00
(b) **Maintenance Work**: Landscaping maintenance plus debris removal, weeding, trimming, spraying, and masonry wall surface maintenance	$0.00
Subtotal I:	**$1,200.00**
II. Supplies & Services	
(a) Special Services	$865.00
(b) Alameda County Flood Control District [1]	$39,842.00
(c) Supplies: printing and postage	$50.00
Subtotal II:	**$40,757.00**
III. Administrative Services	
(a) Administration	$1,000.00
Subtotal III:	**$1,000.00**
Total Expense (Sum of I, II and II)	$42,957.00
Ending Balance of Fiscal Year (June 30, 2012)	$8,632.79
The Amount Used from City Fund Balance	($8,537.89)
RESERVE DETAIL	
(a) Required Working Capital (0% of Total Expense) [2]	$0.00
(b) Current Capital Replacement Fund at Flood Control District [3] **($55,000)**	
Anticipated Total City Fund Balance at the end of Fiscal Year	**$8,632.79**
Collection per Parcel	**$171.60**
Base Assessment per Parcel	**$171.60**

NOTES:

(1) These items reflect the budget as proposed by the Alameda County Flood Control District.

(2) The City does not need to maintain an operating reserve because of the agreement between the City and County. The City receives assessment revenue in December and April of each year. The County subsequently invoices the City in March and June of each year. Therefore the City's goal is to maintain a minimal positive balance in the operating reserve fund. As in previous years the City has the ability to reduce contributions to the County's Operating or Capital Reserve Fund to offset the City's operating reserve shortfall.

(3) Reflects the amount of operating and capital reserves funds currently available at the Alameda County Flood Control District.

PART C

MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

The boundary of the City of Hayward's Maintenance District No. 1 is on file in the Office of the Hayward City Clerk and is incorporated in this report in Appendix "B".

A detailed description of the lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for Fiscal Year 2012.

For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions, reference is hereby made to Final Tract Maps No. 6472, 6560, 6682 and 6683 filed in the Office of the Recorder of Alameda County.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of pump stations.

The properties contributing storm water run-off to the pump station consist of the estimated 174 residential lots and street areas within those subdivisions, a portion of Stratford Road and Ruus Lane, and the Stratford Park owned by the City of Hayward.

Proposition 218 also requires that maintenance assessments must be levied according to benefit rather than according to assessed value. In addition, Article XIIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

The residential land uses contain 174 parcels that are contiguous to each other and are not a continuation of any existing development in the surrounding area. The parcels receive a special benefit in that the pumping station and the storm drains protect the residential parcels from storm water flooding. The special benefit derived by the individual parcels is indistinguishable between parcels. Therefore, all residential parcels derive the same benefit and the corresponding method of assessment for residential land uses is based on a per parcel basis.

Article XIIID of the California Constitution provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

Stratford Park is owned by the City and receives minimal special benefit. There are no buildings to protect from flooding, only minor structures and landscaping. Therefore, the special benefit for the park was established as equal to the benefit received by one residential parcel, for a district total of 175 parcels.

The projected Fiscal Year 2012 maintenance and incidental costs are estimated to be $42,957.00. The collection rate for Fiscal Year 2012 will be at the maximum base assessment of $171.60 per parcel.

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Hayward's Maintenance District No. 1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Hayward City Clerk.

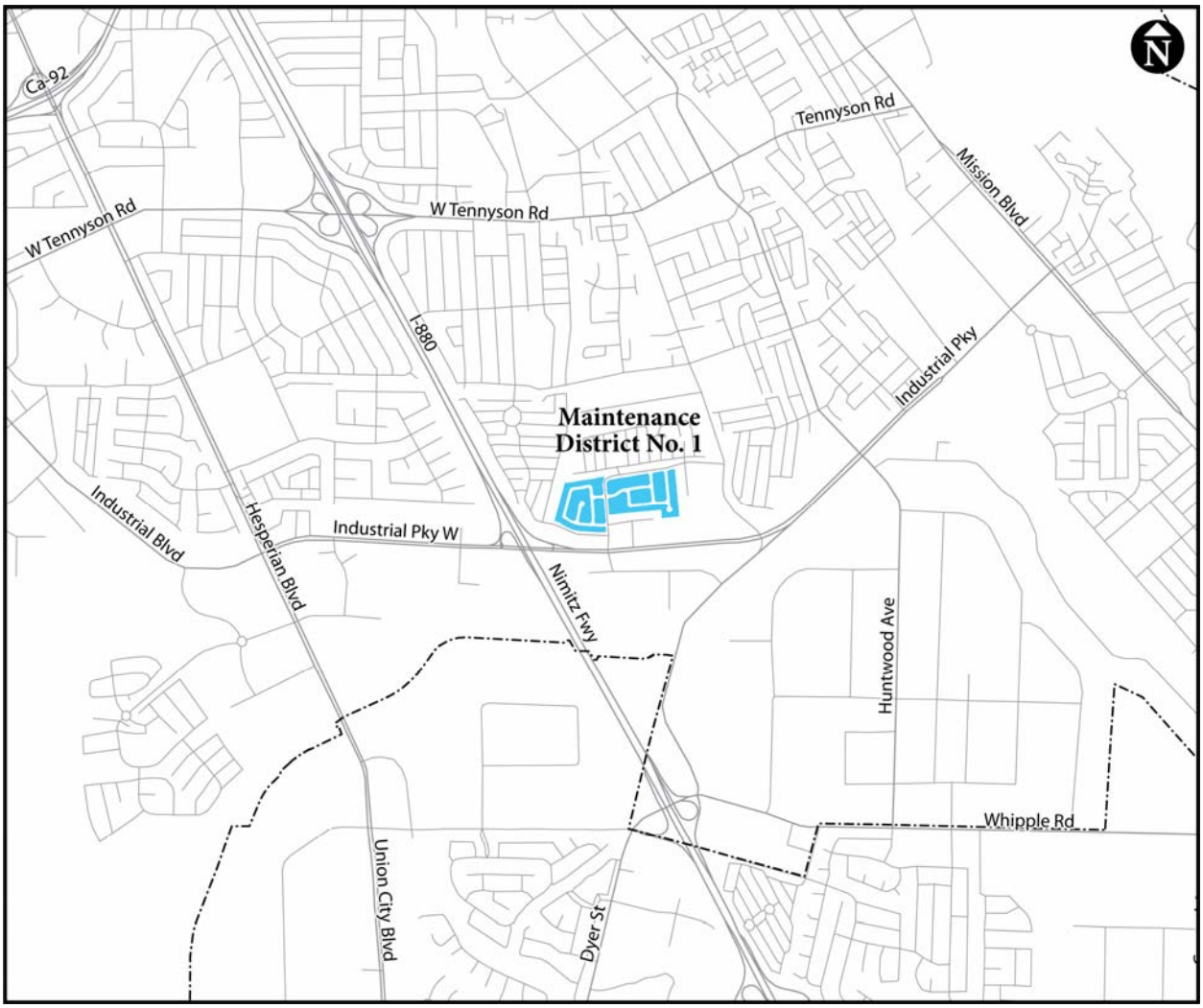
The proposed collection rate and the amount for Fiscal Year 2012 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Alameda and these records are, by reference, made a part of this report.

The total amount proposed to be collected for Fiscal Year 2012 is $30,030.00.

The Assessment Roll for Fiscal Year 2012 is included in Appendix "A" of this Report and is on file in the Office of the Hayward City Clerk.

APPENDIX A

VICINITY MAP


N
Ca-92
Tennyson Rd
Mission Blvd
W Tennyson Rd
W Tennyson Rd
I-880
Industrial Pky
Maintenance
District No. 1
Industrial Blvd
Hesperian Blvd
Industrial Pky W
Nimitz Fwy
Huntwood Ave
Whipple Rd
Union City Blvd
Dyer St

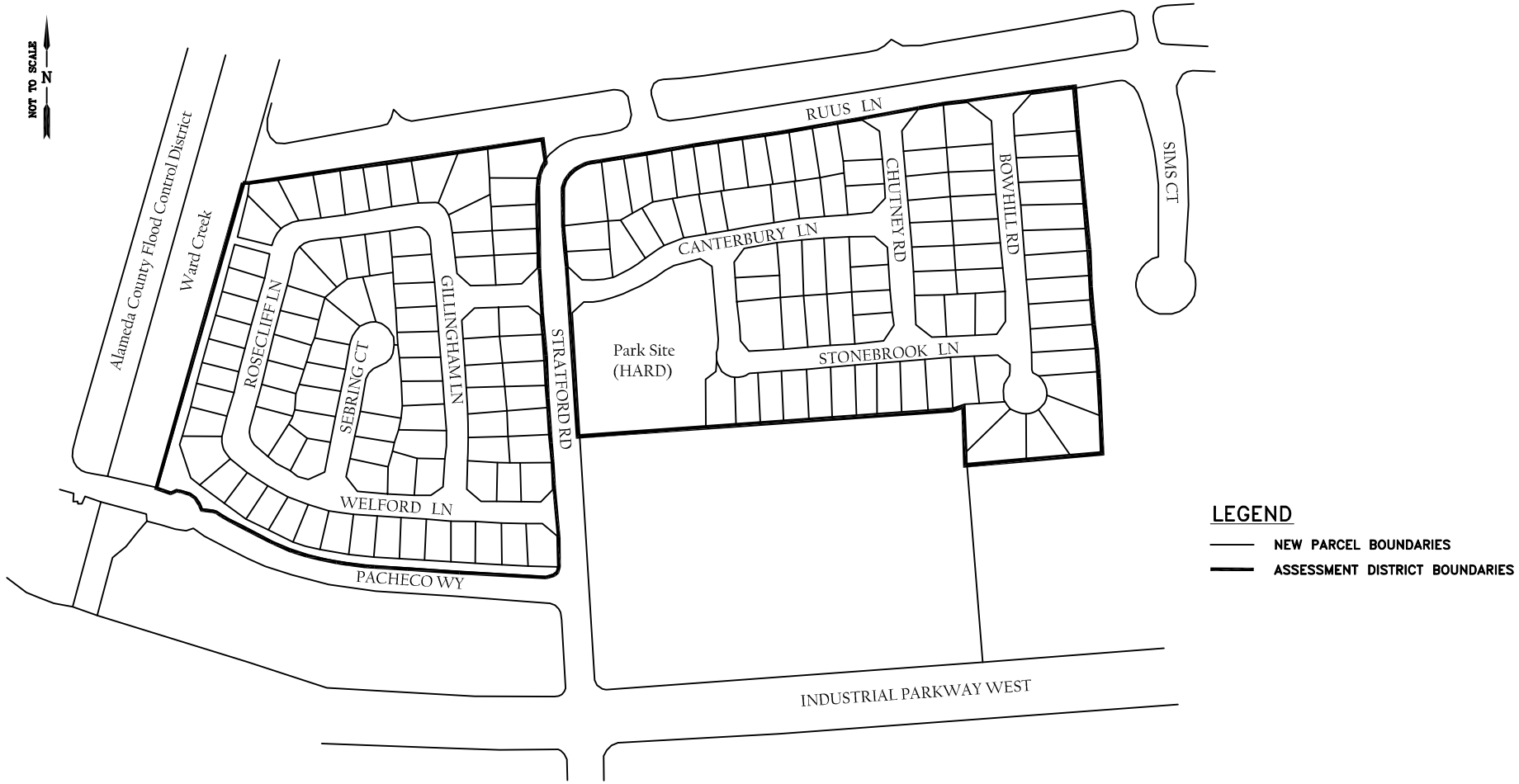
APPENDIX B

ASSESMENT DIAGRAM

SHEET 1 OF 1

ASSESSMENT DIAGRAM
MAINTENANCE DISTRICT No. 1

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



PREPARED BY FRANCISCO AND ASSOCIATES, INC

N:\Hayward\FY09-10\MD_1\CADD\md1_diagram.pdf (05/04/2009 SA)

APPENDIX C

FISCAL YEAR 2012
ASSESSMENT ROLL

City of Hayward
Maintenance District No. 1

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
464 -0121-001-00	$171.60
464 -0121-002-00	$171.60
464 -0121-003-00	$171.60
464 -0121-004-00	$171.60
464 -0121-005-00	$171.60
464 -0121-006-00	$171.60
464 -0121-007-00	$171.60
464 -0121-008-00	$171.60
464 -0121-009-00	$171.60
464 -0121-010-00	$171.60
464 -0121-011-00	$171.60
464 -0121-012-00	$171.60
464 -0121-013-00	$171.60
464 -0121-014-00	$171.60
464 -0121-015-00	$171.60
464 -0121-016-00	$171.60
464 -0121-017-00	$171.60
464 -0121-018-00	$171.60
464 -0121-019-00	$171.60
464 -0121-020-00	$171.60
464 -0121-021-00	$171.60
464 -0121-022-00	$171.60
464 -0121-023-00	$171.60
464 -0121-024-00	$171.60
464 -0121-025-00	$171.60
464 -0121-026-00	$171.60
464 -0121-027-00	$171.60
464 -0121-028-00	$171.60
464 -0121-029-00	$171.60
464 -0121-030-00	$171.60
464 -0121-031-00	$171.60
464 -0121-032-00	$171.60
464 -0121-033-00	$171.60
464 -0121-034-00	$171.60
464 -0121-035-00	$171.60
464 -0121-036-00	$171.60
464 -0121-037-00	$171.60
464 -0121-038-00	$171.60
464 -0121-039-00	$171.60
464 -0121-040-00	$171.60
464 -0121-041-00	$171.60
464 -0121-042-00	$171.60
464 -0121-049-00	$171.60
464 -0121-050-00	$171.60
464 -0121-051-00	$171.60
464 -0121-052-00	$171.60
464 -0121-053-00	$171.60
464 -0121-054-00	$171.60
464 -0121-055-00	$171.60
464 -0121-056-00	$171.60
464 -0121-057-00	$171.60
464 -0121-058-00	$171.60

Assessor's Parcel Number	Assessment Amount
464 -0121-059-00	$171.60
464 -0121-060-00	$171.60
464 -0121-061-00	$171.60
464 -0121-062-00	$171.60
464 -0121-063-00	$171.60
464 -0121-064-00	$171.60
464 -0121-065-00	$171.60
464 -0121-066-00	$171.60
464 -0121-067-00	$171.60
464 -0121-068-00	$171.60
464 -0121-069-00	$171.60
464 -0121-070-00	$171.60
464 -0121-071-00	$171.60
464 -0121-072-00	$171.60
464 -0121-073-00	$171.60
464 -0121-074-00	$171.60
464 -0121-075-00	$171.60
464 -0121-076-00	$171.60
464 -0121-077-00	$171.60
464 -0121-078-00	$171.60
464 -0121-080-00	$171.60
464 -0121-081-00	$171.60
464 -0121-082-00	$171.60
464 -0121-083-00	$171.60
464 -0121-084-00	$171.60
464 -0121-085-00	$171.60
464 -0121-086-00	$171.60
464 -0121-087-00	$171.60
464 -0121-088-00	$171.60
464 -0121-089-00	$171.60
464 -0121-090-00	$171.60
464 -0121-091-00	$171.60
464 -0121-092-00	$171.60
464 -0121-093-00	$171.60
464 -0121-094-00	$171.60
464 -0121-095-00	$171.60
464 -0121-096-00	$171.60
464 -0122-001-00	$171.60
464 -0122-003-00	$171.60
464 -0122-004-00	$171.60
464 -0122-005-00	$171.60
464 -0122-006-00	$171.60
464 -0122-007-00	$171.60
464 -0122-008-00	$171.60
464 -0122-009-00	$171.60
464 -0122-010-00	$171.60
464 -0122-011-00	$171.60
464 -0122-012-00	$171.60
464 -0122-013-00	$171.60
464 -0122-014-00	$171.60
464 -0122-015-00	$171.60
464 -0122-016-00	$171.60

Assessor's Parcel Number	Assessment Amount
464 -0122-017-00	$171.60
464 -0122-018-00	$171.60
464 -0122-019-00	$171.60
464 -0122-020-00	$171.60
464 -0122-021-00	$171.60
464 -0122-022-00	$171.60
464 -0122-023-00	$171.60
464 -0122-024-00	$171.60
464 -0122-025-00	$171.60
464 -0122-026-00	$171.60
464 -0122-027-00	$171.60
464 -0122-028-00	$171.60
464 -0122-029-00	$171.60
464 -0122-030-00	$171.60
464 -0122-031-00	$171.60
464 -0122-032-00	$171.60
464 -0122-033-00	$171.60
464 -0122-034-00	$171.60
464 -0122-035-00	$171.60
464 -0122-036-00	$171.60
464 -0122-037-00	$171.60
464 -0122-038-00	$171.60
464 -0122-039-00	$171.60
464 -0122-040-00	$171.60
464 -0122-041-00	$171.60
464 -0122-042-00	$171.60
464 -0122-043-00	$171.60
464 -0122-044-00	$171.60
464 -0122-045-00	$171.60
464 -0122-046-00	$171.60
464 -0122-047-00	$171.60
464 -0122-048-00	$171.60
464 -0122-049-00	$171.60
464 -0122-050-00	$171.60
464 -0122-051-00	$171.60
464 -0122-052-00	$171.60
464 -0122-053-00	$171.60
464 -0122-054-00	$171.60
464 -0122-055-00	$171.60
464 -0122-056-00	$171.60
464 -0122-057-00	$171.60
464 -0122-058-00	$171.60
464 -0122-059-00	$171.60
464 -0122-060-00	$171.60
464 -0122-061-00	$171.60
464 -0122-062-00	$171.60
464 -0122-063-00	$171.60
464 -0122-064-00	$171.60
464 -0122-065-00	$171.60
464 -0122-066-00	$171.60
464 -0122-067-00	$171.60
464 -0122-068-00	$171.60

City of Hayward
Maintenance District No. 1

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
464 -0122-069-00	$171.60
464 -0122-070-00	$171.60
464 -0122-071-00	$171.60
464 -0122-072-00	$171.60
464 -0122-073-00	$171.60
464 -0122-074-00	$171.60
464 -0122-075-00	$171.60
464 -0122-076-00	$171.60
464 -0122-077-00	$171.60
464 -0122-078-00	$171.60
464 -0122-079-00	$171.60
464 -0122-080-00	$171.60
464 -0122-081-00	$171.60
464 -0122-082-00	$171.60
464 -0122-083-00	$171.60
464 -0122-084-00	$171.60
464 -0122-085-00	$171.60
464 -0122-086-00	$171.60
464 -0122-087-00	$171.60
Total Parcels:	175
Total Assessment:	$30,030.00

CITY OF
HAYWARD
HEART OF THE BAY

MAINTENANCE DISTRICT NO. 1 - Storm Drainage Pumping Station Serving the Pacheco Way, Stratford Road and Ruus Lane Neighborhood.

PUBLIC INFORMATION MEETING

WHEN: Wednesday, April 20, 2011
WHERE: Ruus School, Cafeteria Room
28027 Dickens Ave, Hayward, CA 94544
TIME: 6:30 PM

Dear Homeowner:

The City of Hayward would like to invite local residents and property owners to a public information meeting on **Wednesday, April 20, 2011, at 6:30 pm, at Ruus School, Cafeteria Room** to learn about the maintenance and operations of the Storm Drainage Pumping Station serving the Pacheco Way, Stratford Road and Ruus Lane neighborhood in which your property is located.

In 1995, 174 residential homes and a park site were developed, and Maintenance District No. 1 (Maintenance District) was formed to fund the operations and maintenance of the stormwater pump station and its storm drainage system serving your neighborhood. Based on its expertise, the Alameda County Flood Control and Water Conservation District (Flood Control District) agreed to maintain the pump station and related facilities, and annually bills the Maintenance District for maintenance costs, as well as the $7,500 Capital reserve funding obligation. The maximum assessment amount of $171.60 per parcel, set in 1995 prior to the passage of State Proposition 218 and attained in 1999, does not provide sufficient funds for the annual operating and maintenance costs, and also fails to fully fund the required Capital reserves. Capital reserve funds are maintained to pay for planned or unexpected major repairs or replacement of Maintenance District facilities. For example, it would cost approximately $50,000 to $60,000 to replace one of the Maintenance District's two main pump systems that have been in operation since 1996.

IMPORTANCE OF PROVIDING ADEQUATE MAINTENANCE

Your property is currently protected from local flooding by the storm drain pumping station installed as part of Maintenance District No. 1. Even in a moderate-to-low risk flood area like your neighborhood, such protection becomes increasingly important during heavy rains. From January through March of this year, we experienced more rainy days with excessive rainfall than previous rainy seasons from 2008 to 2010.

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340 • WEBSITE: www.hayward-ca.gov

Homeowner's insurance typically does not cover flood damage and the entire cost of repairs would typically be borne by property owners.

NEED TO PAY OPERATING AND MAINTENANCE COSTS

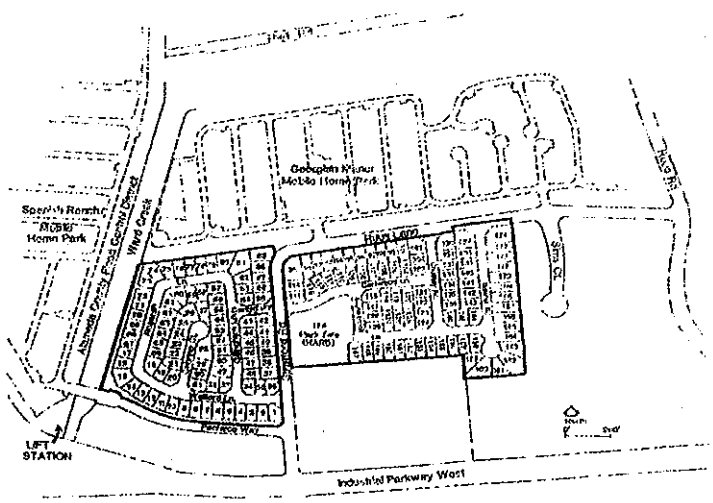
For Fiscal Year 2012, staff is seeking your support for a proposed increase of assessments using the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area as the basis to increase future assessments to pay for increasing operating costs and Capital reserve funding obligation, so that the Flood Control District can adequately perform maintenance operations of the pump station facilities to provide drainage protection to your neighborhood. To give you an idea of what minimal increase in annual assessment would have occurred if such a CPI factor was in effect starting in 2008, the annual assessment would have been $176.94 in 2008, $182.12 in 2009, $183.72 in 2010, and $188.17 for this year. For Fiscal Year 2012, the annual assessment would be $175.15 with your support for the increase.

At the April 20 meeting, you will learn about information related to the on-going operation and maintenance of the pump station that provides drainage protection to your neighborhood, its functions, equipment life, and financial situation; and provide input and support for the proposed increase of assessment.

If you are unable to attend this meeting, but would like to comment on this issue, please contact Hayward's Development Review Engineer, John Nguyen, at john.nguyen@hayward-ca.gov or at (510) 583-4111. Your input is appreciated.

Very truly yours,

David Rizk, AICP
Development Services Director



Map of Maintenance District No. 1 Service Area: Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane

CITY OF
HAYWARD
HEART OF THE BAY

____17___

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Maintenance District No.2 – Eden Shores Storm Water Facilities and Water Buffer - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012

RECOMMENDATION

That the City Council adopts the attached Resolution approving the Engineer's Report, confirming the assessment diagram and assessment, and ordering levy and collection of assessment for Fiscal Year 2012 for Maintenance District No. 2.

BACKGROUND

The annual Engineer's Report (Report) for Maintenance District No. 2 is presented to the City Council in compliance with Section 10-10.25 of the Hayward Municipal Code. The Report is attached and includes the recommended amount of assessment to be levied against each property for Fiscal Year 2012.

The District was formed in June 2003 to fund the operation and maintenance by City-hired contractors of storm water facilities, the water buffer zone bordering the residential portion of Eden Shores, masonry walls, and landscaping within the development area. The District includes three residential tracts in Eden Shores, totaling 534 homes. The funds collected from the property owners within the District pay for annual operations and maintenance and to establish Capital Reserve funds, which will be utilized to repair or replace sections of fencing, masonry walls, pumps, or structures in the future. The District assumed full maintenance responsibility at the beginning of Fiscal Year 2009.

DISCUSSION

On June 28, 2011, the Council adopted Resolution No. 11-098, approving the Preliminary Engineer's Report, declaring intention to levy assessments for Fiscal Year 2012, and setting July 26, 2011, as the public hearing date concerning Maintenance District No. 2.

The maximum base assessment rate that can be levied in Fiscal Year 2012 is $772.16 per parcel. This maximum base assessment amount is increased annually based upon the change in the Consumer Price Index. Besides performing regular maintenance, staff anticipates that some of the District's pump systems may need to be replaced in Fiscal Year 2012, due to their age. The estimated cost for replacing those pumps is $15,000 (approximately $28 per parcel), and the estimated cost for regular maintenance is approximately $68,300 (about $128 per parcel), which totals $83,300, or $156 per parcel. Given current economic conditions and the current Capital Reserve fund balance of approximately $290,000, staff recommends the Fiscal Year 2012 assessment be increased by $30 to $130 per parcel to cover an increase of ongoing regular maintenance and utility costs. If necessary, approximately $15,000 for the Capital Reserve funds would be used to pay for the replacement of any pump systems.

Proposition 218 Compliance -The increase in the maximum base assessment rate that can be levied in Fiscal Year 2012 is in compliance with the provisions of Proposition 218 because the maximum assessment does not exceed the previous approved assessment formula. The proposed FY2012 assessment of $130 is below the maximum base assessment of $772.16. If in future years there is a need for additional funds, the collection rate may be increased up to the base maximum assessment amount ($772.16). Future increases in the collection rate up to the maximum base assessment amount would not require the noticing and balloting of property owners per the requirements of Proposition 218, but would still require the annual Council review and approval of the Engineer's Report and levy of assessments.

FISCAL IMPACT

There is no fiscal impact to the City General Fund for this recommendation, because the present expenditures are to be paid for by the District fund account. Although the District Capital Reserve fund balance could be reduced by $15,000 from $290,000 to approximately $275,000 at the end of Fiscal Year 2012 to pay for sump pump replacement, staff has evaluated this Capital Reserve fund balance and asserts that it would be adequate for Fiscal Year 2012. If necessary, the annual collection rate in Fiscal Year 2013 could be increased to bring the Capital Reserve fund balance to the desired level. The original engineer's estimate of construction costs for all of the District facilities was $1,380,000 (in 2003 dollars) and this construction cost was used to establish the desired Capital Reserve fund amount.

PUBLIC CONTACT

A Notice of Public Hearing for this hearing and a public meeting notice for the July 12, 2011 meeting were published once in The Daily Review newspaper and mailed to all affected property owners within the District. The public meeting was held on July 12, 2011, so that property owners would have the opportunity to ask questions regarding assessments and services, and staff would be available to explain District responsibilities and funding processes. No property owners in the District attended that public meeting. The property owners may also raise questions about assessments during the July 26 Council hearing. As of the writing of this report, no inquiries regarding the hearing notice have been received by staff.

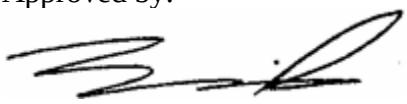
NEXT STEPS

Once the City Council adopts the attached Resolution, the final Assessor's roll will be prepared and filed, no later than the third Monday in August following such adoption, with the County Auditor's office to be notified, so that property owners can pay the levied assessment on their FY 2012 property tax bill.

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

Recommended by: David Rizk, Director of Development Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution Approving Engineer's Report
Attachment II Engineer's Report

Attachment I

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-___

Introduced by Council Member_____

RESOLUTION APPROVING THE ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAM AND ASSESSMENT, AND ORDERING LEVY AND COLLECTION OF ASSESSMENT FOR THE FISCAL YEAR 2012, MAINTENANCE DISTRICT NO. 2, EDEN SHORES WATER BUFFER ZONE AND PRE-TREATMENT POND (MD NO. 2)

WHEREAS, by Resolution No.11-098 adopted June 28, 2011, a resolution declaring intention to levy assessments for Fiscal Year 2012, this City Council preliminarily approved the Engineer's Report submitted in accordance with the provisions of section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a public meeting was held on July 12, 2011, to provide information and allow affected owners an opportunity to speak and no comments were received; and

WHEREAS, July 26, 2011, at the hour of 7:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, has been appointed as the time and place for a hearing by this City Council for levy of assessment; and

WHEREAS, at the appointed time and place said hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said levy were fully heard and considered by this City Council.

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

1. The public interest, convenience, and necessity require that the levy be assessed;

2. The properties benefitted by the improvements and to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district diagram attached hereto as Exhibit "A" and included in the Engineer's Report;

3. Said Engineer's Report as a whole and each part thereof, to wit:

   (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;

   (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;

   (c) the maintenance district diagram;

   (d) the map of the maintenance district showing the boundaries and the respective lots within the district;

   are finally approved and confirmed and incorporated herein.

4. Adoption of the Engineer's Report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.

5. The assessment in the amount of $130.00 per lot to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are adequate to cover a portion of the assessments for the Fiscal Year 2012, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No. 11-_____ and described in the Engineer’s Report, and it is hereby determined to order the collection of $130.00 per lot.

6. Based on the oral and documentary evidence offered and received, including the Engineer's Report, this City Council expressly finds and determines:

   (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot;

   (b) that there is substantial evidence to support this finding and determination as to special benefit;

   (c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.

7. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.

8. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said Maintenance District No. 2 - Eden Shores Water Buffer Zone and Pre-treatment Pond. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the Engineer's Report, referenced in Resolution No. 11-_____.

