



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
JUNE 19, 2012

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

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CITY COUNCIL MEETING FOR JUNE 19, 2012
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 5:30 PM

1. PUBLIC COMMENTS

2. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation
James v. Hayward Police Department, et al., U.S.D.C., N.C., No. C 10-4009 (SI)
 3. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation
City of Palmdale, et al. v. Matosantos, et al.
Sacramento County Superior Court, No. 34-2012-80001154
 4. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation
City of Hayward v. Board of Trustees of the California State University
California Court of Appeal, First District, Nos. A131412 and A131413
 5. Adjourn to Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting
-

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

CALL TO ORDER Pledge of Allegiance Council Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION

Certificate of Commendation Presented to Varun Mahadevan;
Hayward Student Received 3rd Place in the National Geography Bee

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

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

WORK SESSION (60-Minute Limit)

1. Proposed General Plan Update – A Review of the Existing General Plan (Report from Development Services Director Rizk)
[Staff Report](#)
[Attachment I March 20 2012 Council Minutes](#)
[Attachment II April 12 2012 Planning Commission Minutes](#)
[Attachment III Project Timeline](#)
-

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

2. Approval of Minutes of the City Council Meeting on May 29, 2012
[Draft Minutes](#)
3. Pavement Reconstruction FY13 - Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemere, Gading, and Lindenwood: Award of Contract
[Staff Report](#)
[Attachment I](#)
[Attachment II](#)
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4. Pavement Rehabilitation Gas Tax FY13 (Districts 4 & 5): Approval of Addendum and Award of Contract
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 5. Pavement Rehabilitation Measure B FY13: Increasing the Administrative Change Order Amount and Award of Contract
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 6. Increasing the Number of Hayward Youth Commission Members and Amending Section 2 of Resolution 92-277
[Staff Report](#)
[Attachment I](#)
 7. Notice of Appropriations Limit for FY 2013
[Staff Report](#)
[Attachment I Resolution](#)
[Attachment II](#)
 8. Extension of 72-Inch Effluent Pipeline Shoring at the Water Pollution Control Facility
[Staff Report](#)
[Attachment I Resolution](#)
[Attachment II Location Map](#)
-

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

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

LEGISLATIVE BUSINESS

9. Introduction of Ordinance to Amend the Hayward Municipal Code Section 11-3.255 Regarding Sewer Connection Fees to Allow for Longer Payment Terms *** Continued to June 26, 2012 ***
[Staff Report](#)



10. Temporary Revisions to the Alcohol Beverage Outlet Regulations to Allow on a Trial Basis Happy Hours from 4:00 to 9:00 pm and Music until 10:00 pm at Full-Service Restaurants (Report from Development Services Director Rizk and Chief of Police Urban)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II January 24 2012 work session minutes](#)

[Attachment III Responses to Doug Ligibel](#)

[Attachment IV COH Alcohol Regs](#)

11. Revised Community Promotions / Neighborhoods Arts Events Funding Recommendations - FY 2013 (Report from City Manager David)

[Staff Report](#)

[Attachment I Draft Revised FY 2013 Funding Recommendations](#)

PUBLIC HEARING

12. Public Hearing for the FY 2013 & FY 2014 Biennial Operating Budget for the City of Hayward, Hayward Successor Redevelopment Agency, and Hayward Housing Authority; and the Proposed Capital Improvement Program Budget for Fiscal Years 2013 through 2022 (Report from Finance Director Vesely)

[Staff Report](#)

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

NEXT MEETING – 7:00 PM, TUESDAY, JUNE 26, 2012

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 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. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

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.

Please visit us on:



DATE: June 19, 2012

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Proposed General Plan Update– A Review of the Existing General Plan

RECOMMENDATION

That Council reads and comments on this report and provides direction to staff regarding a comprehensive General Plan update; and if approved, directs staff to include the proposed fee to fund the General Plan Update in the approved FY 2013 & FY 2014 Budget.

SUMMARY

This report provides additional information regarding the proposed update of the General Plan, including reasons the Plan should be updated. It includes responses to the comments received during the work sessions held on March 20, 2012 with the City Council and on April 12, 2012 with the Planning Commission, including a revised budget and timeline. Staff also provides herein a review of the existing General Plan, highlighting the specific sections and topics that are most in need of updates and/or revisions.

As explained in this report, there are direct financial consequences that would impact the City of Hayward if the Housing and Circulation Elements of the General Plan are not updated within the next two years, related to availability of highly competitive regional and state funds. Furthermore, as explained in this report, updating the General Plan will ensure that the City's primary growth/land use document for the future of Hayward reflects current conditions, as well as provides guidance on future development and use of resources that are aligned with the community's vision and Council priorities. Therefore, staff recommends that the remaining elements of the General Plan also be updated for the reasons noted above and to maintain internal consistency, as required by law, and to reduce chances for successful legal challenges on land use and other growth decisions that are based on a desired future vision that is not incorporated into the Plan.

BACKGROUND

During a work session on March 20, 2012¹, staff presented to Council an overview of the proposed scope, budget, and schedule for the General Plan update. The report included an overview of the State requirements for general plans, why the City's General Plan should be updated, the proposed process for developing the new General Plan, a proposed new General Plan Update fee, ideas for the organization of the new document, a tentative schedule, and anticipated public outreach associated with the project. The following comments were made by Council members:

- The update should be completed for less than staff's cost estimate (which included staff costs) of \$2.8 million, which was indicated in the March 20 report;
- The update should be completed more quickly than the estimated three and one-half years;
- The existing General Plan is a good document and does not need to be substantially updated;
- Staff needs to employ technology and innovation to reach out to the community and include people who do not regularly attend public meetings;
- The new General Plan should be organized around Council's priorities;
- Social equity issues should be incorporated into the General Plan;
- Detachment of the Pleasanton Ridge area would only be acceptable if we can otherwise limit development and promote open space expansion in that area;
- The Neighborhood Plans do need to be updated and should be incorporated into the General Plan;
- The new General Plan should be available in an electronic format;
- An implementation plan is needed; and
- The City needs to engage youth and the schools in the process.

The minutes from the March 20, 2012 Council meeting are included as Attachment I. This report includes a revised General Plan Update timeline in response to Council comments.

On April 12, 2012, a similar report² was presented to the Planning Commission. Those meeting minutes are included as Attachment II. Following is a summary of the comments made by Planning Commissioners:

- The General Plan, its preparation, and public input should be electronic to the maximum extent possible;
- The General Plan should be online, but also accessible to people that do not have computers;
- The current General Plan may only need certain updates and revisions and it may not need to be completely rewritten;
- The update should be completed in less time and for less cost;
- The City should rely more on in-house staff and local college students, and less on consultants to complete the update; and
- Keep organization of the General Plan intuitive rather than organized around Council priorities to keep the General Plan flexible. If Council priorities change from year to year, this may be problematic for a document organized around priorities.

¹See Item # 1 at <http://www.hayward-ca.gov/citygov/meetings/cca/2012/CCA12PDF/cca032012full.pdf>

²See Item # 1 at <http://www.hayward-ca.gov/citygov/meetings/pca/2012/PCA12PDF/pca041212full.pdf>

DISCUSSION

In response to Council and Commission comments, and in an effort to provide more information regarding the existing General Plan to better inform regarding the scope of a General Plan update, staff has prepared the following summary review of the existing General Plan to identify specific sections that are in need of updated information, revised policies, or new content. As noted in the March 20, 2012 agenda report, the General Plan is required to address seven major topic areas, or elements. The following table shows the required elements and the organization of the required information in the existing General Plan:

Required Element	City of Hayward Element/Chapter
Land Use	Land Use
Circulation	Circulation
Housing	Housing
Conservation	Conservation and Environmental Protection
Open Space	Conservation and Environmental Protection
Noise	Conservation and Environmental Protection
Safety	Public Utilities and Services

In addition, Hayward's General Plan includes an Economic Development element and a Community Facilities and Amenities element, which are not required by state law.

Land Use Element– The Land Use Element includes basic demographic information and population projections that should be updated to be consistent with 2010 Census data and consideration of the Sustainable Communities Strategy (SCS), which will be adopted in April 2013. The current Land Use Element has some discussion of areas that comprise the three Priority Development Areas (PDAs) for Hayward that have been recognized by the Association of Bay Area Governments (ABAG) as part of development of the regional SCS. This discussion should be updated and significantly expanded to reflect the policies of the SCS being developed, which indicate most of Hayward's future development will occur in PDAs. The Land Use element should be revised to reflect local priorities and desires and to encourage incorporation of regional planning efforts and policies of the SCS, in response to State law that seeks to reduce greenhouse gas emissions from automobiles and light trucks.

Also, Hayward's Regional Housing Needs Allocation (RHNA) numbers assigned by the Association of Bay Area Governments will be based on the SCS housing figures and projections (see later discussion under Housing Element). As required by the One Bay Area Grant program, the Alameda County Transportation Commission will be working with local jurisdictions to prepare a PDA growth implementation strategy. Hayward staff is participating with ACTC staff and staff from Oakland, Fremont, and Dublin in an Ad Hoc Committee related to that effort. The policies developed from this effort may also be incorporated into the Land Use Element of the General Plan.

Several policies in the Land Use Element need to be updated. Policies for the Downtown area need to be revised to reflect the visioning recently completed for the Downtown Specific Plan. Cannery Area

policies need to be updated as three of the four policies pertain to sites that have been developed and/or entitled. The Mission/Foothill Corridor policies need to be updated to be consistent with the Mission Boulevard Corridor Specific Plan, which is anticipated to be adopted in the spring of 2013. Policies for the South Hayward BART Station Area need to be revised to reflect the recently adopted South Hayward BART/Mission Boulevard Form-Based Code.

The Business and Technology Corridor policies should be revisited to determine whether or not the City should focus efforts on transitioning to an “information-based economy” and whether or not additional zoning districts are needed in the industrial corridor. Such assessment would be beneficial to either move in a different direction in terms of future land use, or to affirm the current policy and provide further direction for development of implementing regulations. For example, given the businesses that have located in the industrial corridor over the last decade, the City may choose to also build upon the biotech and food industries in the coming years. Finally, policies regarding the City’s existing and future boundaries should be revised to reflect the most recent Sphere of Influence analysis conducted by the Local Agency Formation Commission of Alameda County and to ensure areas served by Hayward utilize the limited public service resources in the most effective way (e.g., Ridgeland Area Policies), and promote land use control in the most effective way to benefit the City of Hayward (e.g., unincorporated areas along A Street and Foothill Boulevard).

In addition to the above topics, the Land Use element should, consistent with California Government Code Section 65302(a), address each of the following issues to the extent that it is relevant:

- Distribution of existing and projected need for future residential, commercial, and industrial development. (Staff will inventory existing development and needs for future development and infrastructure based upon population and job projections from the Association of Bay Area Governments (ABAG).)
- Distribution of open space. (This topic is included in the Conservation and Environmental Protection Element of the existing General Plan. It will be addressed by conducting an inventory of Hayward’s open-space lands, assessing open space needs based upon current and projected population and standards for parkland, delineating watershed boundaries, and describing the plant and wildlife resources of these areas. The existing General Plan includes a limited discussion of open space areas, but does not address Garin Regional Park, does not address community needs for and use of open space areas, does not identify watershed boundaries, and includes only a limited discussion of the biological resources of these areas. Furthermore, discussion and policies about adaptation to sea level rise need to be included for Hayward’s shoreline. Staff plans to work closely with the Hayward Area and Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD) to complete this section to ensure that the General Plan considers the most recent master plans of the park districts.
- Distribution of mineral resources and provisions for their continued availability. (This topic is also included in the Conservation and Environmental Protection Element of the existing General Plan. It will be addressed by documenting the annexation and closure of the La Vista Quarry.)
- Distribution of recreation facilities and opportunities. (This topic is included in the Community Facilities and Amenities Element of the existing General Plan. It will be addressed by updating existing and potential public and private parks and facilities. This

section should be updated to be consistent with the potential parks and other policies identified in the HARD Master Plan, which was updated in 2006. The current General Plan reflects HARD's previous Master Plan, which was updated in 1990. Staff will work closely with HARD, EBRPD, and the business community to complete this section.)

- Location and adequacy of educational facilities. (This topic is included in the Community Facilities and Amenities Element of the existing General Plan. It will be addressed by identifying existing and planned, public and private educational facilities. This section will be revised to be consistent with the Hayward Unified School District's (HUSD) 2006 Master Plan. Staff will work closely with the HUSD, HARD, Chabot College, California State University East Bay, and the business community to complete this section.)
- Location of public buildings and grounds. (This topic is included in the Community Facilities and Amenities Element of the existing General Plan. It will be addressed by completing an inventory of public facilities, assessing the needs for any new facilities, and completing an inventory of surplus public land. This section will build upon the needs for new facilities that were identified during the Downtown visioning process and will also evaluate needs City-wide.)
- Location and assessment of future solid and liquid waste facilities. (This topic is included in the Public Utilities and Services Element of the existing General Plan. Working closely with StopWaste.Org, staff will identify existing waste facilities and the need for any additional facilities.)
- Identification of areas subject to flooding. (This topic is included in the Conservation and Environmental Protection Element of the existing General Plan. It will be addressed by incorporating existing and revised flood maps from the Federal Emergency Management Agency (FEMA) and working with the Alameda County Flood Control District. This section also needs to address Assembly Bill 162 (2007), which requires cities and counties to address flood hazards not only in the conservation element of the general plan, but also in the land use, housing, and safety elements.)

Land use distribution, both in terms of existing distribution and desired future distribution, changes over time. That is precisely why it is advisable to update a General Plan periodically. To do so on a piece-meal basis, when specific projects are proposed that involve limited areas, raises the possibility that there may be inconsistency or incompatibility in land uses over time, and reduces the chances that a long-term, cohesive vision for citywide development and land use is realized.

Circulation Element – The discussion section of the Circulation Element (page 3-4) calls for a regional approach to coordinate land use and transportation planning. In 2008, SB 375 was signed into law requiring the preparation of the Sustainable Communities Strategy (SCS). The SCS is scheduled to be adopted by the Association of Bay Area Governments and the Metropolitan Transportation Commission in April 2013. The Circulation Element should be updated to reflect and implement the SCS to take advantage of the funds of the One Bay Area Grant (OBAG) program, which was recently adopted as part of the effort to develop the SCS. The Circulation Element also needs to be updated to reflect completed and anticipated transportation infrastructure.

The City of Hayward is required to adopt a "Complete Streets" policy resolution by January 31, 2013, and to incorporate "Complete Streets" policies into the Circulation Element of the General Plan by

October 31, 2014, in order to be eligible for transportation grant funding in fiscal years 2015 – 2016. These deadlines are a result of the One Bay Area Grant (OBAG) program adopted by the Metropolitan Transportation Commission (MTC) on May 17, 2012. MTC receives federal funding for local programming through the State from federal surface transportation legislation currently known as SAFETEA (the Safe, Accountable, Flexible, Efficient Transportation Equity Act). This grant program places new requirements on funds Hayward has been receiving through the Alameda County Transportation Commission. The OBAG program is designed to:

- Reward jurisdictions that accept housing allocations through the Regional Housing Needs Allocation (RHNA) process and produce housing using transportation dollars as incentives.
- Support the SCS for the Bay Area by promoting transportation investments in PDAs.
- Providing a higher proportion of funding to local agencies and additional investment flexibility by eliminating required program investment targets.

The previous funding allocations were based on population (50%) and locally-maintained road miles (50%). The new formula no longer accounts for local road miles and is based on:

- Population – 50%
- Production of low income housing – 12.5%
- Total production of housing – 12.5%
- Low income housing units in the Regional Housing Needs Allocation (RHNA) – 12.5%
- Total RHNA – 12.5%

The Complete Streets Act (Assembly Bill 1358) requires cities to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan. The law defines "users of streets, roads, and highways" as bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors. In 2010, the Office of Planning and Research (OPR) released guidelines for the incorporation of Complete Streets policies into circulation elements of general plans.

In addition, the master funding agreements for the proposed Measure B reauthorization require local governments to approve Complete Streets policies as well as adopt Bicycle and Pedestrian Master Plans. The Circulation Element is the appropriate venue for addressing these requirements.