IN COUNCIL, HAYWARD, CALIFORNIA, July_____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

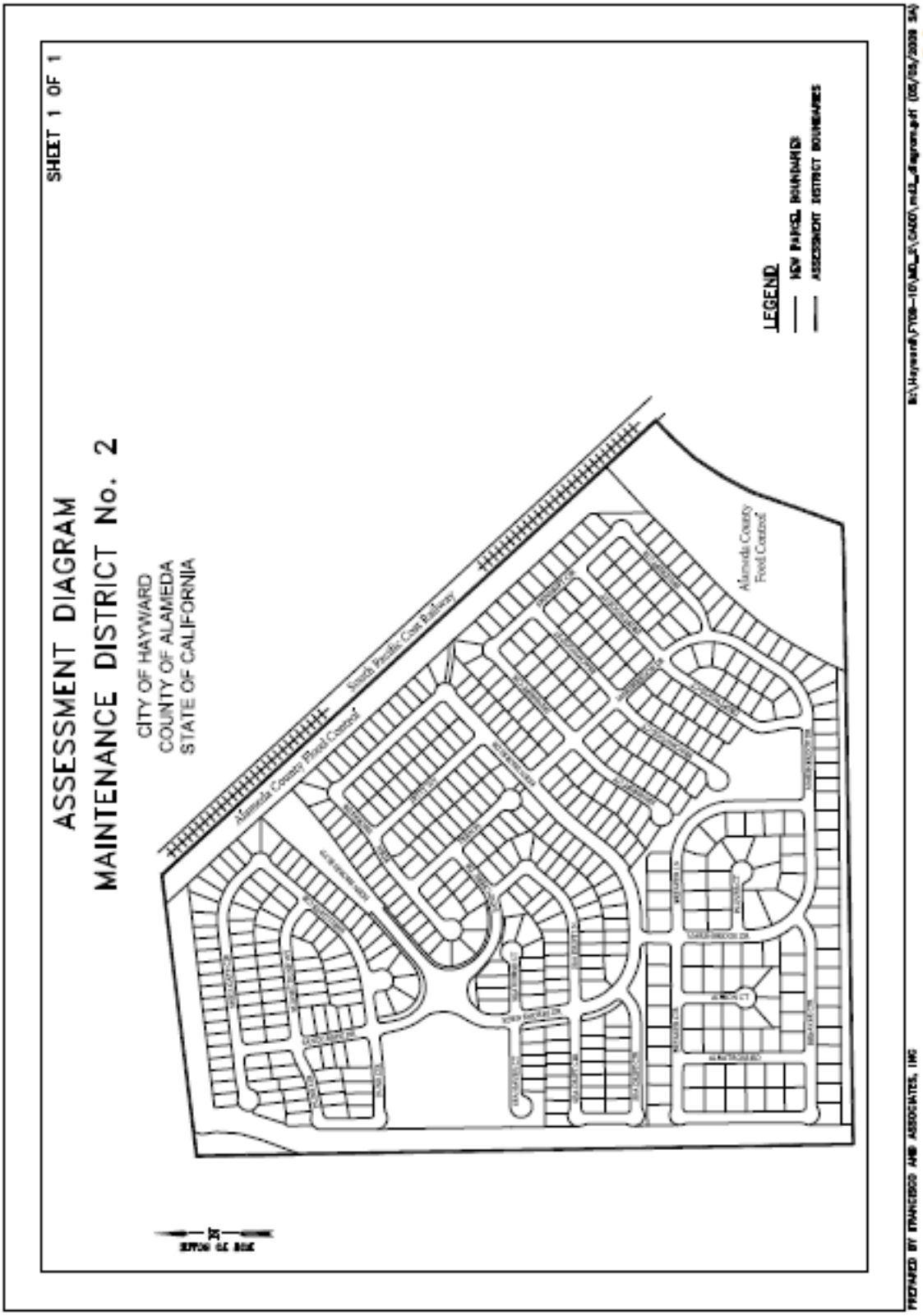
ABSENT: COUNCIL MEMBERS:

ATTEST:_____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

EXHIBIT ‘A’


SHEET 1 OF 1
ASSESSMENT DIAGRAM
MAINTENANCE DISTRICT No. 2
CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA
Alameda County Flood Control
South Pacific Coast Railway
Alameda County Flood Control
LEGEND
NEW PARCEL BOUNDARIES
ASSESSMENT DISTRICT BOUNDARIES
PREPARED BY EDWARDSON AND ASSOCIATES, INC

FINAL ENGINEER'S REPORT

CITY OF HAYWARD

MAINTENANCE DISTRICT No. 2
(Eden Shores)

Fiscal Year 2012

July 26, 2011

Page No.

Agency Directory ii

Certificates iii

Section I - Introduction 1

Section II - Report 3

Part A - Plans and Specifications 5

Part B - Estimate of Cost 6
Table 1: Cost Estimate 7

Part C – Maintenance Assessment District Diagram 8

Part D - Method of Apportionment of Assessment 9

Part E - Property Owner List & Assessment Roll 10

Appendix A – Vicinity Map

Appendix B - Assessment Diagram

Appendix C - Fiscal Year 2012 Assessment Roll

CITY COUNCIL MEMBERS AND CITY STAFF

Michael Sweeney
Mayor

Barbara Halliday
Council Member

Olden Henson
Council Member

Marvin Peixoto
Council Member

Bill Quirk
Council Member

Mark Salinas
Council Member

Francisco Zermeno
Council Member

Fran David
City Manager

Michael Lawson
City Attorney

Miriam Lens
City Clerk

Robert Bauman, Ph.D., P.E.
Director of Public Works

John Nguyen, M.S.C.E., P.E.
Engineer of Work

ENGINEER'S REPORT

CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 2
FISCAL YEAR 2012

The undersigned, acting on behalf of the City of Hayward, respectfully submits the enclosed Engineer's Report as directed by the City of Hayward City Council. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: _____ By:_____
John Nguyen, M.S.C.E.,P.E.
RCE No. 55104

I HEREBY CERTIFY that the Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on the ____ day of _____, 2011.

Miriam Lens
City Clerk, City of Hayward

By:_____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Hayward, Alameda County, California, on the ____ day of _____, 2011.

Miriam Lens
City Clerk, City of Hayward

By:_____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was filed with the County Auditor of the County of Alameda, on the _____ day of _____, 2011.

By:_____
John Nguyen, M.S.C.E.,P.E.
RCE No. 55104

SECTION I

INTRODUCTION
ENGINEER'S REPORT

CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 2

FISCAL YEAR 2012

Background Information

On April 16, 2002, by Resolution No. 02-043, the City Council approved the Final Map of Tract 7317 for a 114 lot residential subdivision, with 109 single-family homes, located on the northerly side of Eden Shores Boulevard and westerly of the Union Pacific Railroad.

On November 26, 2002, by Resolution No. 02-171, the City Council approved the Final Map of Tract 7361 for a 120 lot residential subdivision, with 116 single-family homes, located on the southerly side of Eden Shores Boulevard and westerly of the Union Pacific Railroad.

On June 3, 2003, by Resolution No. 03-083, the City Council approved the Final Map for Tract 7360, for a 318 lot residential subdivision, with 309 single-family homes located on the southwesterly side of Eden Shores Drive and westerly of the Union Pacific Railroad. The additional lots in each subdivision, 27 total, will be landscaped areas, parks, wetlands or buffer areas.

Conditions of approval for Tracts No. 7317, 7360 and 7361, included provisions for construction of a water buffer channel and storm-water pretreatment pond, masonry walls, anti-predator fences, and landscaping within the proposed development area. Maintenance District No. 2 will provide a funding source to operate and maintain these improvements, including the furnishing of water and electrical energy along with debris removal, weeding, trimming and pest control spraying.

On June 24, 2003, by Resolution No. 03-102, the City Council ordered the formation of Maintenance District No. 2 to provide the funding for the operation and maintenance of these facilities.

Proposition 218 Compliance

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote On Taxes Act," which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that, even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., Consumer Price Index (CPI) increase or assessment cap) then the City would be in compliance with the provisions of Proposition 218 if the assessments did not exceed the previously approved assessment formula.

In FY 2008 the collection rate was $155.00 per parcel. From FY 2009 through FY 2011 the collection rate was reduced to $100.00 per parcel at the request of the Eden Shores Homeowners' Association (HOA) due to poor economic conditions and the fact that there were sufficient reserves available to supplement the annual operation and maintenance costs for those fiscal years. For Fiscal Year 2012, the proposed collection rate is $130.00 per parcel which is $30.00 per parcel higher than in FY 2011. Higher assessment amount is needed to cover increase in maintenance and utility costs. The collection rate needed to cover the FY 2012 operating expenses is approximately $158.07 per parcel. However, the estimate operating costs for FY 2012 contain $15,000 budgeted for pump replacement or any major repairs beyond normal operation activities. Therefore, approximately $15,000 would be used from the capital reserves to supplement the assessment revenues for FY 2012, if necessary. The proposed FY 2012 assessment is below the maximum base assessment of $772.16. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount. This base assessment amount is increased annually based upon the change in the Consumer Price Index. Future increases in the collection rate up to the base assessment amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

Current Annual Administration

The annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed collection rate to be levied upon each assessable lot or parcel.

The City of Hayward will hold a public hearing on July 26, 2011, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified. Following the adoption of this resolution, the final Assessor's Roll will be prepared and filed with the County Auditor's office to be included on the Fiscal Year 2012 tax roll.

Payments of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

SECTION II

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

CITY OF HAYWARD MAINTENANCE DISTRICT NO. 2

FISCAL YEAR 2012

Pursuant to Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, and Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code, and in accordance with the Resolution of Intention, being Resolution No. 11-098, Preliminarily Approving the Engineer's Report, on June 28, 2011, by the City Council of the City of Hayward, County of Alameda, State of California, in connection with the proceedings for:

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 2

Hereinafter referred to as the "District", I, John Nguyen, P.E., the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements in the District. Plans and specifications for the improvements and maintenance are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward, and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, maintenance and incidental costs and expenses in connection therewith, as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward.

PART C: MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

This part incorporates, by reference, a Diagram of the Maintenance Assessment District showing the exterior boundaries of the Maintenance Assessment District and the boundaries of any zones within the Maintenance Assessment District.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part describes the method of apportionment of assessments based upon the parcel classification of land within the Assessment District, and in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District. The Assessment Roll is filed in the Office of the Hayward City Clerk.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward's Maintenance District No. 2 boundaries, and those which may be subsequently constructed, will be operated, maintained and serviced and are generally described as follows:

DESCRIPTION OF IMPROVEMENTS

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 2

FISCAL YEAR 2012

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 2 for Fiscal Year 2012:

- *Water Buffer Channel;*
- *Storm-water Pre-Treatment Pond;*
- *Masonry Walls;*
- *Anti-predator Fences; and*
- *Miscellaneous Landscaping*

The operation, maintenance and servicing of these improvements include, but are not limited to: personnel; water, for irrigation and buffer replenishment; electrical energy; materials, including diesel fuel and oil, debris removal, weeding, trimming, pest control spraying, etc.

In FY 2008 the collection rate was $155.00 per parcel. From FY 2009 through FY 2011 the collection rate was reduced to $100.00 per parcel at the request of the Eden Shores Homeowners' Association (HOA) due to poor economic conditions and the fact that there were sufficient reserves available to supplement the annual operation and maintenance costs for those fiscal years. For Fiscal Year 2012, the proposed collection rate is $130.00 per parcel which is $30.00 per parcel higher than in FY 2011. Higher assessment amount is needed to cover increase in maintenance and utility costs. The collection rate needed to cover the FY 2012 operating expenses is approximately $158.07 per parcel. However, the estimate operating costs for FY 2012 contain $15,000 budgeted for pump replacement or any major repairs beyond normal operation activities. Therefore, approximately $15,000 would be used from the capital reserves to supplement the assessment revenues for FY 2012, if necessary. The proposed FY 2012 assessment is below the maximum base assessment of $772.16. If in future years, there is a need for additional funds, the collection rate may be increased up to their base maximum amount. This base assessment amount is increased annually based upon the change in the Consumer Price Index. Future increases in the collection rate up to the base assessment amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.

PART B

ESTIMATE OF COST

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California provides that the total cost of operation, maintenance and servicing of the water buffer channel, water treatment pond, masonry walls, anti-predator fences and landscaping can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with these improvements can also be included.

The base assessment rate was set at $655.00 per parcel for the base year July 1, 2003 with an automatic allowance for a CPI increase annually from April 1st to March 31st of each year. On July 1, 2003, the CPI Index was set at 192.25. The most current CPI Index available at the time of this report was February 2011. The February 2011 CPI was 226.638 which translates to a 17.89% (226.638/192.25) increase since the base year. Therefore, the revised base assessment that could be levied in Fiscal Year 2012 is $772.16 per parcel, comparing to $ 749.96 in Fiscal Year 2011. Future CPI increases in the base assessment rate do not require the noticing and balloting of property owners per the requirements of Proposition 218.

The original Engineer's estimate for construction costs for Maintenance District No. 2 improvements was $1,380,000 (in 2003 dollars). This construction cost is used for establishing the base capital reserve level.

The costs for Fiscal Year 2012 are summarized on the following page. These cost estimates have been provided by the City of Hayward.

TABLE 1: COST ESTIMATE FISCAL YEAR 2012 Fund 818 - Maintenance District No. 2 - Eden Shores	
	Fiscal Year 2011 Budget
Number of Assessable Parcels	534
Beginning Balance (July 1, 2011)	$291,453.63
REVENUE	
Annual Assessment Fee (534 Assessable Parcels)	$69,420.00
County Collection Fee (1.7%)	($1,180.14)
Net Revenue	$68,239.86
Total Available	$359,693.49
EXPENDITURE	
I. MAINTENANCE & UTILITY	
I. Maintenance & Utility	
(a) **Utilities**: Irrigation water and electrical energy	$24,000.00
(b) **Maintenance Work**: Landscaping and buffer lake maintenance plus debris removal, weeding, trimming, spraying, and predator fence, steel structures, masonry wall surface maintenance	$30,500.00
(c) Pump Replacements and/or major repairs	$15,000.00
Subtotal I:	$69,500.00
II. Supplies & Services	
(a) Special Services	$2,595.00
(b) Special Services - Pre-Treatment Pond (Alameda County Flood Control)	$5,000.00
(c) Supplies: printing and postage	$135.00
Subtotal II:	$7,730.00
III. Administrative Services	
(a) Administration	$6,000.00
Subtotal III:	$6,000.00
Total Expense (Sum of I, II and II)	$83,230.00
Estimated Withdraw from Reserves, if necessary, for I.(c)	($14,990.14)
Ending Balance of Fiscal Year (June 30, 2012)	$276,463.49
RESERVE DETAIL	
(a) Required Working Capital for six months (50% of Total Expense) [1]	$41,615.00
(b) Current Working Capital Reserves [2]	$234,848.49
Anticipated Total Reserve at the end of Fiscal Year	$276,463.49
Collection per Parcel	$130.00
Base Assessment per Parcel	$772.16

NOTES:

(1) Operating reserves are needed for future fiscal years because the City does not receive the assessment revenue from the County until January, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

(2) In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used.

PART C

MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

The Assessment District Diagram for the City of Hayward's Maintenance District No. 2 (Eden Shores) is on file in the Office of the Hayward City Clerk and is incorporated in this report in Appendix "B".

A detailed description of the lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for Fiscal Year 2012.

For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions, reference is hereby made to Final Tracts Maps No. 7317, 7360 and 7361 filed in the Office of the Recorder of Alameda County.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of water buffer channels, water treatment ponds, masonry walls, predator fences and landscaping.

Proposition 218 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. In addition, Article XIIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIIIA of the California Constitution.

Article XIIID of the California Constitution provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

The properties benefiting from the operation, maintenance and servicing of water buffer channels, water treatment ponds, masonry walls, predator fences and landscaping consist of the 534 single-family residential lots located within Tracts No. 7317, 7360 and 7361.

Each of the 534 single-family residential lots receive a special benefit in that they are able to be developed because protection to the adjacent open space has been provided through the construction of these improvements. The special benefit derived by the individual parcels is indistinguishable between parcels. Therefore, all residential parcels derive the same benefit and the corresponding method of assessment for residential land uses is based on a per parcel basis.

The estimated Fiscal Year 2012 assessment revenue is $69,420.00. The collection rate for Fiscal Year 2012 will be $130.00 per parcel.

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Hayward's Maintenance District No. 2 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Hayward City Clerk.

The proposed collection rate and the amount for Fiscal Year 2012 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Alameda and these records are, by reference, made a part of this report.

The total amount proposed to be collected for Fiscal Year 2012 is $69,420.00.

The Assessment Roll for Fiscal Year 2012 is included on the following page of this Report and is on file in the Office of the Hayward City Clerk.

APPENDIX A

VICINITY MAP

N
Ca-92
Tennyson Rd
Mission Blvd
W Tennyson Rd
W Tennyson Rd
I-880
Industrial Pky
Industrial Blvd
Hesperian Blvd
Industrial Pky W
Nimitz Fwy
Maintenance
District No. 2
Huntwood Ave
Whipple Rd
Union City Blvd
Dyer St

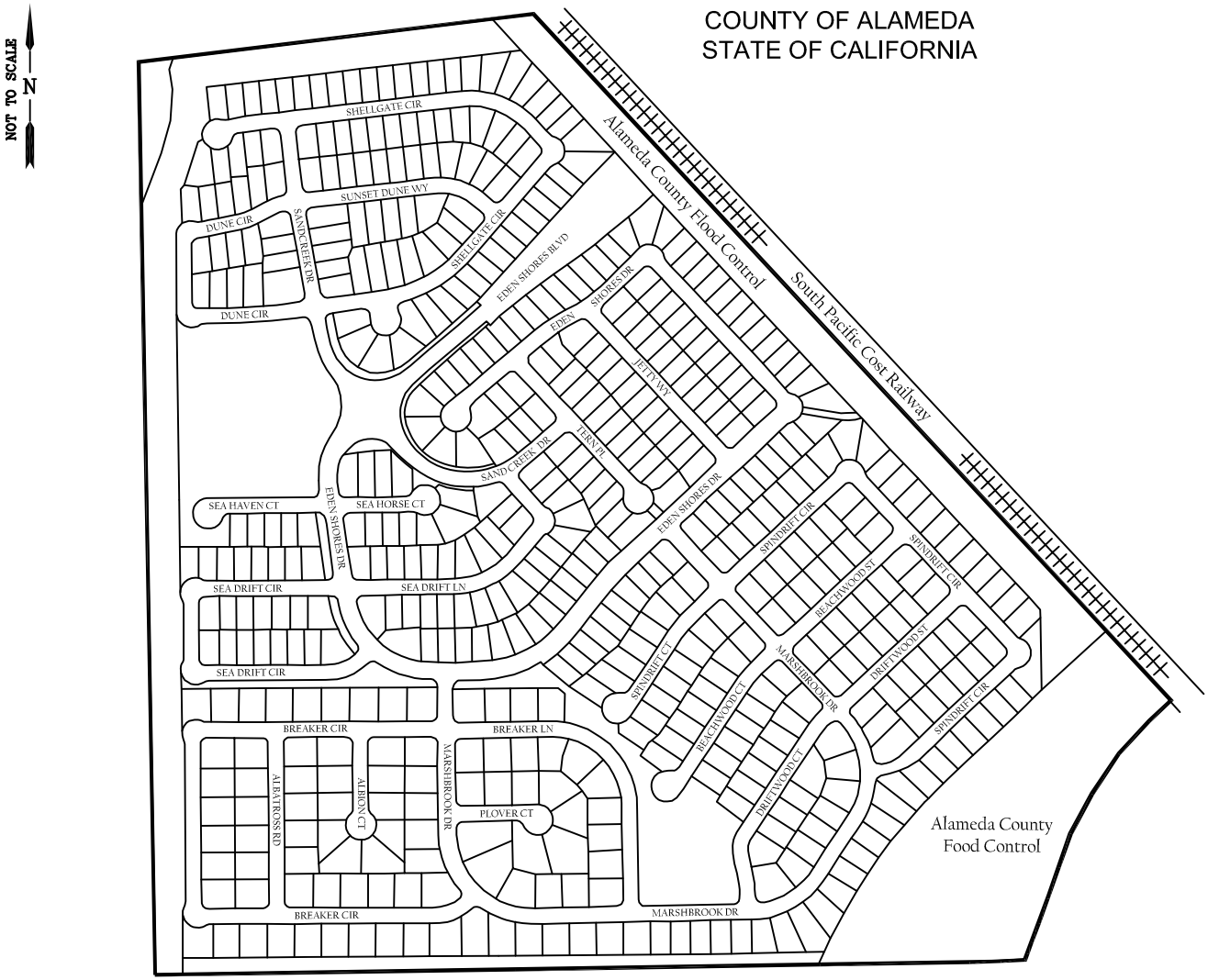
APPENDIX B

ASSESSMENT DIAGRAM

SHEET 1 OF 1

ASSESSMENT DIAGRAM
MAINTENANCE DISTRICT No. 2

CITY OF HAYWARD
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



LEGEND

NEW PARCEL BOUNDARIES

ASSESSMENT DISTRICT BOUNDARIES

PREPARED BY FRANCISCO AND ASSOCIATES, INC

N:\Hayward\FY09-10\MD_2\CADD\md2_diagram.pdf (05/05/2009 SA)

APPENDIX C

Fiscal Year 2012
ASSESSMENT ROLL

City of Hayward
Maintenance District No. 2

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
461-0037-002-00	$130.00
461-0037-003-00	$130.00
461-0037-004-00	$130.00
461-0037-005-00	$130.00
461-0037-006-00	$130.00
461-0037-007-00	$130.00
461-0037-008-00	$130.00
461-0037-009-00	$130.00
461-0037-010-00	$130.00
461-0037-011-00	$130.00
461-0037-012-00	$130.00
461-0037-013-00	$130.00
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461-0037-050-00	$130.00
461-0037-051-00	$130.00
461-0037-052-00	$130.00
461-0037-053-00	$130.00

Assessor's Parcel Number	Assessment Amount
461-0037-054-00	$130.00
461-0037-055-00	$130.00
461-0037-056-00	$130.00
461-0037-057-00	$130.00
461-0037-058-00	$130.00
461-0037-059-00	$130.00
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461-0037-061-00	$130.00
461-0037-062-00	$130.00
461-0037-063-00	$130.00
461-0037-064-00	$130.00
461-0037-065-00	$130.00
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461-0037-067-00	$130.00
461-0037-068-00	$130.00
461-0037-069-00	$130.00
461-0037-070-00	$130.00
461-0037-071-00	$130.00
461-0037-072-00	$130.00
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461-0037-100-00	$130.00
461-0037-101-00	$130.00
461-0037-102-00	$130.00
461-0037-103-00	$130.00
461-0037-104-00	$130.00
461-0037-105-00	$130.00

Assessor's Parcel Number	Assessment Amount
461-0037-106-00	$130.00
461-0037-107-00	$130.00
461-0037-108-00	$130.00
461-0037-109-00	$130.00
461-0037-110-00	$130.00
461-0100-003-00	$130.00
461-0100-004-00	$130.00
461-0100-005-00	$130.00
461-0100-006-00	$130.00
461-0100-007-00	$130.00
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461-0100-009-00	$130.00
461-0100-010-00	$130.00
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461-0100-043-00	$130.00
461-0100-044-00	$130.00
461-0100-045-00	$130.00
461-0100-046-00	$130.00
461-0100-047-00	$130.00
461-0100-048-00	$130.00
461-0100-049-00	$130.00

City of Hayward
Maintenance District No. 2

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
461-0100-050-00	$130.00
461-0100-051-00	$130.00
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461-0100-064-00	$130.00
461-0100-065-00	$130.00
461-0100-066-00	$130.00
461-0100-067-00	$130.00
461-0100-068-00	$130.00
461-0100-069-00	$130.00
461-0100-070-00	$130.00
461-0100-071-00	$130.00
461-0100-072-00	$130.00
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461-0100-074-00	$130.00
461-0100-075-00	$130.00
461-0100-076-00	$130.00
461-0100-077-00	$130.00
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461-0100-081-00	$130.00
461-0100-082-00	$130.00
461-0100-083-00	$130.00
461-0100-084-00	$130.00
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461-0100-087-00	$130.00
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461-0100-109-00	$130.00
461-0100-110-00	$130.00
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461-0101-074-00	$130.00
461-0101-075-00	$130.00
461-0101-076-00	$130.00
461-0101-077-00	$130.00
461-0101-078-00	$130.00
461-0101-079-00	$130.00
461-0101-080-00	$130.00
461-0101-081-00	$130.00
461-0101-082-00	$130.00
461-0101-083-00	$130.00
461-0101-084-00	$130.00
461-0101-085-00	$130.00
461-0101-086-00	$130.00
461-0101-087-00	$130.00
461-0101-088-00	$130.00
461-0101-089-00	$130.00
461-0101-090-00	$130.00
461-0101-091-00	$130.00

City of Hayward
Maintenance District No. 2

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
461-0101-092-00	$130.00
461-0101-093-00	$130.00
461-0101-094-00	$130.00
461-0101-095-00	$130.00
461-0101-096-00	$130.00
461-0101-097-00	$130.00
461-0101-098-00	$130.00
461-0101-099-00	$130.00
461-0101-100-00	$130.00
461-0101-101-00	$130.00
461-0101-102-00	$130.00
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461-0101-105-00	$130.00
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461-0101-135-00	$130.00
461-0101-136-00	$130.00
461-0101-137-00	$130.00
461-0101-138-00	$130.00
461-0101-139-00	$130.00
461-0101-140-00	$130.00
461-0101-141-00	$130.00
461-0101-142-00	$130.00
461-0101-143-00	$130.00

Assessor's Parcel Number	Assessment Amount
461-0101-144-00	$130.00
461-0101-145-00	$130.00
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461-0101-147-00	$130.00
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461-0101-153-00	$130.00
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461-0101-155-00	$130.00
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461-0101-161-00	$130.00
461-0101-162-00	$130.00
461-0101-163-00	$130.00
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461-0102-019-00	$130.00
461-0102-020-00	$130.00
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461-0102-022-00	$130.00
461-0102-023-00	$130.00
461-0102-024-00	$130.00
461-0102-025-00	$130.00

Assessor's Parcel Number	Assessment Amount
461-0102-026-00	$130.00
461-0102-027-00	$130.00
461-0102-028-00	$130.00
461-0102-029-00	$130.00
461-0102-030-00	$130.00
461-0102-031-00	$130.00
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461-0102-039-00	$130.00
461-0102-040-00	$130.00
461-0102-041-00	$130.00
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461-0102-045-00	$130.00
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461-0102-052-00	$130.00
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461-0103-007-00	$130.00
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461-0103-009-00	$130.00
461-0103-010-00	$130.00
461-0103-011-00	$130.00
461-0103-012-00	$130.00
461-0103-013-00	$130.00
461-0103-014-00	$130.00
461-0103-015-00	$130.00

City of Hayward
Maintenance District No. 2

FINAL ASSESSMENT ROLL
FISCAL YEAR 2012

Assessor's Parcel Number	Assessment Amount
461-0103-016-00	$130.00
461-0103-017-00	$130.00
461-0103-018-00	$130.00
461-0103-019-00	$130.00
461-0103-020-00	$130.00
461-0103-021-00	$130.00
461-0103-022-00	$130.00
461-0103-023-00	$130.00
461-0103-024-00	$130.00
461-0103-025-00	$130.00
461-0103-026-00	$130.00
461-0103-027-00	$130.00
461-0103-028-00	$130.00
461-0103-029-00	$130.00
461-0103-030-00	$130.00
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461-0103-060-00	$130.00
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461-0103-067-00	$130.00

Assessor's Parcel Number	Assessment Amount
461-0103-068-00	$130.00
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461-0103-070-00	$130.00
461-0103-071-00	$130.00
461-0103-072-00	$130.00
461-0103-073-00	$130.00
461-0103-074-00	$130.00
461-0103-075-00	$130.00
461-0103-076-00	$130.00
461-0103-077-00	$130.00
461-0103-078-00	$130.00
461-0103-079-00	$130.00
461-0103-080-00	$130.00
461-0103-081-00	$130.00
Total Parcels:	534
Total Assessment:	$69,420.00

CITY OF
HAYWARD
HEART OF THE BAY

18

DATE: July 26, 2011

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Certification of a Supplemental Environmental Impact Report, Adoption of Amendments to the General Plan, and Introduction of Ordinances involving Zoning Reclassifications and Text Changes to the Zoning Ordinance and Related Municipal Code Sections, to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code

This item has been moved to the September 13, 2011 Council meeting, and will be re-noticed accordingly**.** If you need additional information, please contact David Rizk, Development Services Director, at 510.583.4234 or david.rizk@hayward-ca-gov.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council
Agency Chair and Board Members

FROM: Assistant City Manager/Interim Redevelopment Agency Director

SUBJECT: Introduction of an Ordinance to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act

RECOMMENDATION

That the City Council introduces an Ordinance to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act, to maintain the operations of the Hayward Redevelopment Agency (RDA); and provides preliminary direction to staff on the source of funds for the "opt-in" payment.

SUMMARY

Between June 28 and June 30, 2011, the Governor approved the FY2012 State budget, which included two trailer bills (ABx1 26 and ABx1 27) that fundamentally restructure operations of local redevelopment agencies throughout the State. ABx1 26 dissolves redevelopment agencies as they currently exist and establishes successor entities and oversight boards to determine ongoing payment of enforceable obligations similar to the Governor's original redevelopment elimination proposal from January 2011. ABx1 27 provides redevelopment agencies with a mechanism for voluntarily deciding to continue redevelopment activities (although with new restrictions) while requiring the local agencies to provide the State with significant on-going financial contributions in order to be allowed to continue to exist (Voluntary Program).

The California Redevelopment Association (CRA) has estimated that the City of Hayward would need to pay approximately $4.1 million in FY2012 and then make ongoing annual payments of approximately $960,000 in order to participate in the Voluntary Program. On July 19, 2011, staff presented a preliminary fiscal analysis of the implications of the "opt-in" decision to the Council and Agency Board at a special meeting.

Based on continued analysis and review, staff recommends that the Council and Agency Board choose to "opt-in" to the Voluntary Program by introducing the Ordinance in Attachment I. Given that no new redevelopment business or activities can occur until the ordinance is adopted, staff recommends that the Council and Agency Board then hold a special meeting in early August to adopt the ordinance if the ordinance is introduced this evening.

BACKGROUND

Between June 28 and June 30, 2011, the Governor approved the State Budget for FY 2011/12, and signed a number of implementing trailer bills. Two of these trailer bills significantly modify California Community Redevelopment Law (CRL) and fundamentally alter the future of California redevelopment: ABx1 26 (the Dissolution Act) and ABx1 27 (the Voluntary Program Act) (together, the Redevelopment Restructuring Acts). The Dissolution Act first immediately suspends all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies, effective October 1, 2011. The Voluntary Program Act then allows redevelopment agencies to avoid dissolution under the Dissolution Act by opting in to an "alternative voluntary redevelopment program" (the Voluntary Program) that requires annual contributions to local schools and special districts.

During a July 19 special meeting, the Council and Agency Board considered a preliminary fiscal analysis of the impacts associated with the "opt-in" decision (see Attachment II for the July 19 presentation). The Council asked for additional information as follows: 1) provide a more detailed fiscal analysis on the expenditure side of the RDA budget; 2) describe the key assumptions made as part of the Keyser Marston fiscal analysis; and 3) analyze the pros/cons of adopting the ordinance now versus waiting until closer to the October 1 deadline imposed by the legislation. This staff report further expands on the July 19 staff report, presentation and preliminary fiscal analysis, presents an analysis of the Agency assets potentially subject to forfeiture and disposition by the Successor Agency and Oversight Board in an "opt-out" scenario, and identifies other issues for the Council and Agency Board to consider. As the July 19 staff report[1] provided a comprehensive discussion of the State legislation, this discussion is not repeated here.

Update on CRA Lawsuit and Surrounding Agency Opt-in Decisions

As of July 22, Fremont, Union City, Oakland, the City of Alameda, and Alameda County have introduced or approved opt-in ordinances. The City of Livermore will introduce an "opt-in" ordinance on July 25. San Leandro and Berkeley have not yet acted, but are expected to opt-in to the Voluntary Program.

On July 18, 2011, the California Redevelopment Association (CRA), the League of California Cities (League), the City of Union City, the City of San Jose, and John Shirey (as an individual taxpayer) filed a lawsuit challenging the validity and constitutionality of the Redevelopment Restructuring Acts. The lawsuit was filed directly with the California Supreme Court to accelerate the ultimate court decision, and includes a request that the Court issue a "stay" or injunction to prevent the Redevelopment Restructuring Acts from being operative pending the final court decision on the merits of the lawsuit. The requested stay would delay the dissolution and opt-in timelines in the Acts (including dates for payment of opt-in payments), but is not expected to affect the suspension status of agencies while the lawsuit is pending. It is not known whether or when the Court will issue a stay or final decision.

If the lawsuit is successful, and both ABx1 26 and ABx1 27 are declared unconstitutional, adopted opt-in ordinances will be inoperative by operation of law or can be rescinded, and redevelopment agencies will return to normal operations under the law as it existed prior to June

[1] July 19 staff report: http://www.hayward-ca.gov/citygov/meetings/cca/2011/CCA11PDF/cca071911full.pdf

28, 2011. In the unlikely event that the Supreme Court were to find ABx1 27 (the Alternative Voluntary Program Act) unconstitutional while finding ABx1 26 (the Dissolution Act) constitutional, all agencies will dissolve and any adopted opt-in ordinances will be inoperative by operation of law.

DISCUSSION

For all intents and purposes, business within the Hayward Redevelopment Agency (RDA) has halted until the Council and Agency Board make a decision on whether Hayward will opt-in to the Voluntary Program. The Agency is making payments to staff and on existing ongoing contracts, but is not undertaking any new activities or filling vacant staff positions. The legislation provides the Agency with authority to pay staff and to cover certain administrative expenses prior to the dissolution date of October 1, 2011. In order to assist the Council and Agency Board in determining the financial feasibility of opting in under the Voluntary Program, staff has hired Keyser Marston Associates to perform a cost-benefit analysis for Hayward. Staff presented the preliminary analysis as part of the July 19 presentation. The complete Keyser Marston analysis is included with this report as Attachment III. This section provides a more detailed written financial analysis of the "opt-in" implications as well as options for making the requirement "opt-in" remittance for FY2012 (totaling approximately $4.1 million).

Keyser Marston Fiscal Analysis

The fiscal analysis prepared by Keyser Marston (Attachment III) is intended to assist the City and the Redevelopment Agency in evaluating options related to ABx1 26 and ABx1 27. As identified in the cover memo from Keyser Marston, the analysis is intended to "illustrate the financial implications to the City and Agency under the two scenarios on an illustrative 'order of magnitude' basis." The analysis relies heavily on assumptions made in prior studies and by staff. Keyser Marston notes that while further review and analysis may change the numbers slightly, the basic conclusions presented in the analysis would stand. The basic conclusions of the analysis are:

1) Even after the required "opt-in" payments are made to the State in FY2012 and in the subsequent years, the combined net resources available to the City and Agency (for both housing and non-housing activities) are approximately $83 million greater over the tax increment receipt limit (currently FY2047) if the City elects to maintain its RDA through the Voluntary Program (Table 1 of Keyser Marston (K/M) analysis). In simplistic terms, the City will receive more local property tax revenues between now and FY2047 for redevelopment, economic development and affordable housing purposes under the "opt-in" scenario than if the Agency dissolves.
2) There are currently assets at risk in excess of $28 million if the City does not choose to maintain its Agency and "opt-in" to the Voluntary Program (Table 2 of K/M analysis).
3) Based on an illustrative cash flow projection, the Agency will have enough resources to fund its ongoing obligations, required payments to the State, and still maintain discretionary funds for staff, projects, and programs (although limited in the first few years after opting-in) (Table 3 of K/M analysis).

The basic assumptions of the analysis include the following:

1) Property tax increment (TI) revenues for the RDA are anticipated to grow at an average rate of approximately 2.8% annually between FY2012 and FY2029 (at which point TI revenues experience a one year drop off due to approaching plan subarea tax increment limits with continued growth from that new lower revenue base through 2047.)
2) Non-discretionary expenses of the Agency include the following items: Pass through payments to other taxing entities; bond debt service (2004 and 2006 Tax Allocation Bonds); repayment of the SERAF loan from Housing Fund (between FY2012-FY2016 totaling $3.877 million); and future payments to the State required under ABx1 27.
3) The FY2012 payment to the State required under ABx1 27 (approximately $4.1 million) would come from sale of the residual Burbank property or other sources that would not impact the non-housing TI cash flow. Use of the Burbank sale proceeds is just one option that the Council could consider for making the required first year "opt-in" payment. Given the recent agreement to complete utility undergrounding on the residual Burbank site, the Agency would need to use some available cash balances (between $100,000-$200,000) to supplement the sale proceeds if this source was utilized to make the FY2012 payment to the State. Even if additional cash balances were needed to make the FY2012 payment, this would not impact the conclusions of the Keyser Marston analysis.
4) If the City did not choose to "opt-in" under ABx1 27, then the enforceable obligations of the Agency would only include existing pass through payments and bond debt service (totaling between $5-6 million annually in the first ten years analyzed).
5) In the "opt-out" scenario, the Successor Agency would receive approximately $250,000 annually for an administrative allowance and the City would receive 17.6% of the net property tax available for distribution to taxing agencies (less the existing pass through payment received by the City).

Table 1: Disposition of Tax Increment Revenues (Dollars in $Millions/Net Present Value through TI Receipt Limit of Agency – FY2047)

	RDA Continues[1]	RDA Dissolves[2]	Delta
Net Non-Housing Redevelopment Revenue	$56	$4	($52)
Housing Set-Aside Revenue	$46	n/a	($46)
Property Taxes Redistributed to General Fund	n/a	$15	$15
Total	$102	$19	($83)

Note 1: Potentially retain assets on Table 2 of Attachment III
Note 2: Potentially forfeit assets on Table 2 of Attachment III

Table 1 above presents a recap of the Tax Increment Revenue Disposition prepared by Keyser Marston and reflected in Table 1 of Attachment III. This table compares the net revenues available for discretionary uses through the Tax Increment receipt limit of the Agency (currently FY2047) if the RDA continues against the amount of property taxes redistributed to the General Fund if the RDA dissolves. These net revenue numbers assume non-discretionary expenses as outlined in (2) and (4) above are paid in the respective applicable scenarios. Table 1 of Attachment III also presents an overview of the potential uses of available funds. If the RDA continues and pays its respective staff/administrative costs and obligations to the General Fund, there would be approximately $29 million in non-housing funds and $35 million in housing funds available through FY2047 to devote to future local projects and programs. Comparatively, if the RDA dissolves, the General Fund would only receive $15 million in redistributed property tax dollars during this same period. To help demonstrate this in a more practical and tangible manner, Table 2 below shows the analysis for the next three years.

Table 2: Three Year Revenue Comparison with and without RDA ($ in thousands)

	FY12 RDA Continues[1]	FY 12 RDA Dissolves[2]	FY13 RDA Continues[1]	FY13 RDA Dissolves[2]	FY14 RDA Continues[1]	FY14 RDA Dissolves[2]
Net Non-Housing Redevelopment Revenue	$1,969	$0	$2,012	$0	$2,056	$0
Housing Set-Aside Revenue	$3,683	$0	$2,913	$0	$3,107	$0
Property Taxes Redistributed to General Fund	$0	$690	$0	$723	$0	$753
Total	$5,652	$690	$4,925	$723	$5,163	$753

Note 1: Potentially retain assets on Table 2 of Attachment III
Note 2: Potentially forfeit assets on Table 2 of Attachment III

The analysis above is helpful in showing an annual comparison of the revenues with and without the RDA, but needs to be reviewed in the context of expenses. The expense analysis is really only relevant if the RDA continues as it is useful to understand if there will be any discretionary dollars left for projects following payment of non-discretionary expenses. Table 3 below provides a summary of Tables 3 and 4 in the Keyser Marston analysis (Attachment III). . This allows a comparison of revenues and anticipated baseline expenses over the next three fiscal years if the Agency continues.

The important point to remember is that expenses in this table reflect current projected staffing and administrative expenses (including two vacant but budgeted positions). If the Agency does continue under the Voluntary Program, the Agency Board would likely reevaluate the annual budget in light of the new operating environment. Again, the non-housing non-discretionary expenses include: pass through payments to other taxing entities; bond debt service (2004 and 2006 Tax Allocation Bonds); repayment of the SERAF loan from Housing Fund (between FY2012-FY2016 and totaling $3.877 million); and future payments to the State required under ABx1 27.

Table 3: Three Year Revenue/Expense Comparison if RDA Continues ($ in thousands)

	FY12 Non-Housing	FY12 Housing	FY13 Non-Housing	FY13 Housing	FY14 Non-Housing	FY14 Housing
Total Revenues	$8,740	$3,683	$9,038	$2,913	$9,304	$3,107
Non-Housing Non-Discretionary Expenses	($6,772)	$0	($7,026)	$0	($7,248)	$0
General Fund Related Expenses	($1,417)	$0	($1,443)	$0	($1,471)	$0
Staff and Administrative Expenses	($551)	($494)	($568)	($511)	($585)	($526)
Net Available for Projects/Programs	$0	$3,189	$1	$2,402	$0	$2,581

As staff highlighted in summary form during the July 19 Council presentation, there are not many non-housing dollars left for discretionary local projects and expenses over the next four fiscal years. However, this is consistent with earlier budget projections for the Agency even before the adoption of the recent State legislation and required "opt-in" payments. The economic recession coupled with required repayment of the funds borrowed from the Low-Moderate Housing Fund to make the FY2010 and FY2011 SERAF payments to the State resulted in projected budget scenarios where the Agency had very few discretionary dollars available. Both in the Agency's previously prepared ten-year financial forecasts and in the Keyser Marston analysis, the Agency begins to recognize discretionary dollars of some substance beginning around FY2016 (See Table 3 of Attachment III). Under the "opt-in" scenario, the Low-Moderate Housing Fund retains significant discretionary dollars for local projects and programs.

The basic conclusion stemming from the Keyser Marston analysis is that continuing the RDA under the "opt-in" program allows significantly more property tax dollars to remain under local control, thereby providing additional resources for local redevelopment, economic development, and housing activities. These baseline conclusions must then be considered in the context of the potential Agency assets at risk if the Agency dissolves, which Keyser Marston identifies in Table 2 of Attachment III, and which are discussed further below.

Analysis of Agency Assets Potentially Subject to Forfeiture and Oversight Board Disposition if Agency Dissolves

In addition to the baseline fiscal analysis presented in the preceding section, the Council and Agency Board need to consider both non-housing and housing assets that may be at risk if the City does not choose to "opt-in." Staff is presenting the analysis below based on preliminary legal review of the legislation, specifically the provisions within the Agency dissolution legislation (ABx1 26) that would allow the Oversight Board to review any Agency actions taken since January 1, 2011 and determine whether those actions should be rescinded. These provisions were written specifically to address actions taken by redevelopment agencies throughout the State since January and to allow the Successor Agency to rescind these transactions, "claw back" the assets, and then dispose of the assets so that the proceeds can be redistributed to the other taxing entities. In addition to assets at risk, this section also includes a

discussion of the financial implications for the General Fund if the City does not choose to "opt-in."

Non-Housing Assets ($11.8M):

1) Non-Housing Cash Balances and Anticipated Revenues ($1.8M)
2) Burbank Residual Site Land Sale ($4M)
3) Land Held by City for Re-sale and Redevelopment ($6M +) – not including Burbank Residual Site. These assets were transferred to the City from the Agency in March 2011 and include: several properties along Mission Boulevard; the land under the Cinema Place project (currently subject to a ground lease); two properties on Russell Way; and one property on Foothill Boulevard. These assets are outlined on Table 2 of Attachment III to this report.
4) Disposition of Other Public Facilities (TBD) – the City currently holds numerous other assets that were transferred from the Agency to the City in March 2011. These assets are outlined on Table 2 of Attachment III to this report. They include: Municipal Parking Lot No. 2; the Cinema Place parking structure; the City Hall parking structure; the surface parking lot next to the City Hall parking hall; and some small parcels surrounding City Hall.
5) Other Contracts/Activities Subject to Termination (TBD) – the impacts of the legislation are far reaching and staff is continuing to analyze these implications. This asset list identifies the major items of concern, but there may be other smaller items also impacted by the dissolution legislation.

Housing Assets ($8.4M):

1) Housing Cash and CIP Balances ($1.7M)
2) Eden Housing South Hayward BART Project Loan ($4.3M)
3) 238 Settlement Agreement Funds ($2.4M)
4) Affordable Housing Sites Held by City (TBD)

General Fund Implications:

1) General Fund Loan to RDA ($7.8M outstanding balance; $800,000 annual payments)
2) Agency Employees/City Employees Supporting Agency Activities ($200,000 annually)
3) Annual Cost Allocation from RDA to City ($400,000 annually)

Estimated annual total General Fund loss:	($1.4 million)
Redistributed Prop Tax Revenue to GF:	$690,000
Est Net Annual Loss to General Fund if Agency Dissolves	*($710,000)*

Options for Funding "Opt-in" Payment for FY2012

Under the Alternative Voluntary Program, the remittances to the State are technically required to be made by the redevelopment agency's sponsoring community on behalf of the redevelopment agency (i.e., the City would make the payments). Remittances may be made from any available funds of the sponsoring community, including funds made available by its redevelopment agency, as follows:

- A redevelopment agency and its sponsoring community may enter into an agreement whereby the redevelopment agency transfers a portion of its tax increment to the sponsoring community in an amount not-to-exceed the required annual remittance.

- For FY 2011/12 only, a redevelopment agency will be exempt from making its full deposit into the Low and Moderate Income Housing Fund (and not required to repay unmade deposits), but only to the extent that it makes a finding that there are insufficient other monies to meet its debt and other obligations, current priority program needs, or its obligations to reimburse the sponsoring community for that year's remittance.

- The remittances payable by a sponsoring community and its redevelopment agency participating in the Voluntary Program are due in equal installments each fiscal year by January 15 and May 15.

The Voluntary Program is designed to generate $1.7 billion for FY 2011/12 and $400 million statewide in each subsequent year if every sponsoring community/redevelopment agency in the State agrees to participate. The formula for calculating each sponsoring community/ redevelopment agency's share is similar, but not identical, to the formula used to calculate each redevelopment agency's share of the statewide $1.7 billion and $350 million Special Educational Revenue Augmentation Fund (SERAF) obligations in FYs 2009/10 and 2010/11, respectively. The State Department of Finance will provide information about the FY 2011/12 amount for each sponsoring community/redevelopment agency by August 1. The CRA has done the calculations for each sponsoring community/redevelopment agency and the amount for Hayward in FY2012 is estimated at $4,073,124. In subsequent years, the opt-in amount is estimated to be roughly $958,382 (subject to increase under a complicated formula to the extent the Agency incurs new non-Housing Fund debt or other obligations on or after October 1, 2011).

If the City adopts an "opt-in" ordinance, the City must make the remittance payments to the State on behalf of the Redevelopment Agency. As such, the Agency Board and City Council would also need to approve a remittance agreement that would allow the City to use Agency funds to make the required State payments. The ongoing annual payments of approximately $960,000 would be made beginning in FY2013 from Agency property tax increment receipts and this payment was incorporated into the fiscal analysis conducted by Keyser Marston.

Due to the size of the one-time FY2012 payment (est. $4.1 million), the City and Agency would need to explore other options for making this payment as there are not non-housing redevelopment funds to make this entire payment. Staff has begun to identify these potential sources and believes that there are sufficient funds available from acceptable sources that will not impact the General Fund. Given that the first half of the FY2012 payment is not due to the State until January 2012, the Council has additional time to consider the sources used to make the $4.1 million payment. Staff would propose returning to Council in September or October for a further discussion of this issue and authorization to make the payment from the appropriate source. By the time this discussion occurs, there may be further updates on the status of the CRA lawsuit and the actual necessity of making this payment come January 2012. Below is a list of preliminary options explored by staff:

- **Withhold FY2012 deposit to Low/Moderate Income Housing Fund (est. $2.2 million)** – The Voluntary Program legislation specifically authorizes agencies to utilize the 20% of tax increment revenues set aside for low/moderate income housing in FY2012 to make the required remittance payment. The legislation does not require repayment of these funds.
- **Estimated Agency non-housing cash balance (minimum available $500,000)** – At a minimum, there is $500,000 of existing non-housing fund balance available to use towards the required remittance payment. Depending on receipt of revenues and prudent financial management through FY2012, there may be funds in excess of $500,000 available to put towards the FY2012 payment.
- **Proceeds from Sale of Residual Burbank Site ($4 million)** – The City Council approved a Purchase and Sale Agreement for the property on July 12, 2011. If the project proceeds as planned, the City would close escrow with the developer in November 2011 and would recognize $4 million from the proceeds of the sale. As part of the final approval, the Council approved an agreement to complete utility undergrounding on the residual Burbank site. As such, the total sales proceeds available would be less than $4 million (approx. $3.8-3.9 million) and the Agency would need to use some available cash balances to supplement the sale proceeds if this source was utilized to make the FY2012 payment to the State.
- **Borrow funds from Enterprise Fund reserves –** In March 2011, the Agency paid off loans to the Sewer and Water Funds totaling approximately $1.8 million. The City could consider loaning some of these funds back to the Agency in order to make the required remittance payment. Given the current status of the Enterprise Fund reserves, staff does not recommend pursuing this option. In order to smooth out the impact on ratepayers of needed rate increases and to fund necessary capital improvement projects, these reserves have significantly decreased in recent fiscal years.
- **Borrow funds from General Fund reserves** – Although this is an option for making the remittance payment, staff does not recommend pursuing this given the current structural deficit and economic uncertainty facing the General Fund.

ECONOMIC IMPACT

The previous sections of this report outline the fiscal impact of the "opt-in" decision. The general conclusion of the analysis is that continuing the RDA under the "opt-in" program allows significantly more property tax dollars to remain under local control, thereby providing additional resources for local redevelopment, economic development, and housing activities. These activities will, in turn, spur further private investment and job creation in the community. Without a Redevelopment Agency, the City of Hayward will be able to support little to no economic development activity over the next ten years. The Agency has funded retail attraction loans, loans to support construction of tenant improvements for businesses in the Downtown, and a myriad of other items to support and encourage new business attraction and retention. These activities are critical to the generation of jobs, sales tax, and other benefits to the City and the General Fund. The current economic recession has severely impacted the General Fund and the City will continue to feel the lasting impacts for many years to come. Without redevelopment, the General Fund will not be able to fund critical economic development programs.

FISCAL IMPACT

If the City Council does not introduce the "opt-in" ordinance, the Redevelopment Agency would be dissolved and the City would lose a significant amount of property tax increment revenue over the twenty to thirty years that would be redistributed to other taxing entities. This could total upwards of $83 million.

In addition, without the Redevelopment Agency, the General Fund could stand to lose approximately $710,000 annually if the Successor Agency and Oversight Board do not recognize the loan between the RDA and the City as an enforceable obligation. In addition to the annual debt service payment of $800,000, the Agency pays for General Fund staff and services that support Agency activities. Without Agency funds and activities, this could result in additional staff and service cuts in the General Fund. Below is a summary of the impacts to the General Fund of redevelopment agency dissolution:

Estimated annual total General Fund loss:	($1.4 million)
Redistributed Prop Tax Revenue to GF:	$690,000
Est Net Annual Loss to General Fund if Agency Dissolves	*($710,000)*

In addition, if the Agency dissolves, there are potentially $28 million of Agency assets at risk. Under the dissolution legislation, the Successor Agency would be required to dispose of these assets as quickly as possible and distribute the proceeds to the taxing entities. Although the City is one of these taxing entities, it is unclear how this distribution would occur or what percentage of the proceeds the City would realize. If the City chooses to adopt the "opt-in" ordinance, the Agency would retain these assets and have 100% control over their disposition.

NEXT STEPS

If the Council and Agency Board choose to opt-in under the Voluntary Program, they would need to adopt an opt-in ordinance prior to October 1, 2011. Given that no new redevelopment business or activities can occur until the ordinance is adopted, staff recommends that, if the Council and Agency Board choose to opt-in, then the introduction and adoption of the ordinance occur as quickly as possible.

If the Council and Agency Board choose to "opt-in" at this meeting, staff recommends that adoption of the ordinance be scheduled for a special meeting in early August (possibly Tuesday, August 9 to coincide with the date of the Police Chief swearing in ceremony).

Analysis of Timing Impacts Related to Adoption of Opt-in Ordinance
As part of the July 19 discussion, the Council asked staff to explore the positives and negatives of adopting the "opt-in" ordinance relatively quickly (in early August) versus waiting until closer to the October 1 adoption deadline. Below is a table that provides this analysis:

OPT IN NOW	DO NOT OPT IN NOW
Ability to continue with Agency business as normal beginning in August without risk to the GF	Pending lawsuit – may receive clarity from Court system, making the Council's opt-in action unnecessary
Staff morale – give staff clarity and security regarding employment status; Staff morale low. Staff may leave as other more certain opportunities arise, taking valuable resources and program knowledge needed to conduct further analysis.	
Allows Agency to sign on to South Hayward TOD project agreements, particularly HCD grant documents and Eden/Housing Authority loan documents; provides developers with reassurances of funding availability allowing project to continue implementation. Also, having Agency sign HCD documents provides additional financial security for the General Fund.	
Allows staff to proceed with Statement of Indebtedness preparation and related activities, which may need to be more comprehensive this year (and must be filed by October 1)	

Prepared and Recommended by: Kelly McAdoo Morariu, Assistant City Manager/Interim Redevelopment Agency Director

Approved by:

_____

Fran David, City Manager/Executive Director

Attachments:

Attachment I: Ordinance of the City of Hayward to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act
Attachment II: July 19 City Council Meeting Presentation
Attachment III: Keyser Marston Fiscal Impact Analysis

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD ENACTED PURSUANT TO HEALTH AND SAFETY CODE SECTION 34193 TO ELECT AND IMPLEMENT PARTICIPATION BY THE CITY OF HAYWARD AND THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW

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

SECTION 1. RECITALS AND BACKGROUND INFORMATION

a. Pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Hayward (the "City") adopted Ordinance No. 69-040 on December 16, 1969, declaring the need for the Redevelopment Agency of the City of Hayward (the "Agency") to function in the City.

b. Also in accordance with the Redevelopment Law, the City Council adopted Ordinance No. 75-029 on December 30, 1975 adopting the Redevelopment Plan for the Downtown Hayward Redevelopment Project (the "Redevelopment Plan"), as amended in accordance with the Redevelopment Law on April 21, 1987 by Ordinance No. 87-009, on November 10, 1998, by Ordinance Number 98-15, and on June 26, 2001 by Ordinance Number 01-07. The Agency is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law.

c. ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Program Act"; and together with the Dissolution Act, the "Redevelopment Restructuring Acts") have been enacted to significantly modify the Redevelopment Law generally as follows:

1. The Dissolution Act first immediately suspends all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies effective October 1, 2011; and

2. The Voluntary Program Act, through the addition of Part 1.9 to the Redevelopment Law (the "Alternative Voluntary Redevelopment Program"), then allows a redevelopment agency to avoid dissolution under the Dissolution Act by opting into an alternative voluntary redevelopment program requiring specified annual contributions to local school and special districts.

d. Specifically, Section 34193(a) of the Redevelopment Law (as added to the Redevelopment Law by the Voluntary Program Act) authorizes the City Council to enact an ordinance to comply with Part 1.9 of the Redevelopment Law, thereby exempting the Agency

from the provisions of the Dissolution Act, and enabling the Agency to continue to exist and function under the Redevelopment Law, so long as the City and the Agency comply with the Alternative Voluntary Redevelopment Program set forth in Part 1.9 of the Redevelopment Law.

e. Through the adoption and enactment of this Ordinance, it is the intent of the City Council to enact the ordinance described in Section 34193(a) of the Redevelopment Law and to participate for itself and on behalf of the Agency in the Alternative Voluntary Redevelopment Program set forth in Part 1.9 of the Redevelopment Law.

f. Pursuant to Section 34193.2(b) of the Redevelopment Law, the City Council understands that participation in the Alternative Voluntary Redevelopment Program requires remittance of certain payments as set forth in the Voluntary Program Act (as further described below), and also constitutes an agreement on the part of the City, in the event the City fails to make such remittance payments, to assign its rights to any payments owed by the Agency, including, but not limited to, payments from loan agreements, to the State of California.

g. The City Council does not intend, by enactment of this Ordinance, to waive any rights of appeal regarding the amount of any remittance payments established by the California Department of Finance, as provided in the Voluntary Program Act.

SECTION 2. ENACTMENT OF ORDINANCE PURSUANT TO REDEVELOPMENT LAW SECTION 34193(a)

To the extent required by law to maintain the existence and powers of the Agency under the Redevelopment Law (including the Redevelopment Restructuring Acts), the City Council hereby enacts the ordinance authorized by Section 34193(a) of the Redevelopment Law, whereby the City, on behalf of itself and the Agency, elects to and will comply with the provisions of Part 1.9 of the Redevelopment Law, including the making of the community remittance payments called for in Section 34194 of the Redevelopment Law (the "Remittance Payments"), and whereby the Agency will no longer be subject to dissolution or the other prohibitions and limitations of Parts 1.8 and 1.85 of the Redevelopment Law as added by the Dissolution Act.

SECTION 3. ADDITIONAL UNDERSTANDINGS AND INTENT

It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the Redevelopment Law, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2 of the Redevelopment Law, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual Remittance Payments (the "Agency Transfer Payments") to enable the City, directly or indirectly, to make the annual Remittance Payments. Unless otherwise specified by resolution of the City Council, it is the City Council's intent that the City's annual Remittance Payments shall be made exclusively from the Agency Transfer Payments or from other funds that become available as a result of the City's receipt of the Agency Transfer Payments. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or other assets to make the Remittance Payments, it being understood by the City Council that any Remittance Payments will be funded solely from the Agency Transfer Payments and/or other assets transferred to the City in accordance with the Voluntary Program Act.

SECTION 4. AUTHORIZATION OF IMPLEMENTING ACTIONS

The City Manager is hereby authorized, on behalf of the City, to take any actions necessary to implement this Ordinance and comply with the Voluntary Program Act, including, without limitation, providing required notices to the County Auditor-Controller, the State Controller, and the Department of Finance, entering into any agreements with the Agency to obtain the Agency Transfer Payments, and making the Remittance Payments using funds as determined by the City Council and Agency Board.

SECTION 5. CEQA

The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project, but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The appropriate environmental review shall be completed in accordance with CEQA prior to the commencement of any future Agency-supported project or program. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Alameda in accordance with the CEQA guidelines.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. ENACTMENT AND EFFECTIVE DATES

This Ordinance is deemed enacted as of _____, 2011 for purposes of Section 34193(a) of the Redevelopment Law, and shall take effect and will be enforced thirty (30) days after its adoption.

SECTION 8. PUBLICATION AND POSTING

The City Clerk is directed to post and/or publish this Ordinance (or summary thereof) as required by law.

The foregoing Ordinance was duly introduced before the City Council of the City of Hayward, County of Alameda, at a regular meeting of the City Council held on the 26th day of July, 2011, and finally adopted at a regular meeting of the City Council held on the ___ day of August, 2011, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF
HAYWARD
HEART OF THE BAY

Consideration of Options Related to Alternative Voluntary Redevelopment "Opt-In" Program

Kelly McAdoo Morariu
Assistant City Manager/Interim Redevelopment Agency Director

July 19, 2011

Presentation Overview

1) Review of Governor's January proposal and Agency responses
2) Review of Recent State Legislation – ABx1 26 (Dissolution Act) and ABx1 27 (Voluntary Program Act)
3) Status of CRA lawsuit
4) Actions taken by surrounding agencies
5) Process and timeline for Hayward opt-in decision
6) Review of Keyser Marston baseline fiscal analysis
7) Analysis of Agency assets at risk and General Fund implications under the Dissolution Act
8) Possible options for funding FY2012 remittance payment (if choose to opt-in)
9) Council/Agency Board questions and discussion

Review of Governor's January Proposal and Agency Responses

January Proposal:

- Eliminate all redevelopment in California effective July 1, 2011; all assets of agencies seized by State and sold off, with sale proceeds going to State
- "Successor agency" takes over all administrative functions of California's 400 redevelopment agencies, including administration of bonds

Agency actions taken in response to January legislative proposal (February/March 2011):

1. Approve cooperative agreement between City and Redevelopment Agency
2. Reactivate Housing Authority and approve cooperative agreement between City and Housing Authority
3. Transfer all RDA-owned properties to the City
4. Use remaining RDA TI fund balance to pay off existing Water and Sewer Fund loans and to allow partial back payment of prior year installments of General Fund loan.