The Transportation Demand Management (TDM) and parking policies contained in the Parking Strategy document prepared by Nelson Nygaard for the South Hayward BART/Mission Boulevard Form-Based Code project should be considered for incorporation into the General Plan. Also, the following items are not currently in our General Plan and should be incorporated:

- The City's Bicycle Master Plan;
- A new Pedestrian Master Plan;
- The Regional Transportation Plan (RTP) (to be adopted by MTC with the SCS in April 2013);
- The Countywide Transportation Plan (to be adopted after the SCS and RTP in 2013);

- The Alameda County Transportation Expenditure Plan (if approved by voters in November 2012); and
- The transportation projects included in the City's 10-year Capital Improvement Program (to be adopted by Council on June 26, 2012)

In addition to the above items, mandatory Circulation Element components defined in State statute are:

- Major thoroughfares
- Transportation routes
- Terminals
- Other local public utilities and facilities

The following are possible local optional items suggested by the Office of Planning and Research (OPR):

- Streets and highways
- Public transit routes, stops, and terminals (e.g., for buses, light rail systems, rapid transit systems, commuter railroads, etc.)
- Transit-oriented development
- Private bus routes and terminals
- Truck routes
- Railroads and railroad depots
- Paratransit plan proposals (e.g., for jitneys, car pooling, van pooling, taxi service, and dial-a-ride)
- Airports (commercial, general and military)
- Parking facilities
- Air pollution from motor vehicles
- Emergency routes

Most of the above items are addressed in the existing General Plan, but because of changing traffic patterns and volumes, the information regarding them should be analyzed and updated, if appropriate. For example, new roads (thoroughfares) shown in the South Hayward BART/Mission Boulevard Form-Based Code and in the proposed Mission Corridor Form-Based Code s are not shown in the General Plan, and should be, to provide consistency between those Codes and the Plan. For all the above items, Planning and Public Works staff will work with the Alameda County Transportation Commission and the Metropolitan Transportation Commission to prepare updated maps and descriptions of existing and planned facilities, document existing traffic volumes, headways, and capacity of municipal and public parking facilities. Staff will also coordinate policy development with the Alameda County Transportation Commission and MTC staffs to avoid duplication of effort.

Economic Development Element – As noted above, the Economic Development element is an optional element of the General Plan. As such, there is no State guidance on the contents of an economic development element. Hayward's existing element includes an economic outlook, the City's land availability in the various economic sectors, utility rates, sales tax, employment, schools, and information on the City's budget. This element should be updated to address partnership opportunities with organizations to leverage resources in support of economic growth. In support of Council

priorities, the element should also incorporate an economic development strategy and include a discussion of current efforts of Economic Development staff to promote Hayward businesses, including events and the importance of regional partnerships.

The Economic Development Element also needs to be updated to address the recent elimination of the Redevelopment Agency, current economic forecasts, jobs projections and occupational outlooks. A review of the City's sales tax generators as well as an assessment of Hayward's regional competitiveness in attracting new businesses should also be included. The element currently includes a limited discussion of Hayward's fiscal health. The new General Plan should include a summary of the City's long range financial forecast.

Housing Element – The Housing Element was updated in June 2010; however, it is required to be updated again within eighteen months of the adoption of the SCS. The Regional Housing Needs Allocation (to be adopted by ABAG in April 2013) must be addressed by showing that Hayward has sites that can accommodate the specified number of housing units by affordability category. The Housing Element is the chapter with the most State law that dictates the contents and procedures for preparation. Forty pages of the Government Code are devoted to requirements for the Housing element. The State Department of Housing and Community Development (HCD) will certify a housing element only if all requirements are addressed. Without a certified housing element, Hayward will not be eligible for OBAG funding and state funding such as the Proposition 1C funds being used to develop the South Hayward BART transit-oriented-development.

Hayward's updated Housing Element must also address new State laws and requirements of HCD, including:

- A new requirement regarding housing for persons with developmental disabilities;
- Stricter requirements regarding emergency shelters. (HCD is now requiring that cities demonstrate that zoning changes for emergency shelters actually meet HCD requirements); and
- Stricter requirements for transitional and supportive housing similar to those in place for emergency shelters.

In addition to the above new requirements, following is a sampling of the many items required to be included in the Housing element:

- Provide an adequate inventory of land appropriately zoned to accommodate the Regional Housing Needs Allocation (RHNA) – *A work session is scheduled before the City Council in September to review the draft RHNA numbers.*
- Demonstrate that the city made a diligent effort to achieve public participation from all economic segments of the community in the development of the housing element.
- An analysis of affordable housing that is at risk of converting to market rate
- A housing program that sets forth a five-year schedule of actions to achieve the goals and objectives of the element
- Demonstrate consistency with other general plan elements and community goals.
- Coordination with provision of water and sewer service
- Analysis of governmental and non-governmental constraints to the construction of housing

- Programs that assist with the development of housing to meet the needs of low, extremely low and moderate income households

Given that Hayward's current Housing Element was completed in 2010, staff does not expect significant work associated with the land inventory necessary to satisfy the RHNA. Public outreach necessary for the Housing Element can be combined with outreach for the entire General Plan. Updating the programs, infrastructure, and constraints analysis should require minor changes given the short time since the last update.

Community Facilities and Amenities Element – The Community Facilities and Amenities Element is an optional element; however, it includes information required in the Land Use element, such as information on schools, libraries, child care, parks, historic preservation, and visual resources.

Schools – The schools section of the current General Plan includes discussion of enrollment and school facilities, but does not address school performance or efforts of the Hayward Unified School District to improve performance. There is no discussion of Chabot College or California State University East Bay. The new General Plan should discuss HUSD programs that are aimed at improving student performance as well as existing and potential partnerships between the City and HUSD to do so. Examples of such partnerships include the Promise Neighborhood Grant, the Police Department's School Resource Officer Program, and the Library's Homework Support Center. This element should also include discussion and policies around Chabot College and California State University East Bay as well as Cal State's new campus master plan.

Libraries and Cultural Centers – The Libraries and Cultural Centers section includes a very brief overview of the library services that were offered to the community ten years ago. Given the creation of the Library and Community Services Department and the substantial changes in the programs offered by the library in the last several years, the discussion needs to be significantly expanded and should also include an assessment of community needs/demands for such services. Discussion of library and cultural physical facilities is also very limited in the current General Plan and should be expanded to reflect plans for a new main library.

Parks – The parks section of the General Plan should be updated to reflect the current inventory of parks in Hayward and should incorporate recommendations and policies contained in the 2006 HARD Master Plan. This section should also address existing and potential partnerships between the City and HARD as well as current programs offered by HARD.

Preservation of Historic Resources – The Historic Preservation section is relatively short and should be updated to include the Historic Context Statement, the Historical Resources Survey and Inventory Report, and the Historic Preservation Program Issues, Goals, Objectives and Actions that were adopted by the Council on June 1, 2010.

Conservation and Environmental Protection Element – This element satisfies the state requirements for a Conservation Element, an Open Space Element and a Noise Element. Hayward's existing Conservation and Environmental Protection Element includes discussion and policies regarding open space, mineral resources, biological resources, hydrology and water quality, geologic and seismic

hazards, flood hazards, hazardous materials, air quality, and noise. This element needs to be updated and reorganized to include discussion and policies regarding sea level rise and the Climate Action Plan, which was adopted by Council in 2009. As noted in the March 20, 2012 agenda report, emissions thresholds against which to measure new development may also be included in the new General Plan. This element could also include an index to the sustainability-related policies that will be located in other elements in the Plan.

Open Space – The discussion of the Shoreline Area should be updated to reflect the current status of the closed landfills, salt ponds, and the Russell City Energy Center. The open space section also includes a paragraph on the East Hills Annex, which may need to be revisited and expanded.

Flood Hazards – This section currently includes two sentences on “global warming” and notes that “there is continuing debate over the potential effects.” As noted above, this element should incorporate a discussion and the policies of the CAP. Also, Assembly Bill 162 (2007) requires cities and counties to address flood hazards not only in the conservation element of the general plan, but also in the land use, housing, and safety elements. The recently adopted Local Hazard Mitigation Plan, which identifies potential hazards from floods and other sources, should be incorporated into this element.

Air Quality – Much of Hayward has been designated as an Impacted Community by the Bay Area Air Quality Management District. Impacted Communities were identified based on ambient levels of toxic air contaminants (TAC), proximity to major roadways and freeways, and density of sensitive populations (seniors, children, and low income households). Discussion and policies in the General Plan should address these TACs as well as greenhouse gas emissions and other pollutants to be consistent with the District’s 2010 Clean Air Plan. This element might also include a Community Risk Reduction Plan (CRRP), which would take a comprehensive, community-wide approach to reducing local air pollution emissions and exposures so that health risk assessments do not have to be prepared for individual development proposals.

According to State law and guidelines, the Conservation Elements should also address the following issues/items:

- Water conservation and coordination with water suppliers (mandatory)
- Reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan
- Prevention, control, and correction of the erosion of soils, beaches, and shores
- Protection of watersheds
- Location, quantity, and quality of rock, sand, and gravel resources and other minerals of statewide or local significance
- Flood control and floodplain management
- Biologic diversity and its implications for the ecologic sustainability of plant and wildlife habitats

Staff will utilize the City’s recently adopted Urban Water Management Plan to address water conservation and water supply. As noted above, mineral resources and flood hazards will be partially

addressed in the Land Use Element. Staff will likely rely upon consultants to help address watershed protection and biological diversity, related to development of an environmental impact report.