Review of Recent State Legislation

- Between June 28 and June 30, 2011, Governor approves State budget, including trailer bills ABx1 26 (Dissolution Act) and ABx1 27 (Voluntary Program Act)

- Legislation fundamentally restructures California Community Redevelopment Law (CRL) with complicated implications for cities and redevelopment agencies throughout State, including Hayward

- Redevelopment Agencies must determine, prior to October 1, 2011, whether to continue operations under the Voluntary Program Act

ABx1 26 – Dissolution Act

- Immediately suspends and prohibits most redevelopment activities, including:
  - Incurring new or restructuring existing indebtedness
  - Make loans or grants
  - Enter into or amend existing agreements
  - Transfer funds/assets or acquire real property

- If Agency does not "opt-in" under the Voluntary Program by October 1, 2011, dissolution occurs and successor entity established to:
  - Liquidate all assets of the Agency
  - Ensure future payments of enforceable obligations (which specifically do not include agreements between an agency and its sponsoring community)

- Oversight Board established to monitor activities of successor agency – comprised of seven members (only two appointed by Mayor/City Council)

ABx1 27 – Voluntary Program Act

- Redevelopment Agencies can continue to operate after October 1, 2011 if specified payments to State are made beginning in FY2012 and each year of operations thereafter
  - For Hayward, FY2012 payment estimated at $4.1 million; annual ongoing payments estimated at $950,000 annually
  - Payments due in equal installments in January and May of each year
- Council must adopt an "opt-in" ordinance prior to October 1 or face dissolution
- Funds from agency remittances distributed primarily to school entities serving agency project areas with minor amounts distributed to fire protection and/or transit districts
  - Intended to generate $1.7 billion statewide for FY2012 and $400 million in each subsequent year, but only first year payments affect Prop. 98

Status of CRA Lawsuit and Actions Taken by Surrounding Agencies

1) Status of CRA lawsuit
   - Filed on July 18
   - Arguments in lawsuit
   - Impacts of a "stay"
   - Implications for Hayward's actions

2) Actions taken by surrounding agencies
   - Fremont, Alameda County, Livermore have chosen to "opt-in"
   - Union City, San Jose likely to "opt-out"; Berkeley, Oakland, San Leandro likely to "opt-in"
   - CRA Survey results

Process and Timeline for Hayward Opt-In Decision

July 19 – Council meeting to consider preliminary fiscal and legal analyses of "opt-in" decision

July 26 – Continued Council/Agency Board discussion on "opt-in" decision structured to allow introduction of "opt-in" ordinance, should Council decide to do so

Early August – Adoption of "opt-in" ordinance (possible special meeting on August 9)

** If Council/Agency Board do not choose to "opt-in" on July 26, would still need to schedule a special meeting prior to August 27 to adopt Statement of Enforceable Obligations.

Review of Keyser Marston Baseline Fiscal Analysis

Disposition of Tax Increment Revenues (Dollars in $Millions/Net Present Value through TI Receipt Limit of Agency – FY2047)

	RDA Continues[1]	RDA Dissolves[2]	Delta
Net Non-Housing Redevelopment Revenue	$56	$4	($52)
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Note 1: Potentially retain assets on Slides 11-12
Note 2: Potentially forfeit assets on Slides 11-12

Three Year Revenue Comparison with and without RDA ($ in thousands)

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Total	$5,652	$690	$4,925	$723	$5,163	$753

Note 1: Potentially retain assets on Slides 11-12
Note 2: Potentially forfeit assets on Slides 11-12

Analysis and Est. Value of Agency Assets at Risk if the Agency Dissolves

Non-Housing Assets ($11.8M):

1) Cash balances and anticipated revenues ($1.8M)
2) Burbank Residual Site land sale ($4M)
3) Land held by City for re-sale/redevelopment ($6M+)

(Not including Burbank)

4) Disposition of other public facilities (TBD)
5) Other contracts/activities subject to termination (TBD)

Housing Assets ($8.4M):

1) Cash and CIP balances ($1.7M)
2) Eden Housing South Hayward BART project loan ($4.3M)
3) 238 Settlement Agreement funds ($2.4M)
4) Affordable Housing sites held by City (TBD)

Analysis of General Fund Implications if the Agency Dissolves

- General Fund Loan to RDA ($7.8M outstanding balance; $800,000 annual payments)
- Agency Employees/City Employees supporting Agency activities ($200,000 annually)
- Annual cost allocation from RDA to General Fund ($400,000 annually)

Estimated annual total loss = ($1.4 million)

Redistributed Prop Tax Revenue = $690,000

Estimated Net Annual Loss to General Fund = ($710,000)

Possible options for funding FY2012 remittance payment

Estimated FY2012 Remittance Payment = $4.1 million (due in two installments: ½ due in January and ½ due in May 2012)

- Withhold FY2012 TI deposit to Low/Mod Housing Fund (est. $2.2M)
- Estimated Agency TI cash balance (est. $500K)
- Borrow funds from Enterprise Fund reserves
- Borrow funds from General Fund reserves (not recommended)
- Other

Questions/Discussion

KEYSER MARSTON ASSOCIATES
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

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MEMORANDUM

To: Kelly McAdoo Morariu, Assistant City Manager
City of Hayward

From: Tim Kelly and David Doezema

Date: July 22, 2011

Subject: Financial Analysis of Options for RDA Under AB 1X 26 and 27

Keyser Marston Associates, Inc. (KMA) has prepared the attached financial analysis to assist the City in evaluating its options for the future of its Redevelopment Agency ("RDA" or "Agency") under AB 1X 26 and 27. As you know, this recently enacted legislation immediately suspended many Agency activities and will dissolve the City's RDA as of October 1, 2011 unless specified payments are made and an ordinance is adopted opting to continue redevelopment in Hayward.

The attached analysis is intended to illustrate the financial implications to the City and Agency under the two scenarios on an illustrative "order of magnitude" basis. In preparing the analysis, we drew heavily on prior analyses by City staff and other consultants and made a number of simplifying assumptions to provide a "broad brush" overview-level analysis on a compressed timeline. While further review and analysis would likely result in refined estimates, we would not expect the basic conclusions to change.

The analysis is presented on the following tables:

Table 1, summarizes the disposition of tax increment revenues to the Agency and the City under the two potential scenarios for the RDA. The analysis indicates that, even after the additional required payments are deducted, the combined net resources

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available to the City, Agency non-housing fund, and housing fund are approximately $83 million[1] greater on a cumulative basis if the City elects to maintain its RDA.

Table 2 provides a summary of existing assets that, if the Agency is dissolved, would be subject to disposition at the direction of an "oversight board" not controlled by the City and with the statutorily defined objective of maximizing proceeds for the benefit of taxing agencies. There is no requirement that the properties be developed or used in a manner consistent with or in furtherance of redevelopment project goals. The list of assets includes fund balances and receivables, property held for redevelopment, parking structures and other assets. Assets recently transferred to other City entities are included on the list because the legislation requires such asset transfers occurring after January 1, 2011 be reversed unless contractually committed to a third party.

Table 3 and Table 4 provide an illustrative cash flow projection for the Agency's non-housing and housing funds if the City elects to continue the Agency. The required payments under AB 1X 27 have been built into the projection. The Agency is projected to continue to have the ability to fund its obligations and have discretionary funds available for staff, projects and programs.

Table 5 provides an illustrative cash flow projection for the "successor agency" if the City elects to allow its Agency to be dissolved. The table shows the property taxes available for re-distribution to the taxing agencies and provides an estimate of the City's share of the re-distribution.

The required payment if the City elects to continue its RDA has been estimated by the California Redevelopment Association at approximately $4.1 million for FY 2011-12. The exact amount of the required payment for future years cannot be precisely determined at this time because it is dependant upon several factors. The analysis incorporates an estimate of future year requirements as shown in Table 3. While the payments are an obligation of the City, the analysis assumes the Agency will transfer funds to the City to offset the amount of the payments as provided for in the legislation[2].

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[1] Estimate is through the 2047 tax increment receipt time limit for the Agency and is expressed in terms of net present value discounted to fiscal year 2011-12 using a 6% discount rate.

[2] Funds transferred to the City must be designated for "for activities within the redevelopment area that are related to accomplishing the redevelopment agency project goals"; it is presumed that making the required payments would be an eligible use of the funds transferred from the Agency to the City.

Table 1
Disposition of Tax Increment Revenue: "RDA Continues" vs. "RDA Dissolves"
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

$Millions

Dollar Amounts in $Millions and Expressed as Net Present Value
Through the 2047 Tax Increment Receipt Limit for the Agency

	RDA Continues	RDA Dissolves	Delta
I. NON-HOUSING TAX INCREMENT REVENUE	*see Table 3*	*see Table 5*	
A. Projected Future Net Tax Increment Available to Agency (After Obligations Including New Required Payments)	$56	$4 (admin allowance for successor Agency)	($52)
B. Potential Uses of Available Funds (Illustrative)			
Repay General Fund Loan	$7	$0	($7)
Staff Time Allocations to RDA	$3	$0	($3)
Cost Allocations to RDA	$8	$4	($4)
Subtotal General Fund Related	$18	$4	($14)
Agency Administrative Staff Expense	$8	$0	($8)
Other Admin Costs	$1	$0	($1)
Future Projects, Programs, or New Debt Service	$29	none	($29)
II. HOUSING SET-ASIDE REVENUE	*see Table 4*		
A. Projected Future Housing Set-Aside Revenue	$46	Not Applicable	($46)
B. Potential Uses of Future Housing Set-Aside (Illustrative)			
Housing Staff Costs for Housing Activities	$8	$0	($8)
Other Operating Expenses	$3	$0	($3)
Housing Projects and Programs	$35	$0	($35)
III. PROPERTY TAXES RE-DISTRIBUTED TO TAXING AGENCIES			
Total Property Taxes Redistributed to Taxing Agencies	Not Applicable	$118	
Estimated Share to City General Fund	Not Applicable	$15 (in excess of existing pass through)	$15
IV. RECAP			
Net Non-Housing Redevelopment Revenue	$56	$4	($52)
Housing Set-Aside Revenue	$46	Not Applicable	($46)
Property Taxes Redistributed to General Fund	Not Applicable	$15	$15
Total	$102	$19	($83)
[See treatment of assets on Table 2]	*[retain assets shown on Table 2]*	*[forfeit assets shown on Table 2]*	

Table 2
Agency Assets Potentially Subject to Forfeiture and Disposition at Direction of Oversight Board if RDA Dissolves
[Includes Assets Transferred To City Entities After 1/1/2011 that Could be Subject to "Claw Back"]
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

	Estimated Value $Millions	Note
Non-Housing Assets		
1. Estimated Cash Balances as of 6/30/11	$0.5	Based on proposed budget
2. Estimated school and park in-lieu fee reimbursements Per agreements with school and park district	$1.3	Agency Estimate for 2011-12 and 12-13
3. Expected Land Sale: Burbank Site Residual Property	$4.0	Sale expected to Close Nov. 2011 Potential source of funds for 2011-12 payment
4. Land Held by City for Re-sale and Redevelopment	$6	($10 M per 2/2011 staff report less $4 M for Burbank Residual site shown above)
1154, 1166 Russell Way		
24311, 24491 Mission Blvd		
24321, 24331 Mission Blvd		estimated value not included above
22852 Foothill Blvd		estimated value not included above
5. Public Facilities / Parking Structures	Value Not Estimated at This Point	
805 B St		City Hall Parking Structure
22675, 22695 Mission Blvd		Surface Parking next to City Hall Parking Structure
1025 A ST		Muni Parking Lot #2
Watkins ST, 789, 799 B ST		City Hall Land
22631 Foothill Blvd		Cinema Place Parking Structure
Total Non-Housing Assets	**$11.8**	Quantified items only
Housing Fund Assets		
1. Estimated Cash & CIP Balances as of 6/30/11	$1.7	$1.4 per proposed budget & $0.3 unspent CIP funds
2. Appropriation for Eden Loan / S. Hayward Project	$4.3	
3. 238 Settlement Agreement Funds	$2.4	$1.4 M receivable for admin costs + $1 M held for opportunity to purchase a home program.
4. Affordable Housing Sites Held by City	Value Not Estimated at This Point	
123 A ST		Proposed dedication to Habitat on upcoming agenda
581, 585, 597 B ST		DDA approved with Eden Housing in Spring 2011
Total Housing Assets	**$8.4**	Quantified items only
General Fund / Other		
General Fund Loan Receivable from RDA	$7.8	Outstanding balance at 6/30/11(vs. NPV in Table 1)
Payout for leave liability if RDA staff laid off	$0.04	RDA staff are technically employed by the City
Post employment benefit liability for RDA staff	Not Estimated at This Point	
Total General Fund / Other	**$7.8**	
Combined Total	**$28.0**	Quantified items only

THE ABOVE ASSETS COULD BE SUBJECT TO DISPOSITION BY THE SUCCESSOR AGENCY FOR THE BENEFIT OF THE TAXING AGENCIES IF THE AGENCY IS DISSOLVED.

Table 3
Illustrative Non-Housing Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Continues

Page 1 of 3

(000's Omitted)	Net Present Value at 6% discount	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
I. Revenues [1]													
80% TI (HDL Projection) [2]	163,973	8,724	9,016	9,282	9,553	9,829	10,111	10,399	10,692	10,992	11,297	11,499	11,811
Retail attraction loan repayment	124	16	22	22	22	22	22	16	7	0	0	0	0
Total Revenue	164,097	8,740	9,038	9,304	9,575	9,851	10,133	10,415	10,699	10,992	11,297	11,499	11,811
II. Non-Discretionary Expenses [1]													
Pass Throughs [3]	36,240	1,357	1,466	1,562	1,676	1,791	1,909	2,031	2,155	1,811	1,901	1,973	2,066
Bond Debt (2004 & 2006 TABs)	48,824	4,009	4,005	4,009	4,004	4,009	4,009	4,009	4,003	4,001	4,003	4,003	4,001
Repay SERAF Loan from Housing Fund	3,552	1,405	564	690	763	455	0	0	0	0	0	0	0
2011-12 Payment under AB 1X 27 Payments		*Payment of $4.1 million assumed to be funded with land sale proceeds from residual property / Burbank Site.*											
Future Payments under AB 1X 27 (estimated) [4]	19,776	N/A	991	987	992	1,035	1,126	1,185	1,204	1,289	1,352	1,387	1,504
Total Non-Discretionary Expenditures	108,391	6,772	7,026	7,248	7,434	7,290	7,044	7,225	7,362	7,102	7,256	7,363	7,571
III. Net Available after Non-Discretionary Obligations	55,706	1,969	2,012	2,056	2,141	2,561	3,090	3,190	3,337	3,890	4,041	4,136	4,240
IV. Potential Uses of Available Funds													
General Fund Loan Repayment [5]	6,558	800	800	800	800	800	800	800	800	800	800	567	0
General Fund Staff Time Allocations to RDA	3,339	209	215	221	228	235	242	249	257	264	272	281	289
Cost Reimb. to GF (Cost allocation plan)	8,103	408	428	450	472	496	521	547	574	603	621	640	659
Subtotal General Fund Related	18,000	1,417	1,443	1,471	1,500	1,531	1,563	1,596	1,631	1,667	1,693	1,487	948
Agency Administrative Staff Expense	7,647	478	492	507	522	538	554	571	588	605	624	642	662
Other Administrative Expense	1,178	74	76	78	80	83	85	88	91	93	96	99	102
Future Projects, Programs, or Debt Service [6] *(assumed to be new debt incurred after 10/1/2011 for purposes of AB 1X27 Payment Calculation)*	28,881	0	1	(0)	38	409	887	935	1,027	1,524	1,628	1,907	2,528

Notes:

[1] Excludes Cinema Place lease revenue / garage maint. reimbursements and related expenses which do not represent a significant net cash flow.
[2] Based on prior projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection. Assuming 2% annual growth in accessed value.
[3] Net of facilities share of HUSD pass through.
[4] Actual amount will depend upon future growth in tax increment and the actual amount of tax increment used to pay existing versus future indebtedness. For purposes of calculation, new debt incurred after 10/1/2011 assumed to correspond to future projects, programs, and debt service shown below.
[5] Treated as discretionary because the General Fund Loan is not expected to be treated as a recognized obligation if the Agency dissolves.
[6] Does not include existing fund balances in operating or CIP accounts. The CRL permits the Agency to receive tax increment beyond the effective life of the Plan for debt repayment only. Projection assumes the Agency will have established sufficient debt to collect all available tax increment after reaching the effective life of the Plan.

Sources: Agency budget for 11-12, Agency 10 Year Cash Flow Projection, HDL 2009 Tax Increment Projections.

Table 3
Illustrative Non-Housing Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Continues

Page 2 of 3

(000's Omitted)

Plan Limit for Mission / Foothill

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36
I. Revenues [1]													
80% TI (HDL Projection) [2]	12,131	12,459	12,792	13,133	13,480	13,834	8,832	9,094	9,360	9,632	9,909	10,192	10,480
Retail attraction loan repayment	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Revenue	12,131	12,459	12,792	13,133	13,480	13,834	8,832	9,094	9,360	9,632	9,909	10,192	10,480
II. Non-Discretionary Expenses [1]													
Pass Throughs [3]	2,161	2,257	2,356	2,456	2,558	2,663	2,769	2,878	3,003	3,150	3,301	3,454	3,611
Bond Debt (2004 & 2006 TABs)	4,002	4,005	4,005	3,797	3,796	2,750	1,681	1,681	1,681	1,683	1,682	1,681	1,680
Repay SERAF Loan from Housing Fund	0	0	0	0	0	0	0	0	0	0	0	0	0
2011-12 Payment under AB 1X 27 Payments													
Future Payments under AB 1X 27 (estimated) [4]	1,578	1,605	1,637	1,693	1,742	1,893	1,019	1,226	1,215	1,368	1,602	1,587	1,607
Total Non-Discretionary Expenditures	7,741	7,867	7,998	7,946	8,096	7,306	5,470	5,785	5,899	6,201	6,585	6,722	6,898
III. Net Available after Non-Discretionary Obligations	4,390	4,591	4,795	5,187	5,384	6,528	3,363	3,309	3,461	3,431	3,324	3,470	3,582
IV. Potential Uses of Available Funds													
General Fund Loan Repayment [5]	0	0	0	0	0	0	0	0	0	0	0	0	0
General Fund Staff Time Allocations to RDA	298	307	316	325	335	345	355	366	377	0	0	0	0
Cost Reimb. to GF (Cost allocation plan)	678	699	720	741	764	787	810	834	859	215	221	228	235
Subtotal General Fund Related	976	1,005	1,036	1,067	1,099	1,132	1,166	1,200	1,236	215	221	228	235
Agency Administrative Staff Expense	681	702	723	745	767	790	814	838	863	0	0	0	0
Other Administrative Expense	105	108	111	115	118	122	125	129	133	0	0	0	0
Future Projects, Programs, or Debt Service [6] *(assumed to be new debt incurred after 10/1/2011 for purposes of AB 1X27 Payment Calculation)*	2,628	2,776	2,925	3,261	3,400	4,485	1,258	1,141	1,228	3,216	3,103	3,242	3,347

Notes:

[1] Excludes Cinema Place lease revenue / garage maint. reimbursements and related expenses which do not represent a significant net cash flow.
[2] Based on prior projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection. Assuming 2% annual growth in accessed value.
[3] Net of facilities share of HUSD pass through.
[4] Actual amount will depend upon future growth in tax increment and the actual amount of tax increment used to pay existing versus future indebtedness. For purposes of calculation, new debt incurred after 10/1/2011 assumed to correspond to future projects, programs, and debt service shown below.
[5] Treated as discretionary because the General Fund Loan is not expected to be treated as a recognized obligation if the Agency dissolves.
[6] Does not include existing fund balances in operating or CIP accounts. The CRL permits the Agency to receive tax increment beyond the effective life of the Plan for debt repayment only. Projection assumes the Agency will have established sufficient debt to collect all available tax increment after reaching the effective life of the Plan.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
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Table 3
Illustrative Non-Housing Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Continues

Page 3 of 3

(000's Omitted)

	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47
									TI Receipt for Mission Foothill		
I. Revenues [1]											
80% TI (HDL Projection) [2]	10,774	11,074	11,380	11,693	12,011	12,336	12,667	13,005	7,260	7,466	7,675
Retail attraction loan repayment	0	0	0	0	0	0	0	0	0	0	0
Total Revenue	10,774	11,074	11,380	11,693	12,011	12,336	12,667	13,005	7,260	7,466	7,675
II. Non-Discretionary Expenses [1]											
Pass Throughs [3]	3,771	3,933	4,100	4,269	4,442	4,618	4,798	4,981	2,878	2,990	3,104
Bond Debt (2004 & 2006 TABs)	0	0	0	0	0	0	0	0	0	0	0
Repay SERAF Loan from Housing Fund	0	0	0	0	0	0	0	0	0	0	0
2011-12 Payment under AB 1X 27 Payments											
Future Payments under AB 1X 27 (estimated) [4]	1,704	1,938	1,917	1,938	1,954	1,970	1,987	2,005	1,085	1,544	1,449
Total Non-Discretionary Expenditures	5,475	5,871	6,016	6,207	6,395	6,589	6,785	6,986	3,963	4,534	4,553
III. Net Available after Non-Discretionary Obligations	5,299	5,203	5,364	5,485	5,616	5,747	5,882	6,019	3,297	2,931	3,123
IV. Potential Uses of Available Funds											
General Fund Loan Repayment [5]	0	0	0	0	0	0	0	0	0	0	0
General Fund Staff Time Allocations to RDA	0	0	0	0	0	0	0	0	0	0	0
Cost Reimb. to GF (Cost allocation plan)	242	249	257	264	272	280	289	297	306	316	325
Subtotal General Fund Related	242	249	257	264	272	280	289	297	306	316	325
Agency Administrative Staff Expense	0	0	0	0	0	0	0	0	0	0	0
Other Administrative Expense	0	0	0	0	0	0	0	0	0	0	0
Future Projects, Programs, or Debt Service [6] *(assumed to be new debt incurred after 10/1/2011 for purposes of AB 1X27 Payment Calculation)*	5,058	4,954	5,108	5,221	5,343	5,467	5,593	5,722	2,990	2,616	2,798

Notes:

(1) Excludes Cinema Place lease revenue / garage maint. reimbursements and related expenses which do not represent a significant net cash flow.
(2) Based on prior projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection. Assuming 2% annual growth in accessed value.
(3) Net of facilities share of HUSD pass through.
(4) Actual amount will depend upon future growth in tax increment and the actual amount of tax increment used to pay existing versus future indebtedness. For purposes of calculation, new debt incurred after 10/1/2011 assumed to correspond to future projects, programs, and debt service shown below.
(5) Treated as discretionary because the General Fund Loan is not expected to be treated as a recognized obligation if the Agency dissolves.
(6) Does not include existing fund balances in operating or CIP accounts. The CRL permits the Agency to receive tax increment beyond the effective life of the Plan for debt repayment only. Projection assumes the Agency will have established sufficient debt to collect all available tax increment after reaching the effective life of the Plan.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
Keyser Marston Associates, Inc.
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Table 4
Illustrative Housing Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Continues

Page 1 of 3

(000's Omitted)	Net Present Value at 6% discount	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
I. Revenues [1]													
20% Housing TI (HDL Projection) [2]	41,747	2,221	2,295	2,363	2,432	2,503	2,574	2,648	2,722	2,798	2,876	2,928	3,007
Repayment of SERAF Loan	3,552	1,405	564	690	763	455	0	0	0	0	0	0	0
Loan repayments	1,199	57	54	54	89	140	172	117	82	66	66	66	66
Total Revenue	46,498	3,683	2,913	3,107	3,284	3,098	2,747	2,765	2,805	2,865	2,943	2,994	3,073
II. Potential Uses of Funds													
Housing Fund Staff Expense	8,059	354	365	376	387	398	410	423	435	448	462	476	490
Other Operating Expenses	3,230	140	146	151	155	160	165	170	175	180	185	191	197
Housing Projects and Programs	35,210	3,189	2,402	2,581	2,742	2,539	2,172	2,173	2,195	2,237	2,295	2,328	2,387

Notes:

[1] Does not include existing fund balances in operating or CIP accounts. The CRL permits the Agency to receive tax increment beyond the effective life of the Plan for debt repayment only. Projection assumes the Agency will have established sufficient debt to collect all available tax increment after reaching the effective life of the Plan.

[2] Based on prior projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection.

Sources: Agency budget for 11-12, Agency 10 Year Cash Flow Projection, HDL 2009 Tax Increment Projections.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
Keyser Marston Associates, Inc.
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Table 4
Illustrative Housing Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project A
Hayward, CA ***Page 2 of 3***

If Agency Continues

(000's Omitted)

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36
									Plan Limit for Mission / Foothill				
I. Revenues [1]													
20% Housing TI (HDL Projection) [2]	3,089	3,172	3,257	3,344	3,432	3,522	2,249	2,315	2,383	2,452	2,523	2,595	2,668
Repayment of SERAF Loan	0	0	0	0	0	0	0	0	0	0	0	0	0
Loan repayments	66	66	66	66	66	66	66	66	66	66	66	66	66
Total Revenue	3,155	3,238	3,323	3,410	3,498	3,588	2,315	2,382	2,449	2,519	2,589	2,661	2,735
II. Potential Uses of Funds													
Housing Fund Staff Expense	505	520	535	552	568	585	603	621	639	659	678	699	720
Other Operating Expenses	202	208	215	221	228	235	242	249	256	264	272	280	289
Housing Projects and Programs	2,448	2,510	2,573	2,637	2,702	2,769	1,471	1,512	1,554	1,596	1,639	1,682	1,726

Notes:

[1] Does not include existing fund balances in operating or CIP accounts. The CRL permits the Agency to receive tax increment beyond the effective life of the Plan for debt repayment only. Projection assumes the Agency will have established sufficient debt to collect all available tax increment after reaching the effective life of the Plan.

[2] Based on prior projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
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Table 4
Illustrative Housing Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project A
Hayward, CA

If Agency Continues

Page 3 of 3

(000's Omitted)

TI Receipt for Mission Foothill

	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47
I. Revenues [1]											
20% Housing TI (HDL Projection) [2]	2,743	2,819	2,897	2,977	3,058	3,141	3,225	3,311	1,848	1,901	1,954
Repayment of SERAF Loan	0	0	0	0	0	0	0	0	0	0	0
Loan repayments	66	66	66	66	66	66	66	66	66	66	66
Total Revenue	2,809	2,886	2,964	3,043	3,124	3,207	3,291	3,377	1,915	1,967	2,020
II. Potential Uses of Funds											
Housing Fund Staff Expense	741	763	786	810	834	859	885	912	939	967	996
Other Operating Expenses	297	306	315	325	335	345	355	366	377	388	399
Housing Projects and Programs	1,771	1,816	1,862	1,908	1,956	2,003	2,051	2,100	599	612	625

Notes:

[1] Does not include existing fund balances in operating or CIP accounts. The CRL permits the Agency to receive tax increment beyond the effective life of the Plan for debt repayment only. Projection assumes the Agency will have established sufficient debt to collect all available tax increment after reaching the effective life of the Plan.

[2] Based on prior projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
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Table 5
Illustrative Successor Agency Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Dissolves

Page 1 of 3

(000's Omitted)	Net Present Value at 6% discount	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
I. Revenues [1]													
Gross TI (HDL Projection) [2]	205,720	10,946	11,311	11,645	11,985	12,332	12,686	13,047	13,415	13,790	14,173	14,427	14,818
Loan repayments [3]	1,323	73	76	76	111	162	194	134	89	66	66	66	66
Total Revenue	207,043	11,018	11,387	11,721	12,096	12,494	12,880	13,180	13,504	13,857	14,240	14,493	14,884
II. Pass Throughs and Recognized Obligations [1]													
Existing Pass Throughs [4]	36,240	1,357	1,466	1,562	1,676	1,791	1,909	2,031	2,155	1,811	1,901	1,973	2,066
Bond Debt (2004 & 2006 TABs)	48,824	4,009	4,005	4,009	4,004	4,009	4,009	4,009	4,003	4,001	4,003	4,003	4,001
Successor Agency Admin Allowance	3,875	250	250	250	250	250	250	250	250	250	250	250	250
Total Pass Throughs and Recognized Obligations	88,938	5,617	5,721	5,821	5,929	6,050	6,168	6,290	6,408	6,062	6,154	6,226	6,317
III. Net Available for Distribution to Taxing Agencies by County Auditor-Controller	118,105	5,402	5,666	5,900	6,167	6,444	6,712	6,890	7,095	7,794	8,086	8,267	8,567
City Share of distribution @ 17.6%	20,787	951	997	1,038	1,085	1,134	1,181	1,213	1,249	1,372	1,423	1,455	1,508
(less) existing pass through to City	(5,394)	(261)	(274)	(286)	(298)	(310)	(323)	(336)	(349)	(289)	(299)	(306)	(316)
Estimated Distribution to City	15,392	690	723	753	787	824	858	877	900	1,082	1,124	1,149	1,192

Notes:
[1] Excludes Cinema Place lease revenue / garage maint. reimbursements and related expenses which do not represent a significant net cash flow.
[2] Based on projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection.
[3] Including loan receivables for both non-housing and housing funds.
[4] Net of facilities share of HUSD pass through.

Sources: Agency budget for 11-12, Agency 10 Year Cash Flow Projection, HDL 2009 Tax Increment Projections.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
Keyser Marston Associates, Inc.
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Table 5
Illustrative Successor Agency Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Dissolves

Page 2 of 3

(000's Omitted)

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36
							Plan Limit for Mission / Foothill						
I. Revenues [1]													
Gross TI (HDL Projection) [2]	15,220	15,630	16,049	16,476	16,912	17,356	11,081	11,409	11,743	12,084	12,432	12,787	13,148
Loan repayments [3]	66	66	66	66	66	66	66	66	66	66	66	66	66
Total Revenue	15,286	15,697	16,116	16,543	16,978	17,422	11,147	11,475	11,809	12,150	12,498	12,853	13,215
II. Pass Throughs and Recognized Obligations [1]													
Existing Pass Throughs [4]	2,161	2,257	2,356	2,456	2,558	2,663	2,769	2,878	3,003	3,150	3,301	3,454	3,611
Bond Debt (2004 & 2006 TABs)	4,002	4,005	4,005	3,797	3,796	2,750	1,681	1,681	1,681	1,683	1,682	1,681	1,680
Successor Agency Admin Allowance	250	250	250	250	250	250	250	250	250	250	250	250	250
Total Pass Throughs and Recognized Obligations	6,413	6,512	6,611	6,503	6,604	5,663	4,700	4,809	4,934	5,084	5,232	5,386	5,541
III. Net Available for Distribution to Taxing Agencies by County Auditor-Controller	8,874	9,184	9,505	10,040	10,374	11,759	6,447	6,666	6,875	7,067	7,266	7,467	7,674
City Share of distribution @ 17.6%	1,562	1,616	1,673	1,767	1,826	2,070	1,135	1,173	1,210	1,244	1,279	1,314	1,351
(less) existing pass through to City	(326)	(336)	(346)	(357)	(368)	(379)	(390)	(402)	(414)	(426)	(438)	(450)	(463)
Estimated Distribution to City	1,236	1,281	1,327	1,410	1,458	1,691	744	771	796	818	841	864	888

Notes:
[1] Excludes Cinema Place lease revenue / garage maint. reimbursements and related expenses which do not represent a significant net cash flow.
[2] Based on projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection.
[3] Including loan receivables for both non-housing and housing funds.
[4] Net of facilities share of HUSD pass through.

Sources: Agency budget for 11-12, Agency 10 Year Cash Flow Projection, HDL 2009 Tax Increment Projections.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
Keyser Marston Associates, Inc.
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Table 5
Illustrative Successor Agency Cash Flow Projection
Future of RDA Under AB 1X 26 and 27
Downtown Hayward Redevelopment Project Area
Hayward, CA

If Agency Dissolves

Page 3 of 3

(000's Omitted)

TI Receipt for Mission Foothill

	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47
I. Revenues [1]											
Gross TI (HDL Projection) [2]	13,517	13,894	14,278	14,670	15,069	15,477	15,892	16,316	9,108	9,366	9,629
Loan repayments [3]	66	66	66	66	66	66	66	66	66	66	66
Total Revenue	13,584	13,960	14,344	14,736	15,135	15,543	15,959	16,382	9,175	9,433	9,696
II. Pass Throughs and Recognized Obligations [1]											
Existing Pass Throughs [4]	3,771	3,933	4,100	4,269	4,442	4,618	4,798	4,981	2,878	2,990	3,104
Bond Debt (2004 & 2006 TABs)	0	0	0	0	0	0	0	0	0	0	0
Successor Agency Admin Allowance	250	250	250	250	250	250	250	250	250	250	250
Total Pass Throughs and Recognized Obligations	4,021	4,183	4,350	4,519	4,692	4,868	5,048	5,231	3,128	3,240	3,354
III. Net Available for Distribution to Taxing Agencies by County Auditor-Controller	9,563	9,777	9,995	10,217	10,444	10,675	10,911	11,151	6,046	6,193	6,342
City Share of distribution @ 17.6%	1,683	1,721	1,759	1,798	1,838	1,879	1,920	1,963	1,064	1,090	1,116
(less) existing pass through to City	(476)	(489)	(503)	(517)	(531)	(545)	(560)	(575)	(321)	(330)	(340)
Estimated Distribution to City	1,207	1,231	1,256	1,282	1,307	1,334	1,361	1,388	743	760	776

Notes:
[1] Excludes Cinema Place lease revenue / garage maint. reimbursements and related expenses which do not represent a significant net cash flow.
[2] Based on projection by HDL in 2009. Reflects plan limits as of the date of the HDL projection.
[3] Including loan receivables for both non-housing and housing funds.
[4] Net of facilities share of HUSD pass through.

Sources: Agency budget for 11-12, Agency 10 Year Cash Flow Projection, HDL 2009 Tax Increment Projections.

Actual taxable values, tax increment, and the timing of the tax increment may vary from the amounts contained in this projection.
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CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council
Redevelopment Agency Board Chair and Members

FROM: Assistant City Manager
Public Works Director
Development Services Director

SUBJECT: Reauthorization of the approval to execute the Standard Agreement and Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds; Approval to Negotiate and Execute an Owner Participation Agreement (OPA) with the Developers of the South Hayward BART Station Transit-Oriented Development; Modification / Clarification of Certain Conditions of Approval for the South Hayward BART Station Transit-Oriented Development (TOD Project); and Approval to Execute a Joint Powers Authority (JPA) Agreement with the Bay Area Rapid Transit District (BART) to Address BART Parking and Access Issues

RECOMMENDATION

That the Council and Agency adopt the attached resolutions: (1) reauthorizing the City Manager to negotiate, execute, and implement a Standard Agreement and Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds, to be executed jointly with the Developers of the South Hayward BART Station Transit-Oriented Development; (2) authorizing the City Manager to negotiate, execute, and implement an Owner Participation Agreement (OPA) with the Developers of the South Hayward BART Station Transit-Oriented Development; (3) modifying certain of the Conditions of Approval for the South Hayward BART Station Transit-Oriented Development; and (4) authorizing the City Manager to execute and implement a Joint Powers Authority (JPA) Agreement with the Bay Area Rapid Transit District (BART) to address BART parking and access issues.

SUMMARY

On July 12, 2011, the Council conducted a work session and gave staff input on four items that are critical to moving the South Hayward BART TOD Project forward. These four items included: (1) the Infill Infrastructure Grant (IIG) documents with the State of California Housing and Community Development (HCD) Department; (2) the execution of an Owner Participation Agreement governing the development of the TOD Project; (3) the clarification or modification

of Conditions of Approval for the TOD Project as requested by Developer; and (4) the formation of a Joint Powers Authority with BART. During the work session:

1. The Council was advised that the City and the Developers have progressed in their joint negotiations with the Department of Housing & Community Development (HCD) related to HCD's Infill Infrastructure Grant for the TOD Project. Staff updated the Council on the anticipated terms of the HCD Infill Infrastructure Grant documents (the HCD Documents). One of the most pressing issues is the joint and several liability element of the HCD Documents, which makes the City jointly and severally liable for repayment of HCD funds in the event of a Developer default. After extensive negotiations, staff understands that HCD will not modify the joint and several liability element. The Developers have agreed to provide protections to the City related to its risk and exposure for repayment of these funds, and that protection is more particularly described in the later discussion contained in this report. In 2009, the Council authorized the City Manager to execute both a Standard Agreement and Disbursement Agreement with HCD for the IIG funds. Given the minor modification to the project that was approved in March 2011, staff is recommending that the Council ratify its prior authorization for the City Manager to execute the Standard Agreement and Disbursement Agreement.

2. The Council was advised that the City Manager has been negotiating the terms and conditions of an Owner Participation Agreement (OPA) with Wittek Development, LLC and Montana Property Group, LLC. (collectively, "Wittek/Montana") and Eden Housing, Inc. ("Eden") to assure their performance in the completion of the TOD Project. (Wittek/Montana and Eden are collectively referred to in this report as the "Developers"). Staff reviewed and received Council input on the anticipated terms of the OPA. Staff is recommending that the Council authorize the City Manager to negotiate, execute and implement the OPA, consistent with this Staff Report and the July 12 report.

3. Council was informed that Wittek/Montana has sought modifications of certain Conditions of Approval for the TOD Project given the new phasing plan for the project, some of which are not supported by staff. The work session report outlined their request and the proposed staff recommendations in response. At the work session meeting, Wittek/Montana presented the rationale for their request. Council generally provided comments that staff should negotiate further with the Developer on the respective requests and return with a recommendation. Staff is recommending that the Council modify the project conditions as outlined in Attachment III and this report and that staff then incorporate relevant implementing language in the final OPA document.

4. The Council was informed that City Manager has conducted negotiations with the Bay Area Rapid Transit (BART) District regarding the formation of a Joint Powers Authority (JPA) to address BART parking and access issues at South Hayward BART Station. The City Manager is bringing the Agreement forming the JPA (the "JPA Agreement") to the Council for approval in this action. Staff is recommending that the Council approve the execution and implementation of the JPA, consistent with the discussion in this report.

BACKGROUND

In 2009, the South Hayward TOD Project was awarded $47 million of Proposition 1-C Bond "Round II" Infill Infrastructure Grant and Transit Oriented Development Housing Program Funds (the "HCD Funds"). The $47 million was intended to finance a BART Parking Garage, and certain other infrastructure and affordable housing costs of the TOD Project. As originally proposed to HCD, the TOD Project would commence with a BART Parking Garage and included a significant housing and retail component. It was originally contemplated that the Redevelopment Agency (hereinafter the "Agency") would provide up to $19.8 million to the TOD Project, including up to $7.1 million in Low and Moderate Income Housing Funds for the affordable housing included in the TOD Project and up to $12.7 million for infrastructure and site improvements.

In January 2011, the Developers re-phased the TOD Project and advised that the new "Phase 1" would include 151 affordable units (64 senior units and 87 family units) (the "Phase 1 Affordable Housing Development") and 203 market-rate rental units (the "Phase 1 Market Rate Housing Development"). A work session with Council was held on March 8, 2011 to explain the reasons for the re-phasing, after which, and in connection with the re-phasing, the Development Services Director approved a minor modification to the approved Preliminary Development Plan on June 8, 2011.

Because of the re-phasing, HCD is required to recalculate the amount of the HCD Funds award. HCD has indicated, based upon the proposed number and type of units, that it will provide $31.3 million for the TOD Project, consisting of $16.2 million in Infill Infrastructure Grant Funds ("HCD IIG Funds") and $15.1 million of Transit Oriented Development Housing Funds ("HCD TOD Funds"). As design of the development is not yet final, it is possible that the Developers may increase the number of units in the Project, in which case, the total IIG funds that might become available would increase to $18 million, bringing the total possible HCD funds to $33.1 million. The HCD IIG Funds will pay for a portion of the impact fees, site work and the parking garages serving the Phase 1 Affordable Housing Development and the Phase 1 Market Rate Housing Development. The HCD TOD Funds are permanent financing to support the Phase 1 Affordable Housing Development.

In addition to the reduction of HCD Funds, the State of California has caused the depletion of the Agency's tax increment funds. Due to the State's taking of redevelopment funds in 2010 and 2011 and the impacts of the economic downturn on property tax increment revenue, the Agency is unable to provide the originally contemplated $12.7 million for TOD Project infrastructure. Moreover, the 2011 State Budget Trailer legislation concerning redevelopment agencies suspends all new redevelopment activities and dissolves all redevelopment agencies effective October 1, 2011. As discussed with the Council at the July 19 meeting, redevelopment agencies may avoid dissolution by opting into an "alternative voluntary redevelopment program" that requires an upfront payment and substantial annual contributions to local school and special districts. Until such time as the City adopts an ordinance to "opt-in" to the alternative voluntary redevelopment program (which at the earliest will not occur until August 9, 2011), the Agency cannot authorize execution of the agreements discussed in this staff report. As such, staff does not anticipate including the Agency as a party to the JPA, OPA, or HCD Documents at this time,

but could amend said documents to include the Agency if the City chooses to “opt-in” and the Agency takes the appropriate steps to authorize such amendments.

The Housing Authority and City recently approved (at the June 14, 2011 meeting) approximately $6 million in funding for the Phase 1 Affordable Housing Development. The Housing Authority was authorized to loan Eden $4,250,000 in Low and Moderate Income Housing Funds ("Authority Loan") and the City was authorized to loan Eden $830,000 in Neighborhood Stabilization II ("NSP II") Funds and $900,000 in Federal HOME funds. This $6 million is only $1.1 million less than the $7.1 million in Low and Moderate Income Housing Funds originally contemplated for the original TOD Project.

As a consequence of the re-phasing, the economic downturn, and the State’s dissolution of redevelopment agencies, the TOD Project is significantly different in scope today than it was in 2009.

DISCUSSION

HCD Infill Infrastructure Grant Documents (HCD Documents)

To access the $18 million of HCD IIG Funds, the City, the Redevelopment Agency, and the Developers are required to jointly execute a Standard Agreement and a Disbursement Agreement with the California Department of Housing and Community Development (HCD). Although the Agency is required to be a party to the HCD Documents, as it was a co-applicant for the IIG Grant, together with the City and the Developers, the current State legislation regarding elimination of redevelopment agencies has caused some uncertainty around the ability of the Agency to uphold this obligation with respect to the HCD Documents. If the City elects to "opt-in" and preserve its Agency, the Agency will be added on as a party to the HCD Documents, and will share the joint and several liability with the City and the Developers. If the City does not opt-in and the Agency is dissolved, the Agency will not be a co-recipient of the IIG Grant or a party to the HCD Documents, leaving the City as the sole public entity responsible for performance in the event of default.

The City Council and Agency Board approved execution of the HCD Documents at the time their application for the funds was made in 2009. The request herein is that Council ratifies that prior approval. Staff and the Developers are in the process of negotiating the final form of the HCD Documents with HCD staff. The basic terms are set forth below. In reviewing the terms, please note that HCD will not relieve the City of the joint and several liability provision that is more particularly described below. Staff has, however, worked with the Developers to provide the City with protection against a claim by HCD to repay the IIG funds. Those protections are described in the "Security" section below and in the discussion of the OPA. Given the constraints set forth by HCD and the protections offered by the Developers, staff is generally supportive of the terms proposed in the HCD Documents and the corresponding terms of the OPA that address these issues.

1. Eligible Costs: HCD will disburse IIG funds for the costs of on-site improvements (including curbs, gutters, sidewalks, water, storm drain and utilities) and the underground parking garages

for both the affordable and market rate housing projects. Approximately $2 million may be disbursed for predevelopment costs prior to commencement of construction.

2. Joint and Several Liability: The IIG funds are a grant to the City, the Agency (if it is not dissolved), and the Developers; however, HCD can demand repayment of part or all of the disbursed grant funds if the affordable and market rate units (Phase I of the TOD Project) are not constructed within specified timelines. The City, the Agency (if it is not dissolved), and the Developers are all jointly and severally liable for repayment to HCD if the project does not meet the specified performance targets and timelines. Once the housing projects are constructed and occupied, HCD no longer has the right to demand repayment of the IIG funds. After extensive negotiations, staff understands that HCD will not modify the Joint and Several Liability clause.

3. Security: HCD will disburse the IIG funds on a cost-reimbursement basis to the Agency (if it is not dissolved) or to the City (if the Agency is dissolved). Pursuant to the OPA, the Agency or City will disburse the funds to the Developers on a cost-reimbursement basis and in the form of revocable grants, which will be secured by deeds of trust on the Perry and Key site and the BART parking lot, once it is acquired by the Developers (see further discussion in the OPA section below). The Developers will submit reimbursement requests to the City, which will be reviewed and verified before the City forwards the requests to HCD. Once the City receives the funds from HCD, the City will then disburse the funds to the Developers. This provides the City additional controls over the disbursement of the funds. The final OPA document will outline the specific details of this arrangement.

Fiscal Impact – HCD Documents

The IIG funds are grant funds from the State under Proposition 1C. The HCD Documents provide that the City and Agency (if it is not dissolved) are jointly and severally liable with the Developers if HCD demands repayment of the IIG grant funds due to an uncured default by the Developers or the City or Agency. The structure described above, where the funds are disbursed by the City or Agency to the Developers as revocable grants secured by deeds of trust on the housing sites, mitigates the risk that City General Funds may be needed to repay HCD in the event of default. In addition, if the City elects to "opt-in" and the Agency is not dissolved, Agency assets may be used to repay HCD following a default, further protecting the City's General Fund.

Owner Participation Agreement (OPA)

If approved by Council, the City and the Developers will enter into an Owner Participation Agreement ("OPA") to govern the development and operation of this Phase I of the TOD Project. The OPA does not address and will not cause the development of Phase II of the TOD Project. Any agreements concerning Phase II will need to be entered into once there is more certainty as to the implementation and timing of that Phase. In the July 12 work session, City staff sought input from Council on the major terms of the OPA, which are outlined below and in the chart attached as Attachment VI. After extensive negotiations with HCD and the Developers, staff recommends these terms because they will permit Phase 1 of the Project to be constructed in a

manner desired by the City. Moreover, these terms will provide protections to the City in the event of a Developer default.

1. Parties: The OPA will be an agreement between the City and the Developers (both Wittek/Montana and Eden). If the City Council elects to "opt-in" and preserve its Agency, the Agency will be added as a party at such time as it is able to execute documents.

2. Conditions to be Recorded on the Phase 1 TOD Project Site: Following execution of the OPA by the parties, the OPA will be recorded against title to the Perry and Key site, which is currently owned by Big Sky Holdings, LLC and where the Phase 1 Affordable Housing Development (and a portion of the Phase 1 Market Rate Development) will be constructed. Big Sky Holdings, LLC is an entity affiliated with the Montana Property Group that currently maintains separate business and legal standing. When Wittek/Montana acquires the East Parking Lot from BART in order to construct the Phase 1 Market Rate Housing Development, the OPA will also be recorded against title to the BART East Lot. Once recorded, the OPA will control the future development of the first phase of the TOD Project between Mission Boulevard and Dixon Street.

3. Construction of Phase 1: The OPA will require the Developers (or approved transferees) to construct the Phase 1 Affordable Housing Development, the Phase 1 Market Rate Development, and related infrastructure. The Phase 1 Affordable Housing Development will consist of approximately 64 units of senior housing and 87 units of family housing (151 total affordable units). The Phase 1 Market Rate Development will consist of 203 market rate family units. (The Project design is not complete; as such, the Developers may increase the number of units in the Project during precise plan development.) The Phase 1 Market Rate Development will be mapped for condominiums so that the units may be sold when for-sale housing market conditions improve. The OPA will require certain protections for those tenants who might be displaced as units are sold to homebuyers. The payment of prevailing wages will also be required during the initial construction of Phase 1.

In addition to providing for the construction of the Phase 1 Affordable Housing Development and the Phase 1 Market Rate Development, the OPA will provide implementing details relating to the modifications to the Conditions of Approval outlined below. Generally, the OPA will require that Wittek-Montana contribute 35% of the cost of the traffic signal required by the Phase 1 conditions of approval, unless certain Transportation for Liveable Communities are available and used for the construction of such signal during Phase 1. The OPA will also require the development of a park on the CalTrans parcels adjacent to the TOD Project. The Developer's cost to develop the park will be not less than $455,000.

The developer will also participate in the acquisition of the land from CalTrans, contributing 50% of the purchase price, capped at $400,000. The OPA will require the Developers to form a Landscape and Lighting Assessment District (LLD), prior to the framing inspection of the market rate units, to pay for the operation and maintenance of the park and walkway easement. The Developers shall pay for the cost of forming the LLD, but the Developers' contribution shall not exceed $7,500 towards these formation costs. Funds from the LLD will be provided to the Developer of the Phase 1 Market Rate Development to maintain the Park and a related public

access walkway (connecting the park and Dixon Street) but the City will be able to takeover maintenance in the event the Developer does not maintain the park in accordance with City standards.

4. Financing: The OPA will provide for the disbursement of HCD IIG funds for the TOD Project. As currently contemplated, the City will permit disbursement of HCD IIG Funds under the HCD Disbursement Agreement only after the Developers have met certain conditions. In order to access any HCD IIG predevelopment funds (up to $2 million), the Developers will be obligated to, among other matters: provide a financing plan, budget, and project development schedule approved by the City; obtain approval of the title and physical condition of the project site from the City; and be in contract (in a form acceptable to the City) to acquire the East Parking Lot from BART. In order to access HCD IIG construction funds (the remainder of the $18 million), the Developers will be obligated, among other matters, to: acquire the BART East Lot; establish a construction coordination plan that will permit efficient construction of Phase 1 by both Eden and Wittek/Montana; pull building permits for Phase 1; close on the construction financing for Phase 1; and provide evidence that permanent financing for Phase 1 will be available upon completion of construction of Phase I.

5. Security: Because the City would be jointly and severally liable for the HCD IIG Funds under the HCD Disbursement Agreement, the City would require security under the terms of the OPA and as described below and included in Attachment VII:

A. Deed of Trust: The OPA will structure the release of the HCD IIG funds in the form of a revocable grant that will be secured by a deed of trust. Any funds disbursed under the HCD Disbursement Agreement will be secured by a deed of trust on the Perry and Key site. At such time as the BART East Lot is acquired and the Phase 1 site is divided into the Phase 1 Affordable Housing Development Parcel and the Phase 1 Market Rate Housing Parcel, the City will divide its security so that the City will have two separate securities: one deed of trust from Eden to secure its share of any disbursed HCD IIG Funds and a second deed of trust from Wittek/Montana to secure its share of any disbursed HCD IIG Funds. The City IIG deeds of trust would initially be in first lien position against the property and may later be subordinated to the private construction financing obtained by the Developers. At such time as the City IIG deed of trust is in first lien position, if the HCD IIG Funds are ever required to be repaid to HCD, and the City is liable for the repayment because the Developers do not build and fail to repay, then the City can foreclose against the property, sell it, and repay HCD with the sales proceeds.

During the construction period, when the amount of HCD IIG Funds disbursed increases and the City IIG deeds of trust may be subordinated to the construction lender, the City will still have security through its deed of trust, but there is a greater risk that the subordinated deeds of trust will not make the City whole in the event of a Developer default. However, as construction progresses, the underlying value of the property increases and the risk of default may decrease. These factors make it difficult to quantify the City's potential exposure at any given point, as this will fluctuate during the project timeline and with the amount of HCD funds disbursed. The City will retain the step-in rights described below. Further, based on HCD's actions on defaulted projects to date, and the fact that the IIG funds (as Prop 1C funds) are required to be used for TOD projects and cannot be used for other State budget items, staff anticipates that in the event

of a Developer default, HCD is more likely to enter into a work-out agreement with the City than call the HCD IIG Funds due. There is no way to completely eliminate the risk to the City given the joint and several liability provision required by HCD for the IIG funds. However, staff has negotiated diligently with the Developers and recommends the approach outlined as an appropriate mechanism to help mitigate the City's risk and exposure.

(The City IIG deeds of trust would be in addition to the deeds of trust securing the $6 million in affordable housing financing provided by the City and Housing Authority to Eden Housing, Inc., through the loans approved by the City and the Housing Authority on June 14, 2011.)

B. Option and Right to Step In: Prior to completion of construction, the City will have the right to acquire the Phase 1 property and take over Phase 1 if the Developers default. The City's right to acquire the Phase 1 property and take over Phase 1 will be provided through several methods. First, the City will require the Developers to assign their purchase contracts for the Phase 1 property to the City. This assignment will permit the City to complete the purchase of the Phase 1 property (or portion thereof) in the event of a Developer default. The City will also have the option to purchase the Phase 1 property in the event of a Developer default. The option will permit the City to step in as the owner of the Phase 1 property (or portion thereof) so that it can cause the completion of Phase 1. In addition, the City will require the Developers to assign their work product (e.g., design drawings, plans and specifications, engineering reports, etc.) to the City. This will permit the City to use the work product in the event it needs to replace the Developers. The OPA will provide some protection and associated step-in rights to Eden and Wittek/Montana in that if one entity defaults, the City will seek remedies against the defaulting entity and its property only. This will permit the City to work with the non-defaulting party to complete Phase 1.

6. Operations: The Phase 1 Affordable Housing Development will be subject to a City Inclusionary Housing Regulatory Agreement that will require that the development be affordable in accordance with City requirements and will meet maintenance and management standards. Similarly, the Phase 1 Market Rate Housing Development will be obligated to adhere to maintenance and management standards.

Fiscal Impact – Owner Participation Agreement

The OPA will not impact the General Fund. If, however, a Developer defaults under the OPA, the City may incur costs related to curing that default and stepping into the shoes of the Developer. In addition, as discussed above in the section pertaining to the HCD Documents, the City could be liable to HCD should the Developers fail to meet all of the requirements of the HCD documents. However, the recordation of the City's deeds of trust against the property and the assignment of work product both help to ensure that there is sufficient security to repay HCD in the event of default or that the City can take over and cause the completion of Phase 1.

Conditions of Approval (COA)

As Council is aware, Wittek/Montana and staff have been negotiating regarding the conditions of approval in light of the TOD Project re-phasing and staff sought direction from the Council related to certain conditions of approval at the Council's July 12 meeting. For a complete understanding of the developer's requests, the reasoning for each, and staff's initial recommendations, please refer to the July 12 Council meeting staff report[1]. At the July 12 meeting, Council generally commented that staff should continue to negotiate with the Developer and return with recommendations. The Developer and staff are in concurrence with the recommendations described below.

Condition #18 - Traffic Signal:

The existing conditions of approval currently require that a traffic signal be installed on Dixon Street to provide traffic control for the Project:

> *18. Phase I only - The developer shall construct a traffic signal at the intersection of Dixon Street and the southern entrance into the project (BART parking structure). The design of the traffic signal shall be approved by the City Engineer. The developer is responsible for paying 100% of the cost of design and construction of this signal, unless other funding sources acceptable to the City and developer become available.*

The City expects that it will be able to pay for and install the traffic signal itself. The City applied to MTC for Transportation for Livable Communities (TLC) grant funds to finance an improvement project along Dixon Street. The City has been awarded $1.8 million and the City has allocated $450,000 of Redevelopment Agency Funds to satisfy the 20% match requirement for the TLC grant (as approved by the Council on June 21, 2011). A portion of the MTC and matching funds has been designated for the traffic signal.

Recommendation: While staff believes that the vehicular and pedestrian access to the main BART lot together with the increased vehicular and pedestrian traffic on Dixon Street caused by this Project warrant that the traffic signal be installed as a part of Phase 1, staff recognizes that the TLC grant funds will likely be available for the traffic signal and that Phase 2 could eventually cover the remaining costs of the signal should the TLC grant funds not be available. Therefore, staff and the Developers have agreed that Condition #18 requiring that a traffic signal be installed on Dixon Street to provide traffic control for the Project is recommended to be modified as follows:

> *18. Phase I only - The developer shall participate in the construction at the intersection of Dixon Street and the southern entrance into the project (BART parking structure). The design of the traffic signal shall be approved by the City Engineer. The developer is responsible for paying its prorata share of the cost of design and construction of this signal, unless other funding sources acceptable to the City and developer become available. The details concerning the payment of the developer's prorated share shall be set forth in the Owner Participation Agreement to be entered into by the Developer and the City for Phase I. Phase II – Upon commencement of Phase II construction, the remaining cost of design and construction of the signal will be due unless the traffic signal was constructed during Phase I.*

[1]Link to July 12 staff report: http://www.hayward-ca.gov/citygov/meetings/cca/2011/CCA11PDF/cca071211full.pdf

The OPA would provide that in the event that the City is unable to complete this work, then the Developer would be responsible to pay its prorated contribution, .i.e. 35% (the percentage equal to the number of market rate units built in Phase I (203) divided by the total number of market rate units planned to be built in both phases (582).

Condition #33 - Landscape and Lighting Assessment District:

This condition currently requires the Developer to form a Landscape and Lighting Assessment District (LLD).

> *33. Prior to issuance of building permits for each phase of the development, the developer(s) shall form a Landscape and Lighting District to fund operation and maintenance of common areas within each phase of the development. Prior to approval of the first final map, the developer shall provide a $10,000 deposit to the City to cover the costs associated with formation of the District. The exact limits of responsibility for the District will be determined during processing of the Precise Plan for each phase of the development.*

Recommendation: In light of the rephasing and the reduced landscaping associated with Phase I, staff and the Developer agree that the LLD include only the park and access walkway through the Phase 1 Market Rate Development. Staff recommends that the condition be modified as follows:

> *33. For Phase I, the Developer shall form a Landscape and Lighting District (LLD), prior to the framing inspection of the market rate units building, in order to fund the operation and maintenance of the Phase I park and the walkway public access easement connecting the park and Dixon Street. The details concerning the implementation and cost of such LLD shall be set forth in the Owner Participation Agreement, to be entered into by the Developer and the City. For Phase II - Prior to issuance of building permits, the developer shall form a LLD to fund operation and maintenance of common areas within this phase of the development. Phases I and II - Prior to approval of final maps, each developer shall provide a $7,500 deposit to the City to cover the costs associated with formation of each District for each phase. The exact limits of responsibility for the Districts will be determined during processing of the Precise Plan for each phase of the development.*

Certain details, such as (1) the timing for formation of the LLD; (2) the provisions for calculations of the amounts due; (3) the areas to be maintained and associated maintenance standards; and (4) remedies in case of maintenance default will be spelled out in detail in the OPA.

Condition #113 - Fees for Community Center and Park:

This condition currently requires that the market-rate Developer pay an amount equal to the park in-lieu fees attributable to the Phase 1 Affordable Housing Development. The payment is attributable towards the development of a community center, with a credit to be given to the Developer for costs spent acquiring the adjacent two CalTrans parcels and developing a park:

> *113. Phase I only - Subject to agreement with the developer and as approved by the City Council, additional payment shall be made toward development of a community center at Mission Boulevard and Valle Vista Avenue, or at another location within the South Hayward BART/Mission Boulevard Corridor Concept Design Plan, associated with the affordable housing units. Such contribution shall equal an in-lieu fee amount for the affordable units, minus the cost of acquiring and developing the Caltrans parcels for group open space and recreation. Such areas shall be offered for public recreation use.*

Recommendation: Staff recommends deletion of this condition. This condition was required in part to address the deficient group open space proposed in the original TOD project (by making funds available for the community center). The new Phase 1 project is showing sufficient on-site group open space and the acquisition and development of the CalTrans parcels will serve to provide additional open space via a public park. Based on the negotiated agreement, the Developer will participate in the acquisition of the land from CalTrans for the park and will develop the park pursuant to the terms of the OPA.

Condition #121- CalTrans parcels / park:

This condition currently requires that the Developer acquire the CalTrans parcels adjacent to the Project and develop them as a public park:

> *121. Phase I only - Prior to completion of tract improvements for the development proposed east of Dixon Street, and assuming acquisition and improvement by other means has not occurred, the developer shall acquire, improve, and offer for dedication for public use the adjacent Caltrans parcels. As an alternative, the developer shall make a contribution to the Hayward Area Recreation & Park District equal to the cost to fully acquire and improve these parcels. In the event that the requisite land for group open space is not acquired prior to completion of tract improvements, the developer shall (1) enter an agreement with the City to complete the improvements at such time the City acquires an interest in the land that will permit the improvements to be made, or (2) the developer shall pay the total amount of park in-lieu fees required for the requisite land, at the City's sole discretion. The developer shall also be responsible for any costs associated with City's efforts to acquire such land.*

Recommendation:

Staff and the Developer have agreed that the condition be modified as follows:

> *121. Phase I only - Prior to completion of tract improvements for the development proposed east of Dixon Street,* ***and assuming acquisition and improvements by other means has not occurred, the City and*** *developer shall acquire, improve, and offer for dedication for public use* ***and provide for ongoing maintenance of*** *the adjacent Caltrans parcels****, as discussed in detail in the Owner Participation Agreement for the Project****.***

The OPA will provide the details for the general concepts that: (a) the City shall acquire the land from CalTrans; (b) the Developer shall pay fifty per cent (50%) of the acquisition cost, capped at $400,000; (c) the Developer shall construct improvements on the parcels at a cost of not less than $455,000; and (d) a LLD (as discussed above) shall be formed to provide for ongoing maintenance of the park.

Fiscal Impact – Modification of Conditions of Approval

Condition #18:
If the MTC and RDA matching funds are used for the traffic signal, there would be no fiscal impact to the City of modifying this condition. However, if the MTC funds are not available for the traffic signal, then the modification would result in the delay of the installation of the traffic signal until some unknown time in the future when a BART replacement garage is built or would require the City to cover 65% of the costs of the signal if the City proceeds to install the signal in Phase I of the development. Such costs would be reimbursed by a future Phase II developer.

Condition #113:
Modification of this condition, as recommended by staff, will result in a potential loss of funds in the range of $100,000-$200,000. Those funds were intended to be used to develop a community center, which will not be provided in Phase 1.

Condition #121:
Although staff is not able to estimate the cost to acquire the CalTrans parcels, the value of the land is believed to be less than $800,000. The City will be able to use park in lieu fees to cover the 50% of land acquisition costs not contributed by the Developer. The Developer's contribution towards acquisition is capped at $400,000. The Developer will also construct the improvements to the park at a cost not less than $455,000; as such, the City will not have to use General Fund or other dollars to develop the park. The Developer's contributions to the land acquisition and development costs (potentially totaling $855,000) are above and beyond the Developer's park in lieu fee payment for the market rate units totaling approximately $2.3 million.