The requirements of the state-mandated Open Space Element are addressed primarily in the Conservation and Environmental Protection Element and also partially in the Community Facilities and Amenities Element of the existing General Plan. Together these elements should address the following issues:

- Preservation of natural resources
- Open space for outdoor recreation
- Open space for hazards such as earthquake faults, floodplains, and wildfire fuel breaks, and landslides
- Demands for trail-oriented recreational use (mandatory)
- The retention of all publicly owned corridors for future use (e.g., abandoned rail lines, utility corridors, easements, etc.)
- The feasibility of integrating city and county trail routes with appropriate segments of the California Recreational Trails System (mandatory)

As noted above, staff will work closely with EBRPD and HARD staff to address parks and open space. Discussion of hazards will integrate information from the recently adopted Local Hazard Mitigation Plan. Trails will be addressed through coordination with HARD, EBRPD and the Alameda County Transportation Commission.

This element in the General Plan also serves as the state-mandated Noise Element and should therefore, address the following issues:

- Major noise sources, both mobile and stationary.
- Existing and projected levels of noise and noise contours for major noise sources.
- Existing and projected land uses and locational relationship to existing and projected noise sources.
- Existing and proposed sensitive receptors, including:
 - Hospitals.
 - Convalescent homes.
 - Schools.
 - Churches.
 - Sensitive wildlife habitat, including the habitat of rare, threatened, or endangered species.
- The extent of “noise problems in the community.” (Survey of community to determine location and extent.)
- Methods of noise attenuation and the protection of residences and other sensitive receptors from excess noise.
- Implementation measures and possible solutions that address existing and foreseeable noise problems.

New noise exposure information and standards will need to be measured and developed, related to not only the General Plan Noise Element, but also the environmental impact report for the General Plan.

Public Utilities and Services Element – This element includes fire protection and emergency response, utilities, solid waste and recycling, and energy conservation. It meets the State requirement for a Safety Element.

Fire Protection and Emergency Response – This section has a brief discussion of fire protection services and no discussion of police services. New information regarding response times, recent improvements to paramedic services, facilities, and public education programs such as youth programs and Community Emergency Response Team (CERT) training should be included. The Police Department’s recent accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) and crime prevention programs such as Neighborhood Alert/Watch, Business Watch, Community Academy, Business Academy, Crime Free Multi-Housing Program, the SMASH Program, and Crime Prevention Education Presentations should be included.

Municipal Utility Systems and Capacities – This section should be updated to reflect the new Urban Water Management Plan and recent State law requiring water conservation as well as the updated Sanitary Sewer Collection System Master Plan, which is scheduled to be completed by June 2013. Incorporation of the current effort by the Alameda Local Agency Formation Commission regarding the municipal services update should also be included in the Plan.

Solid Waste Management – This section should be updated to reflect current diversion goals and diversion rates, collection of organics, the recently adopted bans on polystyrene and plastic bags and the mandatory recycling ordinance for businesses and multi-family dwellings.

Energy Conservation – This section should be eliminated as the topic will be addressed in the Conservation and Environmental Protection Element with a new discussion of the ClimateAction Plan and efforts to improve energy efficiency of existing and new buildings.

As the Safety Element, this chapter must examine issues related to protecting the community from any unreasonable risks associated with:

- Seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure.
- Slope instability leading to mudslides and landslides.
- Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps.
- Other known geologic hazards.
- Flooding.
- Wildland and urban fires.

It must also address the following as they relate to known fire and geologic hazards:

- Evacuation routes and signage.
- Peak load water supply requirements.
- Minimum road widths and turnouts.
- Clearances around structures.

Staff will work with the Fire and Police Departments to review natural hazards and disaster preparation. As noted above, staff intends to incorporate information from the Local Hazard Mitigation Plan.

The Safety element must also contain a map or maps of known seismic and other geologic hazards. The official maps of the Alquist-Priolo Earthquake Fault Zones and seismic hazard zones, available from the California Geological Survey, may be included or incorporated by reference. Finally, OPR also suggests including Crime Prevention Through Environmental Design (CPTED) policies in the Safety element.

New Content – As discussed in the March 20, 2012 agenda report, the new General Plan should include new topics such as health, sustainable food systems and neighborhoods. These topics are not required to be addressed in the General Plan; however, they relate closely to Council priorities. While the incorporation of these new topics adds to the cost and time to complete the update, adding sustainability is one of the primary reasons that staff is recommending a comprehensive update at this time. A health element could include discussion and policies around urban agriculture, the weekly farmers market, Project Eat (a program of the Alameda County Office of Education), healthy food options in local markets, healthy transportation options such as walking and biking, as well as programs and policies addressing drug and alcohol abuse in the community. This element would build on Hayward's participation in the Healthy Eating, Active Living Cities Campaign, which is a partnership between the League of California Cities and the California Center for Public Health Advocacy.

Staff originally anticipated including a Neighborhoods Element, which would have involved updating all sixteen existing neighborhood plans. To reduce the time and cost of the General Plan update, staff recommends that the new General Plan include summaries of the existing neighborhood plans and incorporate policies of the plans throughout the Plan as appropriate. Discussion and policies regarding the many programs Hayward has established to improve neighborhoods can also be incorporated throughout the General Plan. These programs include the Neighborhood Partnership program, the SMASH program, the Keep Hayward Clean and Green Task Force, the graffiti and mural program, Adopt a Block, the Promise Neighborhood grant, and the Neighborhood Leadership Academy.

FISCAL IMPACT

In the March 20, 2012 agenda report, staff provided a cost estimate of \$2.8 million and a schedule indicating the project would be completed in three and a half years. In response to comments from the Council and Planning Commission, staff has revised the schedule to complete the project in two years by June 2014. Such schedule is extremely tight. Unless staff can identify new technology and innovative approaches to community engagement, this time frame will likely prevent as much initial community outreach as would normally be desired.

As reflected in the table below, staff's revised cost estimate for the General Plan update is approximately \$2.2 million, including staff costs. As noted in the March 20, 2012 report, staff surveyed other similar-sized cities throughout California and found costs ranging from \$800,000 to \$2.9 million. However, and as an important fact, most cities surveyed did not track costs associated with staff time. Also, all cities surveyed had more than one full-time (FTE) planner assigned to the project. Not accounting for existing staff time, Hayward's proposed cash-outlay budget is \$1,463,500.

Estimated Budget for General Plan Update		
	3/20/12 agenda report	Proposed
Staff Time		
Senior Planner	\$350,000	\$300,000
Associate Planner (Consultant/Temp.)	\$630,000	\$300,000
Other Staff	\$255,000	\$175,000
Total Staff Time	\$1,235,000	\$775,000
Mintier's DIY Workshop	\$15,000	\$0
Consultant Fees – General Plan/Technical Studies	\$900,000	\$700,000
Consultants Fees – Environmental Impact Report	\$350,000	\$550,000
Miscellaneous Costs (outreach materials, notices, newspaper ads, printing, etc.)	\$10,000	\$10,000
Subtotal	\$2,510,000	\$2,035,000
10% Contingency	\$251,000	\$203,500
Grand Total	\$2,761,000	\$2,238,500

The March 20, 2012 cost estimate assumed that the Senior Planner in Advanced Planning would spend fifty percent of his time on the General Plan update for three and one-half years and the revised budget assumes seventy-five percent of this position's time for two years. The previous budget assumed the temporary Associate Planner would work on the project full time for three and one-half years and the revised budget assumes approximately thirty-five hours per week for twenty-one months. This budget assumes that these two positions would write the majority of the General Plan and that consultants would be utilized for technical reports, and preparation of the Environmental Impact Report.

On April 24, 2012³, Council adopted a General Plan fee, which will add a twelve percent surcharge on building permit fees. As shown in the table below, assuming that building permit revenues grow at three percent per year after FY 2013, a twelve percent fee would generate \$2.2 million in approximately ten years. When the General Plan update is completed in June 2014, the fee will have generated approximately \$400,000 and the remaining cost of the General Plan update (approximately \$1.8 million) would need to be provided by a currently unidentified funding source (General Fund, Revenue Bond, etc.), to be repaid over time by the General Plan Update fee.

Also, staff is recommending this project be part of the Capital Improvement Program (CIP) for next fiscal year, which is scheduled for adoption on June 26 with the City's two-year budget. As noted in Fund 410 of the CIP, there is projected to be a shortfall in funds to fully support the costs to update the General Plan Update in the first eight years of the 10-year CIP. Using reserves or identifying other sources of revenue during these first few years would be required to balance CIP Fund 410.