Joint Powers Authority (JPA)

In connection with the TOD Project, BART intends to convey its East Overflow Lot at the South Hayward BART Station to Wittek/Montana (the "East Lot"). Wittek/Montana intends to construct the Phase 1 Market Rate Development on the East Lot (and a portion of the Perry and Key Site). Due to concerns related to the loss of parking at the East Lot site, BART has advised that the formation of the JPA must occur before BART will enter into a purchase contract with Wittek/Montana for the BART East Lot. BART has further advised that the City and BART must come to an agreement regarding the activities of the JPA before BART will convey the East Lot to Wittek/Montana.

For BART, the JPA provides assurance that the City will continue to work with BART to ensure that BART patrons will have sufficient ongoing access and parking at or near the South Hayward BART Station. 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.

The JPA would serve the City's interests as well. It would help to protect the neighborhoods surrounding the South Hayward BART Station from excess overflow parking and potentially provide a funding source for neighborhood improvements such as sidewalks and walkways. On August 12, 2010, the City Manager sent a letter to BART Board Member Thomas Blalock (Attachment VIII) requesting his support for the TOD Project and acknowledging that a JPA may be the most viable approach to addressing BART's concerns related to future station access issues, particularly commuter parking.

The JPA that is currently contemplated would be formed pursuant to a JPA Agreement (Attachment V) between the City and BART. The JPA Agreement sets forth the purpose and powers of the JPA, as well as the limitations imposed on the JPA by its members including the following provisions that balance the City's interest in furthering the TOD Project and controlling future parking and access activities:

1. Purpose: The JPA is intended, ultimately, to manage and administer parking and access at and near the South Hayward BART Station in an equitable and orderly fashion in order to promote transit-oriented development, support access to the stations by BART patrons, maximize BART ridership and protect surrounding neighborhoods. For example, the JPA might capture BART lot and on-street parking fees, if and when such are needed. Those fees could then be used to provide for access and other improvements in the neighborhood. The JPA could also market alternative transportation and access strategies. Such alternative transportation and access strategies would further the goals of the JPA and also support the City's independent Climate Action Plan goals.

2. Initial Activities. Despite the broader purpose set forth above, the initial activities of the JPA would be quite limited. The JPA would initially serve to commission a study regarding parking and access at the South Hayward BART Station (the "Parking and Access Study"). This study would focus on the potential impacts of the Phase I development and the specific role the JPA would play in implementing parking and access strategies. The Parking and Access Study will permit the JPA to identify its future activities. It would also build upon the previous study completed by Nelson/Nygaard Consultants by identifying specific locations and amount of parking spaces that could be available to BART commuters along neighborhood streets in close proximity to the BART station, and will identify potential BART patron parking and access issues at the South Hayward Station. It will also identify potential effects on the neighborhood (and on the Downtown BART Station) due to the TOD Project and any parking modifications that may result from the JPA activities. Staff anticipates that the study will help to:

- Identify location of parking spaces (outside of the main South Hayward BART lots) that would be available for use by BART patrons following the sale of the BART East Lot.
- Identify what type of parking is to be provided within which areas. (For example, street parking, lot parking, fee parking, hourly parking, etc.)
- Identify when the parking will be needed. (For example, is full replacement of the BART East Lot parking required now, or can it be phased?)
- Identify parameters for any charges to be imposed on BART patron parking.
- Identify any parking payment and accounting mechanisms.
- Identify enforcement activity and responsibilities.
- Identify capital needs and sources of funding for JPA activities.
- Identify JPA operating and maintenance needs.
- Identify other access features that may be necessary or desired.
- Identify insurance that may be required

3. City Approval of Action Plan: Following the study, the JPA would present a proposed set of activities, essentially an "Action Plan," to the City and BART for approval. The JPA will not implement any activities identified in the Action Plan (or any activities beyond the commissioning of the Access and Parking Study, the creation of the Action Plan, and general administrative and formation activities) until the City and BART each approve the Action Plan. The JPA will also not implement any activities outside of the Action Plan without City approval. If necessary, the JPA agreement may be amended to accommodate the proposed Action Plan. As part of its Action Plan approval process, the City would be able to institute those controls it

deems necessary to appropriately monitor the JPA's activities. The JPA Agreement will ultimately be amended to reflect and accommodate the Action Plan.

4. JPA Board and Voting Process: The JPA Board would consist of four members: two BART Board Members and two City Council Members. Decisions of the JPA would be made by the consent of all four JPA Board Members. If an agreement among the JPA Board Members could not be reached, the City and BART would meet to resolve the dispute. If the dispute continued, the City or BART could require mediation of the issue (and the expense of mediation would be shared).

5. Liability to City: The proposed JPA Agreement provides that the City and BART would not be responsible for the contractual liabilities of the JPA. In addition, the JPA is obligated to indemnify the City and BART. The JPA Agreement provides for certain insurance provisions. The City will also have the opportunity to review particular liabilities that may be associated with JPA activities when it approves the JPA Action Plan.

6. Staffing: The JPA would be staffed by two Co-Executive Directors: the City Manager and a BART Executive. The City Finance Director would act as the Treasurer and Auditor of the JPA. However, an outside accountant will be used to prepare annual audits.

Fiscal Impact – Joint Powers Authority

The City and BART will need to identify a source of funding to pay for the Access and Parking Study, the initial formation and administration costs of the JPA, and any costs associated with developing the JPA Action Plan. These initial costs will be limited and will likely be in the range of $50,000-$75,000. The City and BART may choose to share in these costs or may look to other sources of funding, which would be eligible for reimbursement from future JPA revenues. The future activities of the JPA would not impact the General Fund because the Action Plan would identify an independent financing strategy for the JPA programs and operations. The JPA is intended to be self-funded and to save the City and BART money by paying for parking and access costs that the City and BART might otherwise face independently. As the JPA Action Plan is not known at this time, it is difficult to estimate future costs of its program but revenue to the JPA can be roughly estimated. For example, if fees are charged at the South Hayward main parking lot and paid to the JPA, approximately $20,000 could be collected per month or $240,000 annually. The JPA could in turn use these funds for its programs and operations.

ECONOMIC IMPACT

The successful development of the TOD Project will have an immense positive economic impact on south Hayward. The commencement of the 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 three-year development cycle and new housing in the area. The TOD 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.

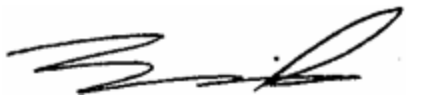
NEXT STEPS

The City Manager will execute the HCD Documents once approved by HCD staff. The City Manager will also execute the JPA Agreement, and within the next few months, the City Council will be tasked with appointing two JPA Board Members. The City Manager will negotiate and execute the OPA in a manner that is consistent with this staff report. Appropriate implementing language for the amended conditions of approval, if approved by Council, will be incorporated into the OPA.

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

Recommended by: Kelly McAdoo Morariu, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I: A Resolution of the City Council of the City of Hayward Reauthorizing the the City Manager to Negotiate, Execute and Implement a Standard Agreement and Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds, Proposition 1C

Attachment II: A Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate, Execute and Implement an Owner Participation Agreement (OPA) for the South Hayward BART Station Transit-Oriented Development

Attachment III: A Resolution of the City Council of the City of Hayward modifying certain of the Conditions of Approval for the South Hayward BART Station

Transit-Oriented Development

Attachment IV: A Resolution of the City Council of the City of Hayward authorizing the City Manager to Execute and Implement a Joint Exercise of Powers Agreement with the San Francisco Bay Area Rapid Transit District to Address BART Parking and Access Strategies

Attachment V: Joint Exercise of Powers Agreement For the South Hayward BART Station Access Authority By and Between the City of Hayward and the Bay Area Rapid Transit District (BART)

Attachment VI: OPA Term Sheet

Attachment VII: OPA Security Chart

Attachment VIII: Letter dated August 12, 2010 from the City Manager to BART Board Member Thomas Blalock

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced By Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD REAUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND IMPLEMENT A STANDARD AGREEMENT AND DISBURSEMENT AGREEMENT FOR FUNDING UNDER THE INFILL INFRASTRUCTURE GRANT PROGRAM, PROPOSITION 1C

WHEREAS, the City of Hayward ("City") by Resolution 09-026 adopted March 17, 2009 authorized the City to submit an application to the California Department of Housing and Community Development ("HCD") in response to HCD's Notice of Funding Availability for the Infill Infrastructure Grant Program (the "IIG Program") established under the Housing and Emergency Shelter Trust Fund Act of 2006 (commonly referred to as Proposition 1C); and

WHEREAS, pursuant to the IIG Program established as Part 12 of Division 31 of the Health and Safety Code, HCD authorized the allocation of approximately $31 million in IIG Program funds (the "IIG Program Award") for the South Hayward BART Transit Oriented Development Project (the "South Hayward BART TOD Project") to the City and its development partners, including the Redevelopment Agency of the City of Hayward (the "Agency"), Eden Housing, Inc. ("Eden"), and a private development group consisting of Wittek Development, LLC and Montana Properties, Inc. ("Wittek & Montana"); and

WHEREAS, in January 2011, Eden and Wittek & Montana (jointly "the Developers") advised the City that the South Hayward BART TOD Project needed to be rephased to address various unexpected events including market fluctuations and the effects of the State budget on project financing sources. The City Council held a work session on March 8, 2011 to study the effects of the rephasing of the South Hayward BART TOD Project. Staff subsequently reviewed the Developers' rephasing plans and the City's Planning Director approved a minor modification to the approved Preliminary Development Plan on June 8, 2011; and

WHEREAS, as a result of the rephasing of the South Hayward BART TOD Project, HCD revised the IIG Program Award to approximately $18 million in IIG Program funds, which will continue to allow the Developers to build the necessary infrastructure for the first phase of the South Hayward BART TOD Project; and

WHEREAS, pursuant to Resolution No. 09-026, the City Council authorized the City Manager to execute, in the name of the City, the Standard Agreement associated with the IIG Program Award together with all other documents required by HCD for participation in the IIG Program; and

WHEREAS, pursuant to Resolution 09-08, the Board of the Redevelopment Agency of the City of Hayward also authorized the Agency's application for the IIG Program funding and the Agency Board authorized the Agency's Executive Director to execute in the name of the Agency, the Standard Agreement associated with the IIG Program Award together with all other documents required by HCD for participation in the IIG Program; and

WHEREAS, recently enacted State legislation prevents the Agency from performing specified redevelopment activities, including among others, the execution of any new contracts, thus preventing the Agency from executing any documents required by HCD for participation in the IIG Program; and

WHEREAS, subject to the adoption of an ordinance by the City Council opting to participate in the "Voluntary Alternative Redevelopment Program" (as set forth in Part 1.9 to Division 24 of the Health and Safety Code, commencing with Health and Safety Code Section 34192), the Agency may in the future be able to execute documents required by HCD for participation in the IIG Program; and

WHEREAS, the Agency's participation and execution of the documents required by HCD for participation in the IIG Program would be of benefit to the City by reducing the City's risk associated with participation in the IIG Program; and

WHEREAS, the City desires to reaffirm its support of the South Hayward TOD Project and the use of the IIG Program Award; and

WHEREAS, the City prepared and, by Resolution No. 09-025, approved the Mitigated Negative Declaration in March 2009, and prepared an Addendum to that Mitigated Negative Declaration in June 2011 (collectively, the "Mitigated Negative Declaration") studying the environmental effects under CEQA for the South Hayward BART TOD Project; and

WHEREAS, the City Council, acting as the lead agency, considered the environmental effects of the South Hayward BART TOD as shown in the Mitigated Negative Declaration.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Recitals above are true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Council has considered the Mitigated Negative Declaration prepared by the City.

BE IT FURTHER RESOLVED, that the City Council finds and determines that the applicable mitigation measures and monitoring program set forth in the Mitigated Negative Declaration will be incorporated into and with the City Council's consideration of the actions contemplated hereunder.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the City Manager or the City Manager's designee, to file a CEQA Notice of Determination with the County Clerk of the County of Alameda pursuant to 14 California Code of Regulations Section 15075.

BE IT FURTHER RESOLVED, that the City Council hereby reaffirms the City's commitment to use the IIG Program funds for eligible activities in accordance with the Program Guidelines.

BE IT FURTHER RESOLVED, that the City Council hereby reaffirms the City's authority to negotiate and enter into any and all documents and instruments necessary or required by HCD for continued participation in the IIG Program, including but not limited to the execution of a Standard Agreement and a Disbursement Agreement.

BE IT FURTHER RESOLVED, that the City Council reaffirms the authority under City Council Resolution No. 09-026, and hereby reauthorizes the City Manager to execute the Standard Agreement, the Disbursement Agreement and any and all other documents and take all reasonable steps which may be necessary to ensure the City's continued participation in the IIG Program, all in such forms as may be agreed to by the City Manager and approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager and City staff to perform and complete any activities contemplated in this resolution and the Standard Agreement and the Disbursement Agreement, subject to any additional requirements which may be imposed by HCD.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the amendment of the Standard Agreement, the Disbursement Agreement, any and all documents and instruments necessary or required by HCD for continued participation in the IIG Program, to allow the Agency to be a party to those documents, should the Agency adopt an ordinance opting to participate in the "Voluntary Alternative Redevelopment Program" (as set forth in Part 1.9 to Division 24 of the Health and Safety Code, commencing with Health and Safety Code Section 34192).

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, July 26, 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

CITY COUNCIL OF THE CITY OF HAYWARD

RESOLUTION NO. 2011-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND IMPLEMENT AN OWNER PARTICIPATION AGREEMENT FOR THE SOUTH HAYWARD BART TRANSIT ORIENTED DEVELOPMENT

WHEREAS, on June of 2006, the City Council of the City of Hayward adopted a South Hayward BART/Mission Boulevard Concept Design Plan (the "Design Plan") which seeks to encourage and provide the framework for redevelopment that will result in a transit oriented development around the South Hayward Bay Area Rapid Transit Station and an enhanced Mission Boulevard; and

WHEREAS, the City Council (the "City Council") of the City of Hayward ("City") by Resolution 09-026 adopted March 17, 2009 authorized the City to submit an application to the California Department of Housing and Community Development ("HCD") in response to HCD's Notice of Funding Availability for the Infill Infrastructure Grant Program (the "IIG Program") established under the Housing and Emergency Shelter Trust Fund Act of 2006 (commonly referred to as Proposition 1C); and

WHEREAS, pursuant to the IIG Program established as Part 12 of Division 31 of the Health and Safety Code, HCD authorized the allocation of approximately $31 million in IIG Program funds (the "IIG Program Award") for the South Hayward BART Transit Oriented Development Project (the "South Hayward BART TOD Project") to the City and its development partners including the Redevelopment Agency of the City of Hayward (the "Agency"), Eden Housing, Inc. ("Eden"), and a private development group consisting of Wittek Development, LLC and Montana Properties, Inc. ("Wittek & Montana"); and

WHEREAS, on March 17, 2009, upon recommendation of the Hayward Planning Commission, the City Council of the City of Hayward (the "City Council") approved by Ordinance No. 09-04, a Preliminary Development Plan and associated zone change to a Planned Development Zoning District (Application No. PL-2008-0547 PD) and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Resolution No. 09-025) under the California Environmental Quality Act ("CEQA") for the South Hayward BART TOD Project; and

WHEREAS, as part of the preliminary plan approval and associated zone change, the City adopted the Conditions of Approval for the South Hayward BART TOD Project (the "Original Conditions of Approval"); and

WHEREAS, in January 2011, Wittek & Montana advised the City that the South Hayward BART TOD Project needed to be rephased to address various unexpected events including market fluctuations and the effects of the State budget on project financing sources.

The City Council held a work session on March 8, 2011 to study the effects of the rephasing of the South Hayward BART TOD Project. Staff subsequently reviewed the Developers' rephasing plans and the City's Planning Director approved a minor modification to the approved Preliminary Development Plan on June 8, 2011; and

WHEREAS, as part of the review and approval of the minor modification to the approve Preliminary Development Plan, staff made technical revisions to the Original Conditions of Approval to reflect rephasing of the South Hayward BART TOD Project (the "Revised Conditions of Approval"); and

WHEREAS, under the rephasing, "Phase I" will consist of approximately 203 units of market rate housing and 151 units of affordable rental housing; and

WHEREAS, as result of the rephasing of the South Hayward BART TOD Project, HCD revised the IIG Program Award to approximately $18 million in IIG Program funds, which will continue to allow the Developers to build the necessary infrastructure for "Phase I" of the South Hayward BART TOD Project, including site and utility work as well as a garage for the market rate housing units and a garage for the affordable housing units; and

WHEREAS, Wittek & Montana submitted a letter requesting further modification to Condition #18, Condition #33, Condition #113, and Condition #121 of the Revised Conditions of Approval, all as further described in the Staff Report accompanying this Resolution (the "Staff Report"); and

WHEREAS, by a resolution adopted concurrently herewith (the "Modification Resolution"), the City Council approved the requested modifications to the Revised Conditions of Approval as further specified in the Staff Report and detailed in Attachment A of the Modification Resolution; and

WHEREAS, pursuant to Resolution No. 09-026, the City Council authorized the City Manager to execute in the name of the City, the Standard Agreement associated with the IIG Program Award together with all other documents required by HCD for participation in the IIG Program; and

WHEREAS, by a resolution adopted concurrently herewith (the "IIG Program Award Resolution"), the City Council ratified the authorization granted under Resolution No. 09-026 and reauthorized the City Manager to execute a Standard Agreement, a Disbursement Agreement and any and all other documents and take all reasonable steps that may be necessary to ensure the City's continued participation in the IIG Program; and

WHEREAS, the City, Eden, and Wittek & Montana desire to negotiate, execute and implement an Owner Participation Agreement (the "OPA") to govern the development and operation of Phase I of the South Hayward BART TOD Project, all as more specifically described in the Staff Report and to implement the modifications to the Revised Conditions of Approval contemplated under the Modification Resolution; and

WHEREAS, pursuant to Resolution 09-08, the Board of the Redevelopment Agency of the City of Hayward also authorized the Agency's application for the IIG Program funding and the Agency Board authorized the Agency's Executive Director to execute in the name of the Agency, the Standard Agreement associated with the IIG Program Award together with all other documents required by HCD for participation in the IIG Program; and

WHEREAS, recently enacted State legislation prevents the Agency from performing specified redevelopment activities, including among others, the execution of any new contracts, thus preventing the Agency from executing any documents required by HCD for participation in the IIG Program and from executing the OPA; and

WHEREAS, subject to the adoption of an ordinance by the City Council opting to participate in the "Voluntary Alternative Redevelopment Program" (as set forth in Part 1.9 to Division 24 of the Health and Safety Code, commencing with Health and Safety Code Section 34192), the Agency may in the future be able to execute documents required by HCD for participation in the IIG Program and may also be able to execute the OPA; and

WHEREAS, the Agency's participation and execution of the documents required by HCD for participation in the IIG Program and the OPA would be of benefit to the City by reducing the City's risk associated with participation in the IIG Program; and

WHEREAS, the City prepared and, by Resolution No. 09-025, approved the Mitigated Negative Declaration (the "Mitigated Negative Declaration") studying the environmental effects under CEQA for the TOD Project, of which the Affordable Development is a part, and thereby evaluated the environmental effects of the of the Affordable Development; and

WHEREAS, the City prepared and, by Resolution No. 09-025, approved the Mitigated Negative Declaration in March 2009, and prepared an Addendum to that Mitigated Negative Declaration in June 2011 (collectively, the "Mitigated Negative Declaration") studying the environmental effects under CEQA for the South Hayward BART TOD Project; and

WHEREAS, the City Council acting as the lead agency considered the environmental effects of the South Hayward BART TOD as shown in the Mitigated Negative Declaration.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Recitals above are true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Council has considered the Mitigated Negative Declaration and Addendum and determines that the applicable mitigation measures and monitoring program are to be incorporated into the OPA.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the City Manager or the City Manager's designee, to file a CEQA Notice of Determination with the County Clerk of the County of Alameda pursuant to 14 California Code of Regulations Section 15075.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to negotiate, execute and implement the OPA and any and all other documents and take all reasonable steps which may be necessary to implement the terms and conditions of the OPA and the Revised Conditions of Approval (as modified by the Modification Resolution), all in such forms as are consistent with the Staff Report and as may be agreed to by the City Manager and approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager and City staff to perform and complete any activities contemplated in this resolution and the OPA.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the amendment of the OPA, to allow the Agency to be a party to the OPA, should the Agency adopt an ordinance opting to participate in the "Voluntary Alternative Redevelopment Program" (as set forth in Part 1.9 to Division 24 of the Health and Safety Code, commencing with Health and Safety Code Section 34192).

HAYWARD, CALIFORNIA, June 26, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk, City of Hayward

APPROVED AS TO FORM:

_____
City Attorney

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced By Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD MODIFYING CERTAIN CONDITIONS OF APPROVAL ASSOCIATED WITH THE SOUTH HAYWARD BART TRANSIT ORIENTED DEVELOPMENT

WHEREAS, on March 17, 2009, upon recommendation of the Hayward Planning Commission, the City Council of the City of Hayward (the "City Council") approved by Ordinance No. 09-04, a Preliminary Development Plan and associated zone change to a Planned Development Zoning District (Application No. PL-2008-0547 PD) and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for a mixed used transit oriented development at the South Hayward BART Station (the "South Hayward BART TOD Project") to be jointly developed by Eden Housing, Inc. ("Eden"), and a private development group consisting of Wittek Development, LLC and Montana Properties, Inc. ("Wittek & Montana") (Eden and Wittek & Montana shall hereinafter be referred to as the "Developers"); and

WHEREAS, as part of the preliminary plan approval and associated zone change, the City adopted the Conditions of Approval for the South Hayward BART TOD Project (the "Original Conditions of Approval"); and

WHEREAS, in January 2011, Wittek & Montana advised the City that the South Hayward BART TOD Project needed to be rephased to address various unexpected events including market fluctuations and the effects of the State budget on project financing sources. The City Council held a work session on March 8, 2011 to study the effects of the rephasing on the South Hayward BART TOD Project. Staff subsequently reviewed the Developers' rephasing plans and the City's Planning Director approved a minor modification to the approved Preliminary Development Plan on June 8, 2011; and

WHEREAS, as part of the review and approval of the minor modification to the approved Preliminary Development Plan, staff made technical revisions to the Original Conditions of Approval to reflect the rephasing of the South Hayward BART TOD Project (the "Revised Conditions of Approval"); and

WHEREAS, Wittek & Montana has submitted a letter requesting further modification to Condition #18, Condition #33, Condition #113, and Condition #121 of the Revised Conditions of Approval, all as further described in the staff report accompanying this Resolution (the "Staff Report"); and

WHEREAS, on July 12, 2011, the City Council held a work session to consider and discuss the requested changes to the Revised Conditions of Approval. Staff subsequently met with Wittek & Montana and, as further described in the Staff Report, reached mutually

satisfactory agreement on the requested modifications to the Revised Conditions of Approval; and.

WHEREAS, the City Manager recommends approval of the requested modifications to the Revised Conditions of Approval as further specified in the Staff Report and detailed in Attachment A to this Resolution, incorporated herein by this reference, that provides a summary of the modifications to the Revised Conditions of Approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Recitals above are true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Council hereby approves the revision of Condition #18, Condition #33, Condition #113, and Condition #121 of the Revised Conditions of Approval as further described in Attachment A.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the City Manager or the City Manager's designee, to execute and any and all documents and take all reasonable steps which may be necessary to ensure implementation of the Revised Conditions of Approval including all modifications made hereunder, all in such forms as may be agreed to by the City Manager and approved by the City Attorney.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, July 26, 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

ATTACHMENT A

CONDITIONS OF APPROVAL

SOUTH HAYWARD BART MIXED USE PROJECT

28601 & 28850 DIXON STREET

28901-28953 MISSION BOULEVARD

ADDITIONAL AMENDMENT APPROVED BY CITY COUNCIL ON JULY 26, 2011

ZONE CHANGE APPLICATION NO. PL-2008-0547 PD

Wittek Development LLC/The Montana Property Group/Eden Housing (Applicants)

Planned Development District No. PL-2008-0547 PD, to accommodate construction of a mixed-use development consisting of 788 multi-family residential units, including 206 units of affordable housing, a grocery store and other miscellaneous retail uses, and a 910-space BART parking garage, was approved by the City Council on March 17, 2009 and subsequently modified by the Planning Director on June 8, 2011(collectively, the "Revised Conditions of Approval"). The Planned Development District shall be developed according to the Revised Conditions of Approval, as modified herein. Except as expressly set forth below, the modifications included in this document do not modify the Revised Conditions of Approval and such Revised Conditions of Approval remain in full force and effect.

Only the following conditions have been revised. The bolded text reflects the changes made to the conditions as approved by the City Council July 26, 2011. All conditions are applicable to both Phase I and Phase II of the project, unless otherwise noted.

Condition #18 Dixon Street Traffic Signal

18. Phase I only - The developer **shall participate in the construction** at the intersection of Dixon Street and the southern entrance into the project (BART parking structure). The design of the traffic signal shall be approved by the City Engineer. **The developer is responsible for paying its prorata share of the cost of design and construction of this signal, unless other funding sources acceptable to the City and developer become available. The details concerning the payment of the developer's prorated share shall be set forth in the Owner Participation Agreement to be entered into by the Developer and the City for Phase I. Phase II – Upon commencement of Phase II construction, the remaining cost of design and construction of the signal will be due unless the traffic signal was constructed during Phase I**.

Condition #33 Landscaping and Lighting Assessment District

33. **For Phase I, the Developer shall form a Landscape and Lighting District (LLD), prior to the framing inspection of the market rate units building, in order to fund the operation and maintenance of the Phase I park and the walkway public access easement connecting the park and Dixon Street. The details concerning the implementation and cost of such LLD shall be set forth in the Owner Participation Agreement, to be entered into by the Developer and the City. For Phase II -** Prior to issuance of building permits, the developer shall form a **LLD** to fund operation and maintenance of common areas within **this** phase of the development. **Phases I and II -** Prior to approval of final map**s**, **each** developer shall provide a **$7,500** deposit to the City to cover the costs associated with formation of **each** District **for each phase**. The exact limits of responsibility for the District**s** will be determined during processing of the Precise Plan for each phase of the development.

Condition #113- Fees for Community Center and Park:

113. **Condition 113 has been Intentionally Omitted**.

Condition #121- CalTrans parcel/park:

121. Phase I only **-** Prior to completion of tract improvements for the development proposed east of Dixon Street, **and assuming acquisition and improvements by other means has not occurred, the City and** developer shall acquire, improve, and offer for dedication for public use **and provide for ongoing maintenance of** the adjacent Caltrans parcels**, as discussed in detail in the Owner Participation Agreement for the Project**.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced By Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO EXECUTE AND IMPLEMENT A JOINT EXERCISE OF POWERS AGREEMENT WITH SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") TO ADDRESS PARKING AND ACCESS STRATEGIES AROUND THE SOUTH HAYWARD BART STATION

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

WHEREAS, in order to facilitate the management of parking and access issues at the South Hayward BART Station, the City and BART desire to form the South Hayward BART Station Access 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; and

WHEREAS, the JPA's activities are ultimately intended to include identifying, implementing and financing solutions to parking and access issues at the South Hayward BART Station but its initial activities are limited to commissioning a parking and access study and developing an "Action Plan" to address parking and access issues; and

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

WHEREAS, City staff and BART staff have negotiated the form of JPA Agreement, the form of which is attached to the staff report and on file with the City Clerk; and

WHEREAS, the JPA Agreement anticipates that it will be amended following Council's later approval of the Action Plan to incorporate and permit the provisions of the Action Plan; and

WHEREAS, the formation of the JPA is not a project pursuant to 14 California Code of Regulations 15378(b)(5).

NOW, THEREFORE, BE IT RESOLVED that the City Council, finds the above recitals true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City to form a JPA for the purposes set forth above.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City to enter into the JPA Agreement, the substantial form of which is attached to the staff report and on file with the City Clerk, with BART to create the JPA and to implement the purposes of the JPA.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to negotiate an amendment to the JPA Agreement as necessary to reflect changes caused by the approval of the Action Plan, and to bring such amendment back to Council for its approval.

BE IT FURTHER RESOLVED, that the City Manager may execute said JPA Agreement and any and all other documents and take all reasonable steps which may be necessary to form the JPA, all in such forms as may be agreed to by the City Manager and BART and approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager and City staff to perform and complete any activities contemplated in this resolution and the Joint Powers Agreement, subject to any additional requirements which may be imposed by California law.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager or the City Manager's designee to file a CEQA Notice of Exemption with the County Clerk of the County of Alameda pursuant to 14 California Code of Regulations Section 15062(c)(2).

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, July 26, 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

JOINT EXERCISE OF POWERS AGREEMENT

FOR THE

SOUTH HAYWARD BART STATION ACCESS AUTHORITY

by and between

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AND

THE CITY OF HAYWARD

JOINT EXERCISE OF POWERS AGREEMENT
FOR THE SOUTH HAYWARD BART STATION ACCESS AUTHORITY

This Joint Exercise of Powers Agreement (the "Agreement") is entered into as of _____, 2011, by and between San Francisco Bay Area Rapid Transit District ("BART"), a rapid transit district established under Public Utilities Code Sections 28500 et seq., and the City of Hayward ("City"), a municipal corporation, with reference to the following:

A. BART is the owner of that certain real property in the City of Hayward, Alameda County, California, which property is delineated on the map attached hereto as Exhibit A (the "BART South Hayward Property"). The BART South Hayward Property includes the South Hayward BART Station (the "South Hayward Station" or "Station") and the parking and access facilities that serve the South Hayward Station.

B. In June of 2006, the City adopted a South Hayward BART/Mission Boulevard Concept Design Plan, which seeks to encourage and provide the framework for redevelopment that will result in a transit village around the South Hayward Station and an enhanced Mission Boulevard corridor.

C. In 2006, BART completed a "South Hayward BART Development, Design and Access Plan" for the South Hayward Station, which plan was created to complement the City's planning efforts and to analyze access improvements and transit-oriented development opportunities in the area of the approximately 12-acre BART South Hayward Property and the approximately one-half mile surrounding the Station. The approximately 12 acres comprising the BART South Hayward Property includes 2 surface parking lots with 1252 parking spaces: the main lot west of Dixon Avenue with 1,079 parking spaces (the "Main Lot"); and the overflow lot east of Dixon Avenue (the "BART East Lot") having 173 spaces.