³See Item # 12 at <http://www.hayward-ca.gov/citygov/meetings/cca/2012/CCA12PDF/cca042412full.pdf>

Projected Revenue from General Plan Fee (12%)					
FY (fiscal year)	Building Permit Fees Collected		Total Revenue	Revenue on 12% Fee	Cumulative Revenue
	Acct. # 4421 (valuation)	Acct. # 4822 (sq. ft. based)			
12	\$822,000	\$714,000	\$1,536,000		
13	\$945,300	\$714,000	\$1,659,300	\$199,116	\$199,116
14	\$973,659	\$735,420	\$1,709,079	\$205,089	\$404,205
15	\$1,002,869	\$757,483	\$1,760,351	\$211,242	\$615,448
16	\$1,032,955	\$780,207	\$1,813,162	\$217,579	\$833,027
17	\$1,063,943	\$803,613	\$1,867,557	\$224,107	\$1,057,134
18	\$1,095,862	\$827,722	\$1,923,583	\$230,830	\$1,287,964
19	\$1,128,738	\$852,553	\$1,981,291	\$237,755	\$1,525,719
20	\$1,162,600	\$878,130	\$2,040,730	\$244,888	\$1,770,606
21	\$1,197,478	\$904,474	\$2,101,952	\$252,234	\$2,022,841
22	\$1,233,402	\$931,608	\$2,165,010	\$259,801	\$2,282,642
23	\$1,270,404	\$959,556	\$2,229,960	\$267,595	\$2,550,237

Notes:

1. Building Permit Fee revenue is based upon 15% increase in valuation-based fees effective July 1, 2012. Building Permit Fee revenue also assumes 3% annual growth.
2. General Plan fee is collected starting in July 1, 2012.
3. **Highlighted cell** indicates the approximate year when the General Plan update will be paid for.

If the Council desires to update only portions of the General Plan to reduce the budget, then it may be possible to only update certain elements. However, staff advises against this approach. To maintain internal consistency throughout the General Plan, staff would need to review and possibly revise elements that are not targeted for revision. As stated in the Office of Planning and Research’s General Plan Guidelines, “When revising a single element, local agencies should examine and revise all of the other elements, including optional elements, as necessary to avoid internal inconsistencies or conflicts.”

If only portions of the General Plan are updated, then staff would suggest revising only Land Use, Circulation, Housing, Economic Development, and Conservation and Environmental Protection. This would leave Community Facilities and Amenities and Public Utilities and Services out of the update. Furthermore, a new Health element, consistent with Council priorities, would not be added to the General Plan. A partial update would also mean that sustainability would only be incorporated into the elements that are updated. Staff does not recommend this approach.

Doing a partial update would likely cost at least \$1 million and would not bring internal consistency among the City's various plans. Maintaining internal consistency reduces the chances of legal challenges in land use decisions, eliminates conflicting policies that leave staff and the development community unsure; and provides the potential for confusing conflicts for policy-makers. Clearly, one of the things we most here form the development community is that certainty is a valuable commodity in project development; and conflicting or unclear land use policies make development unattractive and possible not economical .

SCHEDULE

During the March 20, 2012 work session, staff indicated the General Plan update would take approximately three and one-half years and be completed in December 2016. In response to comments received from the Council and Planning Commission, staff revised to the project timeline (see Attachment III) to complete the General Plan update in two years by June 2014. This is a very aggressive schedule. Most cities of similar size to Hayward have taken three to four years to complete a comprehensive general plan update.

Ramifications of not Commencing the General Plan Update in 2012– As noted above, the Housing Element is required to be updated to be consistent with the RHNA, the SCS, and State law by October 2014. The Circulation Element must also be updated by October 2014 for Hayward to be eligible for the OBAG cycle subsequent to FY 2015-16.

As noted in the Council agenda report dated March 20, 2012, if the General Plan is not updated, the City will continue to rely upon out-of-date policies when reviewing development proposals and the General Plan would not reflect the Council's current priorities, especially those around sustainability, climate action, public safety, education, and fiscal stability. Also, not conducting an update will mean that if the General Plan (and Zoning Ordinance) do not reflect what the City envisions for its future, then either future undesirable development will occur, or more realistically, frustration by developers will occur because proposals that are consistent with the General Plan (and Zoning Ordinance) may be denied by the City. That is not a good way to arrive at land use decisions and promote a business and development-friendly environment.

PUBLIC CONTACT

The revised project schedule of two years will require fewer public meetings than staff originally anticipated. The schedule will also not allow time for a community working group to meet on a regular basis to provide input on the General Plan update. Rather than hold public meetings to do visioning, staff anticipates drafting the General Plan utilizing the public comments received during South Hayward BART/Mission Boulevard Form-Based Code, the Mission Boulevard Specific Plan/Form-Based Code, Downtown Visioning, and Neighborhood Partnership meetings. While there would be no working group meetings on a regular basis, staff will pursue such a group in an online forum. In addition, staff would meet as needed with specific community groups and agencies such as HARD and HUSD. Staff hopes that the use of social media and web-based forums will help to facilitate public input on the General Plan in lieu of more public meetings.

NEXT STEPS

On June 26, 2012, staff will present a resolution for Council adoption to authorize staff to commence the General Plan update and to appropriate funds. In September, staff would return to Council for authorization to enter into a contract with a consultant or consultant team to begin work on the update.

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

Recommended by: David Rizk, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I March 20, 2012 City Council meeting minutes
- Attachment II April 12, 2012 Planning Commission meeting minutes
- Attachment III Project Timeline



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 20, 2012, 7:00 p.m.**

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that the Council met with Labor Negotiators regarding all bargaining units, and with Legal Counsel regarding Nanette Dillard v. Alameda County Associated Community Action Program Governing Board, Alameda County Superior Court No. RG11572661. He noted there were no reportable items. City Attorney Lawson also reported that Council met with Legal Counsel concerning Franklin Sunseri v. City of Hayward c/o JT2 Integrated Resources - Workers' Compensation Appeals Board Case No. ADJ3810992, and noted that Council unanimously approved settlement of the case.

PROCLAMATIONS

Mayor Sweeney proclaimed the month of March 2012 as American Red Cross Month in the City of Hayward and encouraged all residents to support the organization and its noble humanitarian mission. Mr. Mark Williams, on behalf of the American Red Cross, accepted the award and thanked the Council for such recognition.

Mayor Sweeney also proclaimed the month of March 2012 as Art IS Education Month in the City of Hayward and urged all Hayward art supporters and friends of the City to enjoy the Art IS Education event. It was mentioned that artists from Mt. Eden High School, Tennyson High School, Moreau Catholic High School, and Faith Ringgold School of the Arts and Science had their work on display at the Cinema Place Gallery exhibit. Ms. Gail Lundholm, representing the Art's Council, accepted the award and thanked the Council for such recognition.

PUBLIC COMMENTS

Mr. Mark Williams, AC Transit Board representative, announced that AC Transit entered into a contract with Gillig Corporation of Hayward for the purchase of 65 buses.

Ms. Wynn Grcich, Industrial Parkway SW resident, referred to the movie, "Gasland: Can you light your drinking water on fire?" and to an article entitled, "Fracking in California Prompts State Legislators to Introduce Regulation Bill" from the Huffingtonpost.com, and mentioned that Food & Water Watch is urging people to sign a petition to ban fracking in California.

Mr. Jim Drake, Franklin Avenue resident, reported that Alameda County Waste Management did not seem to be in compliance with the City's Noise Ordinance because trash bins were picked up during non-permitted hours. Mr. Drake urged Council to ensure that the Franchise Agreement with Alameda County Waste Management is not in conflict with the Noise Ordinance.

Mr. John Super, Myrtle Street resident, informed the Council that Conditional Use Permit PL2009-0100 for operation at the Libitzky warehouse was in violation of the Final Conditions of Approval because the company had not submitted a performance bond prior to the expiration of the Use Permit, August 20, 2010, for the estimated cost of the demolition of the building. He also noted the language dealt with Tract 7613 (Taylor Morrison) and the construction has open space that has been isolated. He was concerned that the condition of his neighborhood would deteriorate and asked that the item be referred to the Planning Commission or for enforcement of the agreement. Mayor Sweeney asked staff to look into this matter and report back to Council and Mr. Super.

Ms. Desiree Unsworth, Administrative Intern with the Kid's Breakfast Club, announced and invited the Council and staff to the Kid's Breakfast Club Saturday Academy on "Global Youth Service Day," April 21, 2012, at the Burbank Elementary School.