D. Wittek Development and BART entered into an Exclusive Negotiating Agreement effective February 5, 2009, providing for the assessment and potential development of a transit-oriented development in the BART South Hayward Property. Wittek Development, LLC, the Montana Property Group, LLC, Eden Housing, Inc. ("Eden"), the City and the Redevelopment Agency of the City of Hayward (the "Agency") also jointly applied for and were awarded Proposition 1C funding from the California Department of Housing and Community Development to develop a transit-oriented development at South Hayward Station.

E. Big Sky Holdings, LLC, an entity related to the Montana Property Group, LLC, currently owns an approximately 2.9-acre site adjacent to the BART East Lot having primary frontage on Mission Boulevard (the "Perry and Key Property"). The BART East Lot and the Perry and Key Property are identified in the map attached to this Agreement as Exhibit B. Wittek Development, LLC and the Montana Property Group, LLC intend to create a new corporate entity, referred to herein as "Wittek/Montana."

F. Wittek/Montana intends to purchase the BART East Lot from BART and develop the BART East Lot and a portion of the Perry and Key Property with approximately two hundred three (203) units of housing and related infrastructure and improvements using HCD's

Proposition 1C funds and other financing (the "Market Rate Development"). Wittek/Montana further intends to convey a portion of the Perry and Key Property to Eden for the development of approximately one hundred fifty-one (151) units of affordable housing (the "Affordable Housing Development"). The Market Rate Development and the Affordable Housing Development are collectively referred to as "Phase 1" of the transit-oriented development at the South Hayward Station. Phase 2 of development at the BART South Hayward Property ("Phase 2") is contemplated to include the construction of a BART parking structure and additional residential and retail space on the BART South Hayward Property, excluding the Station.

G. Phase 1 will eliminate the BART patron parking that is currently provided at the BART East Lot. Phase 2 is anticipated to further modify BART's existing parking program. BART expects that, similar to other BART stations in the East Bay, parking charges will eventually be required to access BART. The City and BART believe that patrons will continue to access BART by means other than automobile and will increase their use of alternative transportation and access to BART (including shuttles, bicycles and walking). In addition, both the City and BART understand that parking and access modifications and policies at the South Hayward Station may influence and affect parking and access issues at the Downtown Hayward BART Station.

H. The City and BART desire to form a Joint Powers Authority that will address parking and access issues, further transit-oriented development, support equitable access to the Station by BART patrons, maximize BART ridership, and protect the City's neighborhoods from the effects of overflow parking traffic.

I. Articles 1 through 4 of Chapter 5 of Title 1 of the Government Code (Government Code Sections 6500 et seq.) and Government Code Section 11256 (collectively the "JPA Law") authorize BART and the City to create a joint exercise of powers entity to jointly exercise any powers common to BART and the City and to exercise the powers granted under the JPA Law. The parties are empowered by law to undertake certain projects and programs and possess certain common powers. The parties desire to enter into this Agreement and create the South Hayward BART Station Access Authority.

ARTICLE 1.
DEFINITIONS AND EXHIBITS

Section 1.1 Definitions. For the purpose of this Agreement, the meaning of the capitalized terms used in the Agreement shall be the following:

(a) "Action Plan" shall have the meaning set forth in Section 5.3.

(b) "Affordable Housing Development" shall have the meaning set forth in Recital F.

(c) "Agreement" means this Joint Exercise of Powers Agreement.

(d) "Authority" means the South Hayward BART Station Access Authority created under this Agreement.

(e) "BART" means the San Francisco Bay Area Rapid Transit District, a rapid transit district established under Public Utilities Code Sections 28500 et seq.

(f) "BART East Lot" shall have the meaning set forth in Recital C.

(g) "BART South Hayward Property" shall have the meaning set forth in Recital A.

(h) "Board" means the governing body of the Authority.

(i) "Budget" means the approved budget applicable to the expenses of the Authority.

(j) "City" means the City of Hayward, a municipal corporation.

(k) "County" means the County of Alameda, a subdivision of the State of California.

(l) "Directors" mean the members of the governing Board of the Authority.

(m) "Eden" shall have the meaning set forth in Recital D.

(n) "Fiscal Year" means the period from July 1 in any calendar year to and including June 30 in the succeeding calendar year.

(o) "Initial Members" means BART and the City.

(p) "JPA BART Directors" shall have the meaning set forth in Section 3.2.

(q) "JPA City Directors" shall have the meaning set forth in Section 3.2.

(r) "JPA Law" shall have the meaning set forth in Recital I.

(s) "Main Lot" shall have the meaning set forth in Recital C.

(t) "Market Rate Development" shall have the meaning set forth in Recital F.

(u) "Member" means an entity that is a party to this Agreement and a member of the Authority.

(v) "Parking and Access Study" shall have the meaning set forth in Section 5.2.

(w) "Perry and Key Property" shall have the meaning set forth in Recital E.

(x) "Phase 1" shall have the meaning set forth in Recital F.

(y) "Phase 2" shall have the meaning set forth in Recital F.

(z) "South Hayward Station" shall have the meaning set forth in Recital A.

(aa) "Station" shall have the meaning set forth in Recital A.

(bb) "Wittek/Montana" shall have the meaning set forth in Recital E.

Section 1.2 Exhibits. The following Exhibits are attached hereto and incorporated herein:

Exhibit A: BART South Hayward Property
Exhibit B: Map of BART East Lot and Perry and Key Property
Exhibit C: Boundary of Authority

ARTICLE 2.
PURPOSE AND POWERS

Section 2.1 Purpose of the Authority. The purpose of the Authority is to manage and administer parking and access within the boundaries of the Authority in an equitable and orderly fashion in order to promote transit-oriented development, support access to the Station by BART patrons, maximize BART ridership, and protect the neighborhoods surrounding the Station.

Section 2.2 Purpose of the Agreement. Each of the parties has in common the authority to study, plan for, acquire, maintain, operate, lease, sell, finance or construct parking and other facilities. The purpose of this Agreement is to jointly exercise the foregoing common powers in the manner set forth in this Agreement.

Section 2.3 Authority Created. There is hereby created a public entity known as the "South Hayward BART Station Access Authority". The Authority is formed pursuant to the JPA Law and shall be a public entity separate from any Member.

Section 2.4 Effective Date. The effective date of this Agreement and the date on which the Authority shall be deemed formed and existing shall be the first date on which BART and the City have both executed this Agreement.

Section 2.5 Boundaries of the Authority. The geographic boundaries of the Authority are more particularly set forth on the map attached to this Agreement as Exhibit C.

Section 2.6 Powers. Subject to Article 5, the Authority shall have the power in its own name to do any of the following:

(a) To study, plan and implement ways and means to effectively manage and administer parking at or near the BART South Hayward Property.

(b) To study, plan and implement ways and means to effectively manage BART patron access to the South Hayward Station.

(c) To exercise the powers conferred upon it by the JPA Law and this Agreement necessary for the accomplishment of the purposes of this Agreement and the Authority.

(d) To participate in financing or refinancing of parking for and access to the Station in accordance with any terms and conditions imposed by the JPA Law and applicable law.

(e) To make and enter into contracts necessary for the full exercise of its powers.

(f) To contract for the services of engineers, attorneys, architects, planners, financial and other consultants, parking operators, maintenance and security entities and to employ and contract with such other persons as it deems necessary.

(g) To acquire, construct, manage, maintain, operate and replace the parking for and access to the Station.

(h) To incur debts, liabilities and/or obligations subject to limitations herein set forth, provided, however, that the debts, liabilities and obligations of the Authority shall not constitute any debt, liability or obligation of any of the Members.

(i) To sue and be sued in its own name.

(j) To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any public agency necessary for the Authority's full exercise of its powers.

(k) To perform all acts necessary or proper to carry out fully the purpose of this Agreement and not inconsistent with the JPA Law.

(l) To collect fees related to the administration and operation of the parking serving the Station and access to the Station.

(m) To invest any money in the treasury pursuant to Sections 6509.5 and 6505.5 of the JPA Law which is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the Government Code of the State of California.

(n) To apply for letters of credit or other form of financial guarantees in order to secure the repayment of its obligation and enter into agreements in connection therewith.

(o) To accept security, collateral or other property interests to secure payment of loans or other obligations to the Authority.

(p) To carry out and enforce all the provisions of this Agreement.

(q) To finance or refinance indebtedness incurred by the Authority or third parties in connection with any of the purposes hereof.

(r) To the extent not herein specifically provided for, to exercise any powers in the manner and according to methods provided under the laws applicable to the Authority.

Section 2.7 Additional Powers. In addition to those powers common to each of the parties, and subject to those limitations set forth in this Agreement including Article 5, the Authority shall have those powers conferred upon it by JPA Law.

Section 2.8 Restrictions on Exercise of Powers. The Act and the powers of the Authority shall be exercised in the manner provided in the JPA Law, and, except for those powers set forth in Article 4 of the JPA Law, shall be subject (in accordance with Section 6509 of the JPA Law) to the restrictions upon the manner of exercising such powers that are imposed upon the City in the exercise of similar powers.

Section 2.9 Obligations of Authority. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the parties to this Agreement. The parties to this Agreement shall not be liable for the debts, liabilities or obligations of the Authority.

Section 2.10 Authority Facilities. Public facilities constructed or acquired by the Authority, if any, may be held in the name of the Authority for the benefit of the Authority in accordance with the terms of this Agreement unless conveyed to and accepted by the City, BART or other public entity.

Section 2.11 Non-Liability for Obligations of Authority. No party, officer, agent or employee of the Authority shall be individually or personally liable for the payment of the principal or of premium or interest on any obligations of the Authority or be subject to any personal liability or accountability by reason of any obligations of the Authority; but nothing herein contained shall relieve any such party, officer, agent or employee from the performance of any official duty provided by law or by the instruments authorizing the issuance of any obligations of the Authority.

ARTICLE 3.
ORGANIZATION

Section 3.1 Membership. The Members of the Authority shall be BART and the City (the "Initial Members"). The Initial Members may agree to have additional members, in which case the Initial Members and the additional members shall execute an

amendment or supplement to this Agreement providing and setting forth the terms of the additional membership.

Section 3.2 Governing Body of the Authority.

(a) The business of the Authority shall be conducted by a Board of Directors consisting of four (4) persons. All voting power of the Authority shall reside in the Board of Directors.

(b) The City and BART shall each appoint two Directors to the Board of Directors. Initially, those Directors shall be, for BART, members of the governing board of BART appointed by the governing board of BART (the "JPA BART Directors"), and for the City, members of the governing board of the City appointed by the City Council (the "JPA City Directors"). Any Director may designate a substitute representative to serve as a Director on the Board of Directors. Any such substitute shall be an employee of BART, if appointed by a JPA BART Director, or another City Council member who has been previously designated as an alternate director by the City Council, if appointed by a JPA City Director. BART and the City may, at any time, vote to remove and replace the JPA BART Directors and the JPA City Directors, respectively.

(c) Members of the Board of Directors shall not receive any compensation for serving as such but a Director may be reimbursed for expenses incurred by such Director in the conduct of the Authority's business subject to any applicable policy of the Authority.

Section 3.3 Principal Office. The principal office of the Authority shall be established by the Board. The Board is hereby granted full power and authority to change said principal office from one location to another. Any change shall be noted by the secretary under this section, but shall not be considered an amendment to this Agreement.

Section 3.4 Meetings. The Board shall meet at the Authority's principal office or at such other place as may be designated by the Board. The time and place of regular meetings of the Board shall be determined by resolution adopted by the Board; a copy of such resolution shall be furnished to each party hereto. Regular, adjourned and special meetings shall be called, noticed, held, and conducted in the manner as provided in the Ralph M. Brown Act (Chapter 9, Division 2, Title 5, of the Government Code of the State of California (commencing at Section 54950)) or any successor legislation hereinafter enacted. The Board shall appoint a secretary who may be one of the Directors or an employee of one of the Initial Members.

Section 3.5 Quorum. A simple majority of the Directors shall constitute a quorum for the purpose of transacting the Authority's general business. Except as otherwise provided by law, the vote of all the Directors shall be required for the Authority to take action. Each Director shall have one vote.

Section 3.6 Resolution of Disputes. If action of the Authority cannot be taken because the vote of all the Directors cannot be obtained, then any Member, by written notice to the other Members, may require that the Members meet in an effort to reach a

resolution of the matter at issue that may obtain the vote of all Directors. If that meeting does not result in resolution of the matter at issue, then any Member, by written notice to the other members, may require that the parties engage in a mediation process with regard to the matter at issue. The initial notice of mediation shall contain a detailed explanation of the matter at issue and the position of the initiating Member concerning the matter at issue. If such mediation notice is given, the Members shall promptly consult with each other to select an independent mediator who shall be knowledgeable regarding the matter at issue and who has no financial interest in the matter at issue or in any contract with any of the Members. For example, if the matter at issue involves engineering or architectural issues, the mediator may be an engineer or architect with knowledge of the kinds of issues that are in dispute. If the Members cannot agree to a mediator within forty-five (45) days following the date the mediation notice is given, any Member or the Members jointly may apply to the presiding judge of the Alameda County Superior Court for appointment of a mediator meeting the qualifications of this Section 3.6. Once the mediator is selected, the parties shall meet with the mediator and make good faith efforts to reach agreement on the matter at issue. The Members shall provide the mediator with written information regarding the matter at issue and an explanation of the positions of the various Members on the issues. The cost of the mediator shall be paid fifty percent (50%) by the City and fifty percent (50%) by BART.

Section 3.7 Powers and Limitations. All the power and authority of the Authority shall be exercised by the Board, subject, however, to the provisions of this Agreement, the JPA Law, and the rights reserved by the parties as herein set forth.

Section 3.8 Minutes. The secretary of the Authority shall cause to be kept minutes of regular, adjourned and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Director and to each of the parties hereto.

Section 3.9 Bylaws; Rules. The Board may adopt from time to time such bylaws and rules and regulations for the conduct of its affairs as may be necessary or advisable for the purposes of this Agreement.

Section 3.10 Vote or Assent of Parties. The vote, assent, or approval of the parties in any matter requiring such vote, assent or approval hereunder, shall be evidenced by a certified copy of the resolution of the governing board of such party filed with the Authority.

Section 3.11 Officers. The chair shall be rotated from time to time among the Directors in accordance with procedures established by the Board. The Board shall have the power to appoint such additional officers as it deems necessary and appropriate.

Section 3.12 Treasurer and Auditor.

(a) The City of Hayward Finance Director shall be the initial Treasurer of the Authority. The Treasurer shall be the depositary, shall have the custody of all the money of the Authority from whatever source, and shall have the duties and obligations of the Treasurer as set forth in Sections 6505 and 6505.5 of the Act. The Treasurer shall be responsible for receiving

quarterly reports and verifying the balance of this report with respect to the balance as maintained by the records of the Auditor.

(b) The auditor of the Authority shall be the City of Hayward Finance Director. The Auditor shall have the duties and obligations of the Auditor as set forth in Section 6505 and 6505.5 of the Act. The Auditor shall assure strict accountability of all receipts and disbursements of the Authority and shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Authority.

(c) The Treasurer and Auditor of the Authority are designated as the public officers or persons who have charge of, handle, or have access to any property or funds of the Authority, and each such officer shall be bonded as required by Government Code Section 6505.1, and the amount of their bond shall be fixed by resolution. From time to time the Board may designate other persons in addition to the Treasurer and Auditor who have charge of, handle, or have access to any property or funds of the Authority.

(d) The Auditor and Treasurer of the Authority shall not be compensated for their work for the Authority but the Authority shall reimburse the Auditor and Treasurer for out-of-pocket expenses including those for outside accountants undertaking the annual audit of accounts and records of the Authority.

Section 3.13 Executive Directors. The Authority shall initially have Co-Executive Directors who shall be the City Manager of the City and the Manager of Real Estate and Property Development of BART. The Co-executive Directors shall serve at the pleasure of the Board of Directors, and shall be responsible to the Board for the proper and efficient administration of the Authority as is or hereafter may be placed in their charge, or under their jurisdiction or control pursuant to the provisions of this Agreement, or of any ordinance, resolution or order of the Board. In addition to other powers and duties herein provided, the Co-Executive Directors shall have the power:

(a) Under direction of the Board, to plan, organize and direct all Authority activities.

(b) To authorize expenditures within the designations and limitations of the approved Budget.

(c) To make recommendations to and requests of the Board concerning all of the matters and things which are to be performed, done or carried out by said Board.

(d) To call special meetings of the Board.

(e) At the direction of the Board, to execute on behalf of the Authority, contracts and other instruments approved by the Board.

Section 3.14 Liability of Board. The Authority shall defend, indemnify and hold harmless any Member, Director, officer or employee for their actions taken within the scope of the authority of the Authority. Except as otherwise provided in this Agreement, the funds of the Authority shall be used to defend, indemnify and hold harmless the Authority and any Member, Director, officer or employee for their actions taken within the scope of the authority of the Authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide such coverage as is set forth below. The Authority's duty to indemnify each Member (and its Directors, officers, employees and agents) shall survive the Member's withdrawal from the Authority.

Section 3.15 Privileges and Immunities. Pursuant to Government Code Section 6513, all of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation and other benefits which apply to the activity of officers, agents, or employees of any of the parties when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Board shall be deemed by reason of their employment by the Board to be employed by any of the parties or by reason of their employment by the Board to be subject to any of the requirements of such parties.

ARTICLE 4.
FINANCING

Section 4.1 Budget. Within ninety (90) days after the first meeting of the Board, and thereafter at least ninety (90) days prior to the commencement of each Fiscal Year for which a budget has not yet been adopted, the Board shall adopt a Budget for the Authority for the ensuing Fiscal Year or two Fiscal Years.

Section 4.2 Contributions for Operating Expenses.

(a) Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by BART and the City for any of the purposes of this Agreement. Any such advance shall be made subject to repayment, and shall be repaid in the manner agreed upon by BART or the City, as the case may be, and the Authority at the time of making such advance. It is mutually understood and agreed that, except as specifically provided in this Agreement, neither BART nor the City has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any of them may do so. BART or the City may allow the use of personnel, equipment or property in lieu of other contributions or advances to the Authority.

(b) It is understood that the Board may arrange for the payment of the expenses of the Authority through some other source, including but not limited to local, state or federal grants or loans.

(c) In accordance with Government Code Section 6512.1, repayment or return to the parties of all or part of any contributions made by the parties may be directed by the Board at such time, and upon such terms, as may be consistent with the JPA Law. The Authority shall hold title to all funds and property acquired by it during the term of this Agreement.

Section 4.3 Grants and Loans. It is understood and acknowledged that some activities may qualify for grant or loan funding from the State of California, local governments, or the federal government. The Board shall have the power, in its discretion, to contract for such funding of eligible activities. Funds received by the Authority from such sources may be used to pay for, reimburse or otherwise finance such eligible activities.

Section 4.4 Reimbursement of Funds. Funds received by the Authority from any federal, state or local agency to pay for budgeted expenditures for which the Authority has received all or a portion of said funds from its parties shall be proportionately paid to said parties to reimburse the parties for the funds advanced.

ARTICLE 5.
PARKING AND ACCESS STUDY AND ACTION PLAN

Section 5.1 Initial Activities. Notwithstanding anything to the contrary in this Agreement, including those provisions related to the Authority's purpose and power set forth in Article 2, the Authority's activities shall be limited to routine and administrative activities and those set forth in the Article 5 until such time as the Members approve an Action Plan as more particularly set forth in Section 5.3. Following the Approval of an Action Plan as more particularly set forth in Section 5.3, the Authority may implement the Action Plan in a manner that is consistent with the Authority's purpose as set forth in Article 2 and using the powers set forth in Article 2.

Section 5.2 Parking and Access Study. The Authority shall commission a study regarding parking and access at the South Hayward Station (the "Parking and Access Study"). The Parking and Access Study is intended to enable the Authority to identify actions the Authority should take in the future to fulfill its purpose. The Parking and Access Study will identify potential BART patron parking and access issues at the South Hayward Station. It will also identify potential effects on the neighborhood (and on the Downtown Hayward BART Station and its surrounding neighborhoods) due to Phase 1 and any parking modifications that may result from the Authority's activities. The Parking and Access Study is intended to help:

- Identify location of parking spaces that would be available for use by BART patrons following the sale of the BART East Lot.
- Identify what type of parking is to be provided within which areas.
- Identify when the parking will be needed.
- Identify parameters for any charges to be imposed on BART patron parking.
- Identify any parking payment and accounting mechanisms.
- Identify enforcement activity and responsibilities.
- Identify capital needs and sources of funding for JPA activities.

- Identify JPA operating and maintenance needs.
- Identify other access features that may be necessary or desired.
- Identify insurance that may be required.

Section 5.3 City and BART Approval of Action Plan. Following the Parking and Access Study, the JPA City Directors and the JPA BART Directors will present a proposed set of Authority activities (the "Action Plan"), to the City Council and BART Board of Directors, respectively, for approval. Notwithstanding anything to the contrary in this Agreement, including Article 2, the Authority shall not implement any activities identified in the Action Plan (or any activities beyond the commissioning of the Access and Parking Study, the creation of the Action Plan, and general administrative and formation activities) until the City and BART approve in writing the Action Plan. The Authority also shall not implement any activities that are not identified in the Action Plan without the City's and BART's written approval. In approving the Action Plan, the City and BART may require the Authority to institute certain controls to assist the City and BART in monitoring the activities of the Authority and to structure Authority activities in a manner that will reduce any risk to the Authority and its members.

Section 5.4 Amendment to Action Plan. The Action Plan may be amended by the Authority to address future Authority activities and needs. Any amendment to the Action Plan shall be subject to the prior written approval of the City and BART.

Section 5.5 Amendment to Reflect Action Plan. This Agreement shall be amended to accommodate the provisions of any approved Action Plan or amendment thereto before any components of the Action Plan are implemented.

ARTICLE 6.
ACCOUNTING AND AUDITS

Section 6.1 Accounts and Reports.

(a) The Auditor shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Authority in the hands of the Treasurer shall be open to inspection at all reasonable times by representatives of the Members. The Treasurer, within one hundred twenty (120) days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to the Members.

(b) The Treasurer of the Authority shall receive, have the custody of, and disburse Authority funds on warrants drawn by the Auditor as nearly as possible in accordance with generally accepted accounting practices, shall make the disbursements required by this Agreement, and shall take such other actions as are necessary to implement or to carry out any of the provisions or purposes of this Agreement.

Section 6.2 Audit. The records and the accounts of the Authority shall be audited annually by a certified public accountant designated by the Auditor, and copies of such audit reports shall be filed as public records with the county auditor of Alameda County and with each party within six (6) months of the end of the Fiscal Year under examination, and shall be sent to any public agency or person in California that submits a written request to the Authority.

ARTICLE 7.
RESCISSION, TERMINATION, WITHDRAWAL, ASSIGNMENT.

Section 7.1 Term. The Authority shall continue to exercise the powers conferred upon it by this Agreement until this Agreement is rescinded or terminated as herein provided. If not earlier terminated or rescinded the term of this Agreement shall terminate on the date that is sixty-five (65) years following the date of this Agreement.

Section 7.2 Rescission or Termination. This Agreement may be rescinded and the Authority terminated by unanimous written consent of the Board; provided that no such termination or rescission shall occur so long as the Authority has any outstanding obligations.

Section 7.3 Disposition of Property Upon Termination. Pursuant to Government Code Section 6512, upon termination of this Agreement, any surplus funds on hand shall be paid out to BART and the City in proportion to the contributions made by such parties. The Board shall first offer any property, rights and interests of the Authority for sale to the Members for good and adequate consideration. If no such sale is consummated, the Board shall consider offering such property, rights and interests of the Authority for sale to any governmental agency, or other entity for good and adequate consideration. The net proceeds from any sale shall be paid out to BART and the City in proportion to the contributions made by such parties. If no such sale is consummated, then the property, rights and interests of the Authority shall be allocated to the parties in the same manner as the allocation of the net proceeds from a sale, unless otherwise agreed to by the parties.

Section 7.4 Withdrawal. No party may withdraw from the Authority without the unanimous written consent of the other parties.

ARTICLE 8.
GENERAL PROVISIONS.

Section 8.1 Amendments. This Agreement may be amended only by the unanimous vote of all Members. To be effective, all amendments and modifications must be in writing and signed by all Members.

Section 8.2 Assignment. The rights and duties of the parties may not be assigned or delegated without the written consent of all other parties. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void. Any approved

assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities and other obligations of the Authority then in effect.

Section 8.3 Breach. If a party breaches any covenant contained in this Agreement, such default shall not excuse any other party from fulfilling its obligations under this Agreement and all parties shall continue to be liable for the payment of contributions and the performance of all conditions herein contained. The parties hereby declare that this Agreement is entered into for the benefit of the Authority created hereby and the parties hereby grant to the Authority the right to enforce by whatever lawful means the Authority deems appropriate all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

Section 8.4 Notice. Any notice or instrument required to be given shall be delivered by depositing the same in any United States Post Office, registered or certified, postage prepaid, by hand delivery or by overnight delivery service and shall be addressed to the addressee of the parties as follows:

BART: San Francisco Bay Area Rapid Transit District
300 Lakeside Drive
Oakland, CA 94612

one copy to: Manager of Real Estate and Property Development, 16th Floor

one copy to: Office of the General Counsel, 23rd Floor

City: City of Hayward
777 "B" Street
Hayward, CA 94577
Attn: City Attorney

Such notice shall be effective upon receipt or refusal to accept receipt.

Section 8.5 Severability. Should any part, term or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

Section 8.6 Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto, respectively.

Section 8.7 Regulatory Authority Over BART. Nothing in this Agreement is intended to subject BART to the regulatory authority of the City, except when BART is acting in a private

development capacity, or to limit or modify the rights and powers of BART. BART is not delegating any of its independent powers and authorities to the Authority.

Section 8.8 City Limitations of Authority Powers. Notwithstanding anything to the contrary in this Agreement, the powers and activities of the Authority are not intended in any way to limit or modify the rights and powers of the City. The City is not delegating any of its independent powers and authorities to the Authority.

Section 8.9 Liability of Authority, Members, Officers and Employees. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of any of the Members or any of their respective officers, directors, employees or agents. No Member or its directors, officers, employees or agents shall be responsible for any action taken or omitted by any other Member or its directors, officers, employees or agents.

Section 8.10 Conflicts of Interest Code. To the extent required pursuant to Government Code Section 87300 or other provision of law, the Authority by resolution shall adopt a conflicts of interest code as required by law.

Section 8.11 Amended Purpose of Authority. In the event that Phase 2 is implemented, the parties may amend this Agreement to provide for the selection of the Phase 2 developer and to address the construction, financing and operation of the Phase 2 improvements.