WORK SESSION (60-Minute Limit)

1. Proposed General Plan Update Process Overview

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

Mayor Sweeney offered suggestions for the General Plan: the Plan needs to be accomplished in a more cost effectively approach and within a shorter timeframe; there needs to be further research regarding proposed fees in comparison with other cities in Alameda County; citizen outreach needs to reach populations without social media access in order to obtain at-large participation; there needs to be Conflict of Interest rules in place for participants.

Council Member Henson concurred with Mayor Sweeney's comments and added that a lengthy process in updating the General Plan could jeopardize potential funding through the Alameda County Transportation Commission's 2012 Transportation Expenditure Plan and One Bay Area grants. Mr. Henson mentioned that the Plan would need to determine if it is consistent with the Hayward Airport Land Use Compatibility Plan (ALUCP). He agreed that the Plan could address inconsistencies between Hayward's city limits and its Sphere of Influence (SOI) and mentioned the Pleasanton Ridge. He emphasized the importance of the General Plan being consistent with Council's priorities and mentioned he would like portals that allowed for public input and equity included in the next General Plan Mr. Henson felt a policy should be included in the General Plan for a friendlier permit process thereby encouraging businesses to come to Hayward.

Mayor Sweeney added he was amenable with staff that the General Plan address possible annexations along the boundary of Pleasanton Ridge, but wanted to continue the protections for



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
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lands in the area with assurances that could not be undone regarding development and to also protect the opportunity for future park expansion.

Council Member Zermeño was also concerned about the time frame being too long and the cost of \$2.8 million to update the General Plan. He appreciated that stakeholder groups were considered to participate in updating the General Plan. Mr. Zermeño liked that the Council Priorities were included in elements of the General Plan. He favored the inclusion of the Pedestrian Master Plan and an updated Bicycle Master Plan in the Circulation Element.

Council Member Halliday expressed concern that the proposed cost of \$2.8 million for a three-year time frame might be too long and too costly. Ms. Halliday noted the need to update the General Plan, but voiced concern that the 14% General Update surcharge fee on building permit fees could hinder new businesses and development in the City. Ms. Halliday concurred that there was a need for citizen input and updating neighborhood plans. She suggested the Neighborhood Partnership Program could facilitate community input. She suggested staff develop an efficient process to reduce costs and shorten the timeline and for the General Plan to be more accessible by utilizing technology tools.

Council Member Salinas concurred with previous comments and suggested a scoring metric to measure goal outcomes be included in the updated General Plan. Senior Planner Pearson noted that staff recommended that an implementation plan be added as a final chapter of the General Plan. Mr. Salinas suggested the inclusion of education and youth elements to engage all schools in Hayward and also create activities for youth. He appreciated the inclusion of a Health Element in the General Plan and commented that the current trend by agencies was to frame issues within the context of health.

Council Member Quirk agreed with prior comments about shortening the time frame and possibly reducing the cost of updating the General Plan and added it was an essential item. Mr. Quirk was concerned about introducing a surcharge permitting fee to pay for the General Plan update. In terms of public participation in updating the General Plan, Mr. Quirk concurred with Mayor Sweeney about the need for a Conflict of Interest element and the importance of including ordinary citizens. Mr. Quirk cautioned having too many people involved in the process and having sub-committees that do not interact during the development process. He also cautioned adding too many elements to the General Plan, but noted it was important to have elements that would change City policy. He liked that the General Plan itself be a web-product. He agreed that the General Plan needed to be based on elements of the Council Priorities such as housing, public safety, keeping Hayward clean and green, and also economic development.

Council Member Peixoto referred to a notification from the Governor's Office of Planning and Research, which noted that the General Plan had not been revised in the last eight years. Development Services Director Risk said the Housing Element was required to be updated more frequently for funding purposes. Mr. Peixoto voiced concern about a 14% fee increase for permits

and the estimated cash flow based on projected revenue, and staff responded that further research could be done to compare fees in other surrounding cities. Council Member Peixoto said in a post-redevelopment era, there needed to be a revaluation approach that was cost effective and able to be accomplished in a timely manner.

Mayor Sweeney reiterated that the General Plan needed to be updated, but noted there were concerns about the lengthy time frame and the high cost and urged staff to come up with other options. He cautioned staff to not allow the Housing Element to drive the General Plan and noted the industrial areas must be protected. Mayor Sweeney noted that Council looked forward to seeing the next iteration.

CONSENT

Consent Items 3 and 4 were removed for further discussion.

2. Approval of Minutes of the City Council Meeting on February 28, 2012

It was moved by Council Member Zermeño, seconded by Council Member Quirk, and carried unanimously, to approve the minutes of the City Council Meeting of February 28, 2012.

3. Highland 250-Highland 500 16-inch Transmission Main Replacement and Highland 250 Pump Station Upgrade: Approval of Addendum No. 1 and Award of Contract

Staff report submitted by Associate Civil Engineer Lam, dated March 20, 2012, was filed.

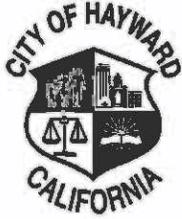
In response to Council Member Halliday's inquiry about Addendum No. 1, Director of Public Works - Utilities and Environmental Services Ameri explained that the addendum made minor technical changes and did not affect the cost or scope of the project and noted the addendum was issued prior to the bidding process.

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

Resolution 12-031, "Resolution Approving Addendum No. 1 Modifying the Plans and Specifications for the Highland 250 - Highland 500 16-inch Transmission Main Replacement and Highland 250 Pump Station Upgrade Project, Project Nos. 7045 and 7052, and Awarding the Contract to Platinum Pipeline, Inc."

4. Request for Assignment of the Purchase and Sales Agreement between the City of Hayward and Urban Dynamic, LLC to KB Home South Bay, Inc. for the Construction and Sale of Fifty-Seven Detached Single-Family Homes on Property Located at 353 B Street

Staff report submitted by Project Manager Ortega, dated March 20, 2012, was filed.



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 12, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Márquez.

ROLL CALL

Present: COMMISSIONERS: Faria, Lamnin, Lavelle, Loché, McDermott, Mendall
CHAIRPERSON: Márquez
Absent: COMMISSIONER:

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Conneely, Pearson, Philis

General Public Present: 0

PUBLIC COMMENTS

None

WORK SESSION

1. Proposed General Plan Update Process Overview

Senior Planner Erik Pearson gave a synopsis of the report.

Commissioner Mendall said one of his responsibilities at work was to manage documentation and documentation methods and that he did so electronically; he said he didn't print out anything. He said he also used a Wiki site and noted that it was possible to control who could make changes to content and by posting to Wiki made it easy to share documents. Commissioner Mendall said he really wanted the City to move in the same direction.

Regarding Pleasanton Ridge and detaching it from Hayward east of Palomares Road, Commissioner Mendall asked staff who would get the land. Senior Planner Pearson said the land would be ceded to the County, but discussions included talk of an equal area of land being transferred back to Hayward. Mr. Pearson said years ago, Council wanted that area under its jurisdiction due to some significant development proposals, but that never happened. Now the concern, Mr. Pearson said, was if the land was detached from Hayward that it remained open space. Commissioner Mendall said he saw no compelling reason to detach the land from Hayward.

Besides being completed 12 years ago, Commissioner Mendall asked if the General Plan was wrong or out of date, and he asked why the City should spend the time and money to update it now. Senior Planner Pearson said the General Plan was based on data, including geographic and economic data, which is outdated. Although there is no strict state requirement to update the Plan, Mr. Pearson said the City's priorities had changed to include sustainability, community cleanliness and fiscal stability. Commissioner Mendall said the General Plan didn't strike him as out of date, still seemed fairly applicable, and the City had passed several

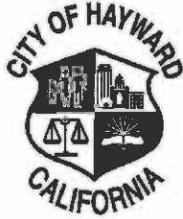
stand-alone items (Climate Action Plan, Green Building Ordinance, Noise Ordinance, Form-based Code, and Historical Preservation Ordinance) that could be “shoe-horned” into the General Plan without starting over. He agreed with feedback from the City Council that updating the General Plan should take less time and at less cost. Commissioner Mendall also mentioned that because the City didn’t have the staff or the staff time, it wasn’t practical to start from scratch. He said the goal shouldn’t be doing the same work in less time at less cost, but instead, to do less work so the City could realistically complete the task at less time and cost. As an example, Commissioner Mendall mentioned the neighborhood plans, and he suggested only updating the two or three plans that had changed dramatically and saving the others for later or when there was an impetus to update them. He concluded that that kind of approach would lead to time and cost savings while still producing good results.

Commissioner Loché agreed that it would be a huge mistake if the City didn’t make a move toward a web-based General Plan, since Hayward was a tech-savvy city. Regarding the letter received from the Office of Planning and Research and the requirement that a comprehensive revision include at least five of the seven mandatory elements, Commissioner Loché asked if there were any elements the City wasn’t going to address. Senior Planner Pearson said all elements needed to be updated noting that every chapter of the General Plan had baseline data and policies that would need to be revisited. Mr. Pearson agreed with Commissioner Mendall that the City didn’t have to wipe the slate clean and could move forward with what was currently in place. Commissioner Loché asked if the City had considered partnering with college students or interns to do some of the work and Senior Planner Pearson said that hadn’t been talked about, but could be considered.

Commissioner Loché asked if seismic issues were addressed in the General Plan and if there were any new issues. Senior Planner Pearson said the location of known fault lines and setbacks were addressed in the General Plan, and that he didn’t anticipate a lot of new information in that area.

Commissioner McDermott agreed that a web-based General Plan was an excellent idea noting it would be easier to manage, easier to update, and made more sense with the City being environmentally friendly. Noting that because of reduced staff the City planned to hire a consultant to assist with the General Plan update, Commissioner McDermott asked what the consultant’s primary responsibility would be. Senior Planner Pearson said the primary task of the consulting team would be to prepare technical and environmental impact reports, and noted that most of the general text would be written by staff. Commissioner McDermott asked why more than one consultant was needed and Mr. Pearson explained that each consultant would have a specialized area, for example, air quality, greenhouse gas emissions, noise, geotechnical, and transportation, and would work as sub-consultants under a lead consultant. Commissioner McDermott said she was very sensitive to the issue of hiring consultants because the City had been criticized for the additional cost and burden hiring a consultant incurs. She said she understood the need to hire a consultant, but the issue was of perception; the City was reducing the number of jobs, but hiring consultants to do City work.

Commissioner McDermott agreed with Commissioner Mendall that the wheel didn’t have to be reinvented and mentioned the City of Sunnyvale’s General Plan which had received recognition and was very accessible. She suggested looking at the General Plans of other cities for ideas so City staff could focus on the unique needs of this community. Commissioner McDermott asked when the article “Why Now Is a Smart Time to Consider Updating Your General Plan,” attached to the staff report, was written, and Senior Planner Pearson said he thought sometime in 2011. Based on the article, Commissioner McDermott said she did some math to determine the cost to various cities to adopt a General Plan and at approximately \$4 million, Sacramento spent \$2.81 per resident. For a city the size of Hayward, she said, the article estimated the cost of developing a General Plan at \$800,000-\$900,000, with the most expensive component being the EIR. With the City’s stated estimate at \$2.8 million, Commissioner McDermott asked why there was such a big difference in cost. Senior Planner Pearson said the cost could not be correlated with population because some costs were fixed. He noted that a big part of the cost for Hayward, both in dollars and in time, was the number of meetings expected to be held in the community. Based on Council’s direction to staff to complete the update faster, Mr.



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Pearson said staff would need to rely more on technology to share documents and collect input and hold fewer meetings. He also noted that other cities' cost information did not include staff time.

Regarding the letter from the Office of Planning and Research, Commissioner McDermott confirmed with staff that the City was required to update the Housing Element. She then noted that the letter stated that if the City didn't have an updated General Plan by July 2011, a letter would be submitted to the Attorney General. Senior Planner Pearson explained that when the General Plan is 10 years old, the Attorney General will be notified, but he commented that he was not aware of any state action after a letter was submitted.

Commissioner Lamnin said she appreciated the need for the General Plan update and cited Vallejo as an example of a city not taking action. She also agreed with the other Commissioners that only the parts of the General Plan that were not working should be updated. She said using Wiki was a great idea, but noted training would be needed for those who didn't know how to use it. Senior Planner Pearson explained that Wikipedia was the best example, but a "Wiki" was any online document that members of the community could login and make changes to.

Commissioner Lamnin said she didn't see any mention of Universal Design elements in the General Plan and she asked where it would fit. Senior Planner Pearson defined Universal Design as the idea of designing buildings for people of all physical abilities and explained that it was addressed under the current Housing Element adopted a year and a half ago. He said the next step was to develop an ordinance that would require Universal Design, but noted it could also be addressed in the General Plan.

Commissioner Lamnin said she supported streamlining City processes as much as possible to make business and development as simple and as accessible as possible. She said she understood why the General Plan was organized around Council priorities, but expressed concern that someone with questions about land use wouldn't look under Clean and Green, and she suggested keeping titles clear and concise. As mentioned in the article, Commissioner Lamnin said now was a great time to build community identity and ownership, and with limited resources, she suggested using existing resources such as Neighborhood Partnership meetings to reach all the neighborhoods. With two meetings a month, she pointed out, staff could meet with residents from the 17 or 18 neighborhoods in a matter of months, but she also suggested waiting until there were specific issues for them to address. Commissioner Lamnin said she loved Commissioner Loché's idea of utilizing local college students and suggested giving them specific questions, such as how to make Hayward youth-friendly or dealing with bicycle access, and then have them take those questions to high school and elementary school students so there were even more ways of engaging the community. Commissioner Lamnin commented that the Implementation Plan was a great idea, but if there wasn't an action step for something, that it didn't need to be part of the General Plan. Finally, she said topics like sustainability and health should be incorporated under other sections of the Plan with an index to direct people to those topics.

Regarding the recent update to the Housing Element, Commissioner Lavelle asked staff how long it remained valid and Senior Planner Pearson said the City was starting a new cycle for updates. He said the Sustainable Communities Strategy being developed by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) would be adopted in the next year and would include a new regional housing needs assessment. Once that was adopted, he said, the City had 18 months to adopt a revised Housing Element. Senior Planner Pearson said with the current schedule the City would be in compliance with that deadline. Commissioner Lavelle asked for confirmation that the Housing Element was an ongoing process that was part of the General Plan, but didn't have to be updated in conjunction with General Plan and Mr. Pearson said that was correct, however, he noted that when the General Plan was updated, a revision to

the Housing Element would be part of it and from then on, the cycle would be every eight years. Commissioner Lavelle asked if the Housing Element revision would include the economic impact of Redevelopment Agency funds for affordable housing being discontinued and Mr. Pearson said yes. Commissioner Lavelle commented that she thought this was one of the most significant changes the City Council would have to address.

Referring to the comments made by Council regarding outreach to the community, Commissioner Lavelle said she agreed with Commissioner Lamnin that the City needed to reach out past the “usual suspects” and she also favored moving to an electronic format. That said, she pointed out that Hayward had a lot of senior citizens and low income residents who might not have access to a computer. While draft documents should be online and available to everyone, she said, there needed to be places in the City where people could go to look at the documents. Commissioner Lavelle commented that for her personally, paper maps were easier to review and she concluded that to meet the goal of increasing participation, all forms of outreach should be used including utilizing interns. Regarding the goal of outreach using a variety of media, Commissioner Lavelle commented that nobody at City Hall needed to be posting on Twitter, but a Wiki site was a good idea.

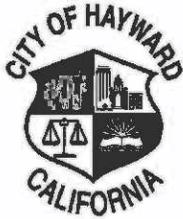
Commissioner Lavelle asked how frequently Council updated its priorities and Senior Planner Pearson responded once a year from January thru March. Commissioner Lavelle asked if priorities were updated on an annual basis, with significant changes made every four or five years, how that would affect the General Plan which was adopted and in place for 10-15 years. Mr. Pearson said staff didn’t expect priorities to change dramatically from year to year and Commissioner Lavelle said she didn’t think that was realistic noting that policy makers and economic factors could change and that could significantly alter what Council needed to focus on. Senior Planner Pearson said that was good point, but noted that even if the current format of the Plan was used rather than organizing around priorities, the current priorities would still be reflected in the policies of the General Plan. He said each adopted Plan would be a snapshot in time and the priorities of the community and Council, but he noted the Plan could be amended between the 10 year cycles. Commissioner Lavelle suggested that staff, and any involved consultants, considers ways for the Plan to remain flexible.

Regarding the Council’s priorities, Commissioner Faria said she had the exact same concern especially with this being an election year. She asked if it was a good idea to organize a General Plan on Council Priorities when priorities could change. Commissioner Faria also noted that priorities could change in the two years it takes to make changes to the Plan and suggested a more broad-minded approach to the organization of the Plan. She also agreed with her fellow Commissioners that the Plan should be web-based, but noted a lot of people didn’t have access to a computer, and costs need to be minimized relating to the update of the Plan and to do so, the City should use existing resources and update rather than build a new Plan from scratch.

Commissioner Faria asked when the Council resolution regarding airport land use was going for a vote and Senior Planner Pearson said he didn’t know but would report back in the next couple of weeks.