APPROVED AS TO FORM:

_____
General Counsel

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

By: _____

Name: _____

Title: _____

CITY OF HAYWARD

By: _____
Frances David, City Manager

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

By: _____
Maureen Conneely, Assistant City Attorney

ATTEST: _____
Miriam Lens, City Clerk

EXHIBIT A
BART South Hayward Property

EXHIBIT B
Map of BART East Lot and Perry and Key Property

EXHIBIT C

Boundary of Authority

TABLE OF CONTENTS

Page

ARTICLE 1. DEFINITIONS AND EXHIBITS 3

SECTION 1.1 DEFINITIONS. 3
SECTION 1.2 EXHIBITS. 5

ARTICLE 2. PURPOSE AND POWERS 5

SECTION 2.1 PURPOSE OF THE AUTHORITY. 5
SECTION 2.2 PURPOSE OF THE AGREEMENT. 5
SECTION 2.3 AUTHORITY CREATED. 5
SECTION 2.4 EFFECTIVE DATE. 5
SECTION 2.5 BOUNDARIES OF THE AUTHORITY. 5
SECTION 2.6 POWERS. 5
SECTION 2.1 ADDITIONAL POWERS. 7
SECTION 2.2 RESTRICTIONS ON EXERCISE OF POWERS. 7
SECTION 2.3 OBLIGATIONS OF AUTHORITY. 7
SECTION 2.4 AUTHORITY FACILITIES. 7
SECTION 2.5 NON-LIABILITY FOR OBLIGATIONS OF AUTHORITY. 7

ARTICLE 3. ORGANIZATION 7

SECTION 3.1 MEMBERSHIP. 7
SECTION 3.2 GOVERNING BODY OF THE AUTHORITY. 8
SECTION 3.3 PRINCIPAL OFFICE. 8
SECTION 3.4 MEETINGS. 8
SECTION 3.5 QUORUM. 8
SECTION 3.6 RESOLUTION OF DISPUTES. 8
SECTION 3.7 POWERS AND LIMITATIONS. 9
SECTION 3.8 MINUTES. 9
SECTION 3.9 BYLAWS; RULES. 9
SECTION 3.10 VOTE OR ASSENT OF PARTIES. 9
SECTION 3.11 OFFICERS. 9
SECTION 3.12 TREASURER AND AUDITOR. 9
SECTION 3.13 EXECUTIVE DIRECTORS. 10
SECTION 3.14 LIABILITY OF BOARD. 11
SECTION 3.15 PRIVILEGES AND IMMUNITIES. 11

ARTICLE 4. FINANCING 11

SECTION 4.1 BUDGET. 11
SECTION 4.2 CONTRIBUTIONS FOR OPERATING EXPENSES. 11
SECTION 4.3 GRANTS AND LOANS. 12
SECTION 4.4 REIMBURSEMENT OF FUNDS. 12

ARTICLE 5. PARKING AND ACCESS STUDY AND ACTION PLAN 12

SECTION 5.1 INITIAL ACTIVITIES. 12
SECTION 5.2 PARKING AND ACCESS STUDY. 12
SECTION 5.3 CITY AND BART APPROVAL OF ACTION PLAN. 13
SECTION 5.4 AMENDMENT TO ACTION PLAN. 13
SECTION 5.5 AMENDMENT TO REFLECT ACTION PLAN. 13

TABLE OF CONTENTS
(continued) **Page**

ARTICLE 6. ACCOUNTING AND AUDITS 13

SECTION 6.1 ACCOUNTS AND REPORTS. 13
SECTION 6.2 AUDIT. 14

ARTICLE 7. RESCISSION, TERMINATION, WITHDRAWAL, ASSIGNMENT.14

SECTION 7.1 TERM. 14
SECTION 7.2 RESCISSION OR TERMINATION. 14
SECTION 7.3 DISPOSITION OF PROPERTY UPON TERMINATION. 14
SECTION 7.4 WITHDRAWAL 14

ARTICLE 8. GENERAL PROVISIONS. 14

SECTION 8.1 AMENDMENTS 14
SECTION 8.2 ASSIGNMENT. 14
SECTION 8.3 BREACH. 15
SECTION 8.4 NOTICE. 15
SECTION 8.5 SEVERABILITY. 15
SECTION 8.6 SUCCESSORS. 15
SECTION 8.7 REGULATORY AUTHORITY OVER BART. 15
SECTION 8.8 CITY LIMITATIONS OF AUTHORITY POWERS. 16
SECTION 8.9 LIABILITY OF AUTHORITY, MEMBERS, OFFICERS AND EMPLOYEES. 16
SECTION 8.10 CONFLICTS OF INTEREST CODE. 16
SECTION 8.11 AMENDED PURPOSE OF AUTHORITY. 16

Exhibit A: BART South Hayward Property
Exhibit B: Map of BART East Lot and Perry and Key Property
Exhibit C: Boundary of Authority

Parties	• City • Agency (if opt-in) • Eden • Wittek - Montana
Property	• Perry & Key Site • BART East Lot • Park Site
Project	Development of Phase I of South Hayward TOD Project, which includes: 1. Infrastructure Improvements ("Infrastructure") – infrastructure and parking garages to be constructed by Eden and Wittek-Montana 2. Market Rate Housing Development ("MHD") – approximately 203 residential units to be constructed by Wittek-Montana 3. Affordable Housing Development ("AHD") – approximately 151 senior and family residential units to be constructed by Eden 4. Park – construction of adjacent park by Wittek-Montana (Subject to timely City acquisition; Wittek-Montana to make financial contribution totaling $455,000 towards construction (with 10% of this amount allowed for plan development costs) and 50% of acquisition costs (capped at $400,000); Park and walkway easement will be subject to landscape and lighting district). 5. Payment for approximately 35% of Traffic Signal Costs if other funding sources sufficient to pay for the signal are not available
Preconditions to Disbursement of IIG Funds (approximately $18 million)	IIG Funds from HCD will be disbursed to the City. The City will then disburse the IIG Funds to Developers as revocable grants. The revocable grants will be disbursed in two components (predevelopment and construction) upon completion of the following conditions precedent: • Predevelopment Component (up to $2 million): 1. Eden acquisition of Perry & Key Site 2. City approval of Financing Plans and Budgets for Phase 1 3. Approved Disbursement Schedule(s)/Schedule(s) of Performance/Quarterly Cashflow 4. Recordation of OPA on Perry & Key Site (also to be re-recorded against BART East Lot upon acquisition) 5. Recordation of City IIG DOT on Perry & Key Site 6. Approval of Title of Perry & Key Site 7. Disclosure and Approval of Physical Condition and Hazardous Materials Issues 8. Approval and execution of Wittek-Montana PSA with BART for BART East Lot 9. Draw Request • Construction Component (up to $16 million): 1. All conditions to Predevelopment Components continue to be met 2. Approval and execution of Infrastructure Construction Coordination Agreement between Developers

	3. Entitlements for Phase 1 complete 4. Approval of Design and Construction Plans for Phase 1 complete 5. Building Permits for Phase 1 issued 6. Close of construction financing for Phase 1 7. Ownership of AHD Parcel by Eden 8. Recordation of City IIG DOT on AHD Parcel securing amounts disbursed under Eden Revocable Grant 9. Ownership of MHD Parcel by Wittek/Montana 10. Recordation of City IIG DOT on MHD Parcel securing amounts disbursed under Wittek-Montana Revocable Grant 11. Construction Contract Approval and Bonds For Phase 1 12. Marketing and Management Plan and Management Agent Approval 13. Approval and Recordation of other use documents for Project (e.g. CC&Rs, other public and private easements etc.)
Parking	• Developers to cooperate with City and BART in their JPA parking and access efforts and activities
City Remedies and Security	• See Security Chart • Indemnity (joint and several) from Developers and Owner to City for claims arising from HCD Documents and for Hazardous Materials claims
Construction Obligations	• Commencement and Completion in accordance with Schedule of Performance. • Prevailing Wage • Best efforts to comply with Local Hire/Small Business • Progress Reports and Inspection Rights for City
Operations	• Maintenance, property management and nondiscrimination covenants for Phase 1 • Tenant protections for eventual sale of MHD units
Schedule of Performance	Parties to establish dates that will permit Phase 1 to be constructed in accordance with HCD timeframes, and allow adequate time for the City to "step in" and complete Phase 1 in the event of a Developer default.
Subordination	• No subordination of OPA. • City Inclusionary Regulatory Agreement will not be subordinated.
Assignment/Transfer	• Transfers must be approved by Agency/City • AHD Parcel: City's standard approval rights for tax credit projects.

ATTACHMENT VII: SOUTH HAYWARD BART TRANSIT ORIENTED DEVELOPMENT
SECURITY/RISK SUMMARY CHART

Predevelopment Phase:

Property Ownership/Value	Financing	Security	Risk
Eden owns Perry & Key Site (Approximate value = $4.5 million; 2.79 acre site) BART owns BART East Lot (Approximate value = $2.5 million; 1.56 acre site)	**Perry & Key Site *Before* Predevelopment IIG Disbursements**: • Housing Authority Loan ($1.7M)[1, 2] • City NSP Loan ($800,000) [2] • W&M Carry-back Finance ($2M)	• Security on entire Perry & Key Site: o Authority Deed of Trust o City NSP Deed of Trust • City Step In-Right o Assignment of BART East Lot PSA o Assignment of Work Product o Option to Purchase on Default by Developer(s)	• Minimal risk because value of property exceeds amounts disbursed by Housing Authority and City and due to City right to step-in and find new developer
(Eden will acquire Perry & Key Site from W&M. The purchase price will be paid with $2.5 Million in City/Authority Funds ($1.7M in Housing Authority funds; $800,000 in NSP Funds) and $2 Million in "Seller Carry-Back Financing from W&M.)	**Perry & Key Site *Following* Predevelopment IIG Disbursements**: • HCD IIG ($2M) • Housing Authority Loan ($1.7M) [2] • City NSP Loan ($800,000) [2] • W&M Carry-back Finance ($2 M)	• Security on entire Perry & Key Site: o IIG Deed of Trust o Housing Authority Deed of Trust o City NSP Deed of Trust • City Step In-Right o Assignment of BART East Lot PSA o Assignment of Work Product o Option to Purchase on Default by Developer(s)	• Minimal risk because value of Perry & Key Site not less than amounts disbursed by HCD, Housing Authority and City and due to City right to step-in and find new developer

[1] All dollar values on the Security/Risk Summary Chart are approximations. Approximations for HCD IIG funds reflect maximum risk exposure under HCD IIG Grant.
[2] In addition to acquisition funding, Eden will be allowed to draw down additional predevelopment related funds under the Housing Authority Loan and the City NSP Loan prior to the first HCD IIG disbursement.

Deleted:

ATTACHMENT VII: SOUTH HAYWARD BART TRANSIT ORIENTED DEVELOPMENT
SECURITY/RISK SUMMARY CHART

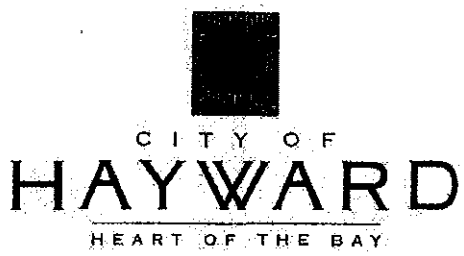
Construction Phase:

Property Ownership/Value	Financing	Security	Risk
Eden owns Affordable Housing Site (AHD Site), consists of subdivided portion of approximately 60% Perry & Key Site W&M owns Market Rate Housing Site (MHD Site) consisting of remaining portion of Perry & Key Site and entire BART East Lot (It is anticipated that the value of each site will increase as construction progresses and improvements are installed.)	**Affordable Development**: • HCD IIG (approximately $7.5M) • Tax Credits ($18.1M) • Housing Authority Loan (up to $4.25 M subject to $100,000 retention) • City NSP Loan ($830,000) • City HOME Loan ($900,000) • Additional soft-debt ($1,500,000) pending application	• Security on AHD Site: o Construction Deed of Trust o IIG Deed of Trust o Housing Authority Deed of Trust o City HOME Deed of Trust o City NSP Deed of Trust • City Step In-Right o Assignment of Work Product o Option to Purchase on Default by Developer(s)	• Greater risk because City security subordinate to Construction Deed of Trust • Some risk of subordinate Deed of Trust is offset by increase in value for completed construction work • Step-in right will be subject to assumption of or pay-off of Construction Loan • OPA use restrictions not subordinated requiring replacement developer to comply with anticipated use under OPA • If property is not sufficient to repay HCD or if City does not step in, there may be a repayment requirement for the HCD IIG funds (HCD obligation is joint and several) • No cross-default on loans between AHD and MHD o City cannot look to MHD Site to repay HCD funds if Eden defaults
	Market-rate Development: • HCD IIG (approximately $11.5 M) • Construction Loan and Equity Investment (approximately $46 M)	• Security on MHD Site: o Construction Deed of Trust o IIG Deed of Trust • City Step-In Right o Assignment of Work Product o Option to Purchase on Default by Developer(s)	• Greater risk because City security subordinate to Construction Deed of Trust • Some risk is offset by increase in value for completed construction work • Step-in right will be subject to assumption of or pay-off of Construction Loan • OPA use restrictions not subordinated requiring replacement developer to comply with anticipated use under OPA • If property value is not sufficient to repay HCD or if City does not step in and secure a replacement developer, there may be a repayment requirement for the HCD IIG funds (HCD obligation is joint and several) • No cross-default on loans between AHD and MHD o City cannot look to AHD Site to repay HCD funds if W&M defaults

ATTACHMENT VII: SOUTH HAYWARD BART TRANSIT ORIENTED DEVELOPMENT
SECURITY/RISK SUMMARY CHART

Post-Construction (Occupancy)

Property Ownership/Value	**Financing**	**Security**	**Risk**
Same ownership as during Construction Phase: Eden owns AHD site and W&M owns MHD site.	**Affordable Development**: • TOD Loan ($15.1 M) • Housing Authority Loan (up to $4.15 M) • City NSP Loan ($830,000) • City HOME Loan ($900,000) • Other available soft-debt ($1,500,000)	• Security on AHD Site: o Housing Authority Deed of Trust o City HOME Deed of Trust o City NSP Deed of Trust	• Less risk because: o AHD construction completed o Regulatory Agreement recorded to ensure long term affordability
	Market-rate Development: • Permanent Loan (approximately $60 M)	• Security on MHD Site: o IIG Deed of Trust (5 years) o Maintenance Agreement	• Less risk because: o MHD construction completed o OPA and IIG Deed of Trust will require compliance with any on-going HCD obligations



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

Office of the City Manager
777 B Street • Hayward • CA • 94541-5007
Tel: 510-583-4300 • Fax: 510-583-3601 • Website: www.hayward-ca.gov

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,

Fran David
City Manager

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

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Authorizing the City Manager to Negotiate a Disposition and Development Agreement with Habitat for Humanity East Bay for the Development of Certain Real Property Located at 123-197 "A" Street in Hayward as an Affordable Ownership Housing Project and to Submit an Application for State Grant Funds under the Building Equity and Growth in Neighborhoods (BEGIN) Program

RECOMMENDATION

That the City Council:

- Adopts the attached resolution authorizing the City Manager to negotiate a Disposition and Development Agreement ("DDA") between the City of Hayward and Habitat for Humanity East Bay ("Habitat") for the development of certain real property located at 123-197 "A" Street in Hayward for the development of a ten unit low and moderate income ownership housing project to be constructed by Habitat (the "Project").

- Adopts the attached resolution authorizing the City Manager to submit an application and any related documents to the State Department of Housing and Community Development ("HCD") for funding under the Building Equity and Growth in Neighborhoods ("BEGIN") Program, and to execute a Standard Agreement with HCD and any amendments or addenda, if awarded the funding.

BACKGROUND

In June of 2009, the Redevelopment Agency of the City of Hayward ("Agency") used Low and Moderate Income Housing ("Low-Mod") funds to acquire from the City of Hayward ("City") a . 7 acre parcel of land located at 123-197 A Street (the "Property") for the sum of $705,000. No funds have been spent on property maintenance. This property is adjacent to the "A" Street overpass at Meekland Avenue. Earlier this year, along with numerous other parcels of property, the Agency reconveyed the Property to the City. Despite this transfer, because Low-Mod funds were used to acquire the property, the rules and regulations pertaining to the use of Low-Mod funds (and that are typically implemented by the Agency) still apply to the development of the Property. As such, the property must be used for the development of housing affordable to low and moderate income individuals.

In February (with an amendment in May) of this year, Habitat made a proposal to the City to construct ten single-family for-sale homes on the Property that would be made available to residents earning at-or-below 80% of the Alameda County median income (or $65,750 for a family of four in 2011). At the time of the original and amended submissions of the Project proposal, financing for the Project anticipated a significant funding commitment from the City due to the unavailability of other sources of funds, including a freeze of HCD funding. Since that time, HCD has announced that it will issue a Notice of Funding Availability (NOFA) for the BEGIN Program.

Funded with Proposition 1C funding, the State's BEGIN Grant Program is a homeownership program designed to make development grants to qualifying cities and counties for affordable housing. The BEGIN funds can be used for down payment assistance to the homeowners or for development costs. If the BEGIN funds are used for down payment loans provided to residents and as these funds are repaid as the homes are sold in the future, the City may re-use the proceeds for future eligible housing projects. No funds are required to be repaid to the State. The City must apply for the BEGIN funds under current Program guidelines. Therefore, a City Council resolution authorizing the City to apply for the funding is a requirement of the grant application.

In addition, the developer must demonstrate site control in order to qualify for funding under the BEGIN program. In order to prove site control, which is a standard requirement for affordable housing funding programs, the City must authorize and enter into a Disposition and Development Agreement (DDA) for the Project with Habitat. If awarded the funding, the City will be required to execute a Standard Agreement with HCD. This agreement will memorialize the terms of the BEGIN grant and the City's obligations as recipient of the Grant. The State conditions for disbursement of the loan will be included in this agreement as well.

The NOFA for the BEGIN program was issued in early July and has a deadline of August 8, making Council action on this project necessary prior to the August recess. At this point, the tight funding applications for the BEGIN program are driving this project as the project pro-forma is dependent on this outside funding. It is highly likely that this round of Proposition 1C funding will be the last made available by the State. There are many additional steps that need to occur in the approval of this project. However, given Habitat's current proposal, the current development restrictions on the project site, and the State funding application timelines, staff recommends moving forward with the first steps outlined in this report.

As Council is aware, between June 28 and June 30, 2011, the Governor approved the State Budget for FY 2011/12, and signed a number of implementing trailer bills. Two of these trailer bills significantly modify the California Community Redevelopment Law ("CRL") and fundamentally alter the future of California redevelopment: ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Program Act"). The Dissolution Act immediately suspends all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies, effective October 1, 2011. The Voluntary Program Act allows redevelopment agencies to avoid dissolution under the Dissolution Act by opting in to an "alternative voluntary redevelopment program" (the "Voluntary Program") that requires annual contributions to local schools and special districts.

Assuming that Council has performed a first reading of the "opt-in" ordinance at the July 26th meeting, pursuant to the Voluntary Program so that the Redevelopment Agency may avoid

dissolution, the Property will remain subject to current CRL requirements (as it may be amended by additional redevelopment agency reform legislation that is also pending at the State). The current CRL states that development activities related to property acquired with Low-Mod funds must be initiated within five years. The pending reform legislation at the State seeks to further modify the laws pertaining to property acquired with Low-Mod funds to accelerate the actual development of such property with affordable housing. Under proposed reform legislation, penalties may be imposed if the property is not developed within particular timeframes.

The CRL also requires that the Property be conveyed only after the procedures set forth in Health and Safety Code Section 33433 are followed. Health and Safety Code Section 33433 requires that the disposition of the Property be approved by the Council after a public hearing on the matter. In addition, Health and Safety Code Section 33433 requires that a copy of the proposed DDA be provided to the public along with a "33433 Report", which essentially justifies the terms of the sale under the CRL. In light of the Health and Safety Code Section 33433 requirements, staff will return to Council for final approval of the DDA before final execution by the City Manager.

In light of the BEGIN Program requirements described above, the shrinking or disappearance of other funding sources for affordable housing, and the need to develop the property within redevelopment law timeframes, staff is recommending that the City move forward with potential development of the Property and authorize staff to negotiate a DDA and apply for BEGIN financing.

DISCUSSION

Habitat's proposal calls for the construction of ten single-family homes affordable to low-income families – those earning at-or-below 80% of the Area Median Income. Long-term affordability restrictions will be ensured through legal covenants recorded on the homes. The affordability period (usually between 20 and 45 years) will be determined by the funding source utilized to finance the Project; however, CRL affordability requirements will apply.

To make homes affordable, Habitat utilizes a successful "sweat equity" model where home purchasers spend 500 hours working on their new homes in lieu of a down payment. Habitat then provides thirty-year mortgages at zero-percent interest for low-income homebuyers. In addition, BEGIN Grant funds are allowed to be used for development costs and to provide down payment assistance to qualifying low- and moderate-income first-time homebuyers.

Site elevations for a similar project to what Habitat proposes in Hayward are attached as a representation of what could be constructed with the proposed Project (see Attachment III). Each unit is proposed to be a two-story 3-or-4 bedroom unit of approximately 1,200 to 1,500 square feet with a yard. The remainder of the Property will be improved with common area amenities, which could include a community gathering space, garden, and/or play area for the future residents.

Habitat incorporates green building materials and techniques in its construction practices, so each home will be energy efficient and will provide a healthy environment for its residents. Green elements will include photovoltaic solar panels, radiant-barrier roof sheathing, double-pane, low-e windows, raised heel trusses, and recycling or reuse of more than 90% of construction wastes. All

of the landscaped areas will have drought tolerant and/or native landscaping. As with its other projects, Habitat intends to have the homes certified as sustainable through Build it Green's Green Point Rated Program.

Total Project Development Cost (TDC) projections are estimated at approximately $4.15 million net of land. Habitat estimates an approximately 33% total State/Federal contribution towards those costs. This includes the BEGIN grant funds. Habitat has determined that the Project is eligible for up to $465,000 in BEGIN funds. Almost 33% of the Project costs will be paid for with donations of cash and materials raised by Habitat. The local contribution for the proposed Project is calculated at 33% of the TDCs or approximately $1.4 million. This would include potential loan or grant from the City, Housing Authority, or Agency and a $225,000 Community Development Block Grant (CDBG) for infrastructure improvements.

The DDA will include the terms of the land conveyance, including the price and contingencies that must be met before the City would be obligated to convey the land to Habitat. (Please note that the agreed upon purchase price must be formally approved by Council at a subsequent public hearing pursuant to the requirements of Health and Safety Code Section 33433.) It will also govern the development of the Project. The DDA will not include a promise of any additional City, Housing Authority or Agency funds at this time (any funds that may be committed by the City, Housing Authority or Agency will require future separate approvals).

ECONOMIC IMPACT

According to 2000 Census data, the City of Hayward currently has an approximate 53% homeownership rate. The current national homeownership rate is almost 67%. This Project will help to further the City's goal of achieving a higher homeownership rate, especially for families that would normally not be able to afford a single family home.

The Project also has the capacity to create jobs and local supplies purchases. If the Project is initiated, Habitat will work with the City to achieve a reasonable level of local trade hiring and materials purchases within the Hayward city limits. In addition, Habitat is exploring the possibility of partnering with a job training organization such as the Alameda County Associates Community Action Youth Build Program to offer hands-on construction opportunities to trainees.

FISCAL IMPACT

There is no immediate fiscal impact to the City with the approval to submit a BEGIN Program grant application or to authorize the City Manager to negotiate and execute a DDA. Potential fiscal benefits to the City from the project construction are derived from the fact that as private property, owners of the future homes will pay property taxes and other assessments. Also, when the BEGIN down payment loans provided to residents are repaid as the homes are sold, the City may re-use the proceeds for future eligible housing projects. No funds are required to be repaid to the State.

PUBLIC CONTACT

This Project is in the preliminary stages. Before execution of the DDA, staff and Habitat will present any finalized Project to the Hayward Redevelopment Advisory Committee (RAC) and Citizens Advisory Committee (CAC) or its successor. Habitat will also work with the City Office of Neighborhood Services to meet with neighborhood groups to receive community input. These meetings are tentatively scheduled for late in 2011 or early 2012.

SCHEDULE (or NEXT STEPS)

Staff will return to Council for formal approval of the DDA as required by the CRL (California Health and Safety Code Section 33433). Staff may also return with a request for additional Project funding depending on the success of the BEGIN funding application. In addition, Habitat will be required to obtain entitlement and planning approvals. In any event, staff will continue to give updates on the Project to the City Council on an as-needed basis. If the Project moves forward, it is slated for completion in early to mid 2014.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Kelly Morariu, Assistant City Manager

Approved by:

_____

Fran David, City Manager

Attachments:

Attachment I: Resolution Authorizing the City Manager to Negotiate and Execute a DDA
Attachment II: Resolution Authorizing the City Manager to Submit a BEGIN Grant Application
Attachment III: Elevation for Similar Habitat Projects

CITY COUNCIL OF THE CITY OF HAYWARD

RESOLUTION NO. 11 -_____

RESOLUTION APPROVING NEGOTIATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY EAST BAY FOR THE DEVELOPMENT OF A MODERATE AND LOW INCOME HOMEOWNERSHIP HOUSING PROJECT AT THE CORNER OF A AND WALNUT STREETS

WHEREAS, the City owns that certain property located at 123-197 "A" Street in the City of Hayward, California (the "Property"); and

WHEREAS, the Redevelopment Agency of the City of Hayward (the "Agency") acquired the Property with low and moderate income housing funds and then conveyed the Property to the City; and

WHEREAS, the City adopted the Downtown Hayward Redevelopment Plan (the "Redevelopment Plan"). The Redevelopment Plan sets forth a plan for redevelopment of the Downtown Hayward Redevelopment Project Area (the "Project Area"). The Property is located within the Project Area; and

WHEREAS, Habitat for Humanity East Bay (the "Developer") desires to develop the Property and has submitted a proposal for the development of the Property which contemplates the development on the Property of ten (10) duplex style townhome homeownership units (the "Development"); and

WHEREAS, upon completion of the Development, the Developer will sell all ten (10) homes at an affordable price to households whose incomes do not exceed 80% of the Area Median Income (AMI) and will record resale and affordability restrictions against each home to ensure that, during the affordability term, the sales price to any new buyer shall be affordable to a household whose income does not exceed 80% of AMI; and

WHEREAS, as specified in California Government Code Section 65583(c)(2), the City has an obligation to assist in the development of adequate housing to meet the needs of low to moderate income households and is permitted to convey property for affordable housing purposes pursuant to California Government Code Sections 37350 and 37364; and

WHEREAS, completion of the Development will also assist the Agency in meeting its obligations under California Redevelopment Law; and

WHEREAS, completion of the Development by Developer will further the City and Agency goals of providing an economic stimulus, needed housing (including housing affordable to very low and low income households), and ameliorating blight; and

WHEREAS, the City desires to negotiate a Disposition and Development Agreement (the "Agreement") with the Developer under which the Developer under certain terms and conditions could acquire the Property from the City to develop the Development; and

WHEREAS, the Agreement will not commit any City financing to the Project and, furthermore, any funding request or below market rate purchase price of the Property in connection with the Development of the Property will require additional Council approval and be contingent upon availability of housing funds; and

WHEREAS, after review of the staff report and attachments accompanying this resolution, the City Council desires to adopt the staff recommendation to authorize the negotiation of the Agreement with Developer.

NOW, THEREFORE, BE IT RESOLVED by the City Council thatthe City Council hereby authorizes the City Manager to negotiate the Agreement in a manner that is consistent with the terms and conditions described in the staff report accompanying this resolution and to execute such Agreement following any additional approvals required pursuant to California law, including California Health and Safety Code Section 33433.

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 COUNCIL OF THE CITY OF HAYWARD

RESOLUTION NO. 11 -_____

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE BEGIN PROGRAM TO FINANCE THE DEVELOPMENT OF A MODERATE AND LOW INCOME HOMEOWNERSHIP HOUSING PROJECT AT THE CORNER OF A AND WALNUT STREETS

WHEREAS, the City of Hayward, a municipal corporation of the State of California, wishes to apply for and receive an allocation of funds through the State Department of Housing and Community Development (HCD) Building Equity and Growth in Neighborhoods (BEGIN) Program; and

WHEREAS, in July 2011 HCD issued a Notice of Funding Availability ("NOFA") for the BEGIN Program established by Chapter 14.5, Sections 50860 through 50866 of Part 2 of Division 31 of the Health and Safety Code (the "Statute"). Pursuant to the Statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the BEGIN program, subject to the terms and conditions of the Statute and the BEGIN Program Guidelines adopted as amended by HCD on April 19, 2010, as they may be amended; and

WHEREAS, the City of Hayward, in response to the BEGIN NOFA issued on July 8, 2011, wishes to submit an application to obtain from HCD an allocation of BEGIN Program funds in the amount of $465,000; and

WHEREAS, if the application for funding is approved, the City of Hayward hereby agrees to use the BEGIN Program funds for development of ten (10) duplex style townhome affordable homeownership units (the "Development") in a City-owned property located at 123-197 "A" Street in the City of Hayward; and

WHEREAS, if the application for funding is approved, the City of Hayward hereby agrees to use the BEGIN Program funds for eligible activities as approved by HCD and in accordance with the BEGIN Program Guidelines; and

WHEREAS, if the City is awarded BEGIN funding pursuant to its application, the City Council desires to have the City Manager execute and cause the implementation of the Standard HCD Agreement for such funds and any amendments and addenda thereto (collectively, the "Standard Agreement") and such other documents as may be necessary to implement the City's BEGIN Program ("Other BEGIN Documents"), all in a manner that is consistent with the BEGIN Program Guidelines; and

WHEREAS, after review of the staff report and attachments accompanying this

resolution, the City Council desires to adopt the staff recommendation to authorize the City Manager to submit a BEGIN Program funding application.

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

1. The City Council finds that the above recitals are accurate.

2. The City Council hereby authorizes the City Manager to submit and execute on behalf of the City of Hayward, the BEGIN Program funding application, and, if funding is awarded, the Standard Agreement and any amendments and addenda thereto, and Other BEGIN Documents, all in a manner that is consistent with the BEGIN Program Guidelines.

3. The City Council hereby authorizes and directs the City Manager to take such steps as are reasonable and necessary to perform the City's obligations under the Standard Agreement and other BEGIN Documents in a manner that is consistent with the BEGIN Program Guidelines.

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

1 / A3.3 STREET ELEVATION - LOOKING WEST

SCALE 1/8" = 1'-0"

2 / A3.3 COMMON AREA ELEVATION - LOOKING SOUTH

SCALE 1/8" = 1'-0"

HABITAT EAST BAY

BROOKFIELD COURT

9507 EDES AVENUE, OAKLAND, CA 94603

DRAFT 50% DD

GEOFFREY HOLTON & ASSOCIATES

CURRENT ISSUE DATE
3.2.11

SUBMITTAL DATE
6.18.10

REVISIONS

SHEET NO.
A3.3
STREET ELEVATIONS

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2011

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Designation of Voting Delegates and Alternates for the League of California Cities 2011 Annual Conference

RECOMMENDATION

That the City Council designates a voting delegate and two alternate voting delegates as Hayward's representatives to the League of California Cities 2011 Annual Conference; adopts the attached Resolution with the designees identified; and authorizes the City Manager to complete and submit the "2011 Annual Conference Voting Delegate/Alternate Form" along with Council's adopted Resolution.

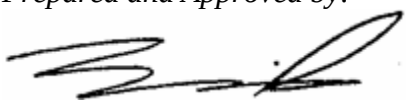
DISCUSSION

The League of California Cities requires that voting delegates and alternates be designated by formal Resolution of the Council, and can no longer be accomplished by individual action of the Mayor or City Manager. Voting delegates and alternates may be any City official, elected or appointed.

The voting delegate or alternate must be registered to attend the conference, which is scheduled for September 21-23, 2011, in San Francisco, CA. The voting card may be transferred freely between the delegate and the alternates, providing that each is registered at the conference.

The League's correspondence on this matter, the Annual Conference Voting Procedures, and the Voting Delegate/Alternate form are attached for your reference. The completed form is due back to the League offices no later than August 26, 2011.

Prepared and Approved by:



_____
Fran David, City Manager

Attachments: Attachment I - Resolution Designating a Voting Delegate and Two Alternate Voting Delegates as Hayward's Representatives to the LCC 2011Annual Conference

Attachment II – Letter from LCC requesting Designation of Voting Delegate and Alternates to the LCC 2011 Annual Conference

ATTACHMENT I

HAYWARD CITY COUNCIL

RESOLUTION NO_____

Introduced by_____

A RESOLUTION DESIGNATING A VOTING DELEGATE AND TWO ALTERNATE VOTING DELEGATES AS HAYWARD'S REPRESENTATIVES TO THE LEAGUE OF CALIFORNIA CITIES 2011 ANNUAL CONFERENCE

WHEREAS, the City of Hayward is a member of the League of California Cities and the League's Annual Conference is scheduled for September 21-23, 2011, in San Francisco, CA; and

WHEREAS, during the annual conference, the League membership considers and takes action on resolutions that establish League policy; and

WHEREAS, in order to vote on behalf of the City of Hayward at the League's Annual Business Meeting, it is necessary to designate voting delegates and alternates prior to the Annual Conference in accordance with the League's By-Laws; and

WHEREAS, Council Members _____,_____,and _____have expressed interest in attending the League's Annual Conference and are planning on registering to do so.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Council Member _____is hereby designated as the City's voting delegate and Council Members _____, and _____are hereby designated as the City's alternate voting delegates to the League of California Cities 2011 Annual Conference.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

1400 K Street
Sacramento, CA 95814
ph: (916) 658-8200
fx: (916) 658-8240

LEAGUE OF CALIFORNIA CITIES

www.cacities.org

Council Action Advised by August 26, 2011

RECEIVED
JUN 15 2011
CITY MANAGER
BY

June 9, 2011

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 21–23, San Francisco

The League's 2011 Annual Conference is scheduled for September 21-23 in San Francisco. An important part of the Annual Conference is the Annual Business Meeting *(at the closing General Assembly)*, scheduled for 2:30 p.m., Friday, September 23, at the San Francisco Moscone West Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 26, 2011. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Francisco Moscone West Convention Center, will be open at the following times: Wednesday, September 21, 8:30 a.m. – 6:00 p.m.; Thursday, September 22, 7:30 a.m. – 4:00 p.m.; and September 23, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 26th. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2011 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

LEAGUE OF CALIFORNIA CITIES

1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures
2011 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes**. In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

LEAGUE OF CALIFORNIA CITIES

CITY: _____

2011 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 26, 2011. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 26 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247

VotingDelegateLetter11.doc