Commissioner Mendall agreed with comments made about organizing around priorities and he echoed Commissioner McDermott’s comment about the use of consultants. He said consultants should only be used when staff didn’t have the expertise, otherwise everything should be done by staff. He said any money used for a consultant was money the City would have to take away from staff and laying someone off was not a good outcome. Regarding the comment that the Plan would be a snapshot of time, he said that was true, but that was what bothered him, he said the Plan should be an evolving document that was “tweaked” as time goes on, piece by piece, rather than all at once to avoid the Plan becoming stale.

Regarding input from the community, Commissioner McDermott said the success of any Plan was predicated on community involvement and if the goal was to reach new people, she suggested using interns and students to help with that challenge. She also said it was critical that anyone who facilitates the community meeting look at long-term as well as short-term goals because, historically, people are more interested in what’s



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happening now and don't think about long-term. Adding to previous comment regarding priorities, Commissioner McDermott said the General Plan needed a strong foundation, so changes could be made, but the key elements, or the foundation, remained the same and kept the Plan a strong working document.

Regarding the boundary issue, Commissioner Lamnin said if the City couldn't tend to the responsibilities in the areas under our sphere of influence, then those areas shouldn't be our responsibility. She said neglecting an area was a bigger problem not only for the City, but for the community at-large. Commissioner Lamnin said three and half years was realistic amount of time given the amount of work and community input that updating a General Plan required, however, she expressed concern about the cost of the update. She said based on the article mentioned earlier, a cost of \$1.5 million for the update seemed more realistic for a city the size of Hayward. Commissioner Lamnin said she loved the idea of keeping the plan current and incorporate updating the Plan into the work done by staff if possible. She pointed out that the easiest way to stay in compliance was to keep it going all the time. She said she shared the concerns expressed about hiring consultants and added that doing so undermined the feel of community inclusion although she did understand that for elements like the EIR it wasn't practical to keep the task in-house. And finally, regarding the "digital divide," Commissioner Lamnin suggested having 3-5 sites around the community, where City of Hayward employees were already present, where people could view information on a computer with a trained staff person there to help, collect comments, and assist with language translation.

Chair Márquez said she was glad to see the strong emphasis on outreach efforts and agreed with most comments made that the process had to be accessible to the community and made the suggestion to hold meetings at senior and EDU community centers. As part of the outreach, she said the City needed to go to the population it was trying to outreach. Chair Márquez said the General Plan needed to be web-based, but agreed with past comments that hard copies should be available too. She also agreed that work should be completed in-house as much as possible, and she asked staff how many consultants were used the last time. Senior Planner Pearson said he didn't know exactly, but noted the circulation element been updated a few years prior so consultants were used for the EIR and the noise section. If consultants had to be used, Chair Márquez asked who would manage them and Mr. Pearson said staff would manage the consultants, and for the EIR the lead consultant would manage any sub-consultants.

Chair Márquez asked if the Health and Safety section of the General Plan could include topics not mentioned before, but important to include, such as proper needle disposal, hazardous materials, public safety, air quality, and what to do with old medications to name a few examples. She said she liked the idea of including local college students in the process and she agreed with Commissioner Lamnin that questions for the community should be more focused to keep them engaged and not lose momentum by making the topic too open-ended. Chair Márquez said she was also worried about the cost of the update and she concluded her comments by saying the ridge should be kept as open space.

2. Implementation of the South Hayward BART/Mission Boulevard Form-Based Code

Senior Planner Pearson presented the report noting that the purpose of the work session was to get some familiarity with the Form-Based Code and how projects would be reviewed. He mentioned that a second work session would be held at the next Planning Commission meeting to resolve any unanswered questions and finish the presentation.

Noting that the T4 zoning under the Form-Based Code only allowed 35 units per acre, Commissioner Lamnin asked if a variance would be needed to allow the Mission Paradise project to have 43 units per acre, as

Timeline for General Plan Update

	FY 2011-2012			FY 2012 - 2013										FY 2013 - 2014														
	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	
PC Work Session: Scope & Process	12th																											
Adoption of GP Fee	24th																											
2nd CC Work Session: Timeline & Budget			19th																									
Council Adopts Budget & CIP			26th																									
Council Reso to Authorize Project			26th																									
Issue RFP				2nd week																								
select consultant				3rd week																								
Council Adopts Resolution to Award Contract																												
Review current GP & prepare background reports (& market analysis)																												
Online Community Participation																												
Formulate Vision and Identification of Issues																												
Draft Goals, Policies, Alternatives																												
Present Draft Goals, Policies, Alternatives																												
Outreach and Select Alternative																												
Draft General Plan																												
Prepare DEIR																												
Prepare Fiscal Impact Analysis																												
Final EIR & Revisions to GP																												
Certify EIR and Adopt New General Plan																												

Legend: City Council or Planning Commission Meeting
Staff Tasks
Community Participation



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

ROLL CALL

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

Mayor Sweeney noted that Council Members Zermeño and Henson would be joining the meeting later. Council Member Zermeño entered the Council Chambers at approximately 7:09 p.m.

PUBLIC COMMENTS

Mr. Rudy Grasseschi, owner of The Cobblers on Foothill Boulevard, requested that parking, on the west side of Foothill Boulevard between A Street and City Center, be reinstated.

Mr. Elie Goldstein, owner of Kraski's Nutrition on Foothill Boulevard, requested that parking on Foothill Boulevard be reinstated, at least on a part-time basis. Mr. Goldstein showed photographs of trash in front and in back of the businesses in that area and requested that staff look into the nuisance.

Mayor Sweeney requested that staff review the nuisance in that area. The majority of the Council concurred and directed staff to bring back a staff report and an analysis pertaining to parking on the west side of Foothill Boulevard.

Council Member Zermeño entered the Council Chambers.

Mr. Jim Drake, Franklin Avenue resident, acknowledged receiving a letter from Director of Public Works- Utilities and Environmental Services Ameri related to illicit discharges to the stormwater system.

Ms. Robin Jones, Amador Village Circle resident and Hayward Unified School District Director of Nutrition Service, spoke about the success of the "Let's Do Lunch Hayward ... and Breakfast Too," program and noted that kids could go to 32 participating locations to receive a free breakfast and lunch.

WORK SESSION

1. FY 2013 & FY 2014 Recommended Biennial Budget Work Session #3 - Department Budget Presentations: City Clerk; City Manager; Mayor and City Council; Library and Community Services; and Fire

City Clerk's Office

City Clerk Lens provided a synopsis of the budget for her department which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes.

City Clerk Lens clarified that the election expense for FY 2013 (\$180,000) would need to be eliminated as there would be no election in FY 2013, and the election expense for FY 2014 would be updated if necessary.

The City Council commended City Clerk Lens and her office for their customer service, Passport Program, recruitment of volunteers, transparency efforts, and for taking a leading role with the paperless system.

The majority of the Council concurred with removing the goal, "Study the feasibility of consolidating the Municipal Election with the November General Election to share elections costs with other municipalities in Alameda County," from FY 2013 & FY 2014 Core Service Objectives/Goals. It was noted that the 1994 measure that consolidated the City's municipal elections with the June California State Primary Election enabled voters to focus on local issues and from the candidates' perspective it would be more effective to run a grassroots campaign in June.

Council Members Quirk and Halliday supported the goal of preparing a handbook for the City Council's appointed bodies and suggested consulting with Mayor Sweeney about its overall content, simplifying the "Robert's Rules of Order," and taking into account effective practices upheld by certain bodies.

Council Member Salinas suggested the department explore revenue generating services and develop voter education programs to help improve voter participation.

Council Member Henson entered the Council Chambers at approximately 7:35 p.m.

Council Member Halliday received confirmation that the sale of documents included the Passport Program revenue.

Council Member Peixoto noted that Hayward was mentioned in the Sacramento Bee as being one of the first municipalities to implement a paperless system for Council agenda packets and thanked City Clerk Lens for helping make Hayward number one.

Council Member Henson mentioned that Hayward was the first to implement paperless Council agenda packets and appreciated efforts to upgrade the Laserfiche Document Imaging System to allow accessibility throughout the organization.



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City Manager's Office

Assistant City Manager Morariu provided a synopsis of the budget for her department, which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes.

The City Council commended staff for effectively managing the dissolution of the Hayward Redevelopment Agency.

Council Member Salinas noted the City had successfully engaged in partnering with other agencies to deliver free services; received an award for implementing creative strategies for shared services with the Chamber of Commerce; and acknowledged the effective strategies to generate economic development.

Council Member Halliday thanked City Manager David and Assistant City Manager Morariu for their hard work. Ms. Halliday was glad to see the addition of the Community and Media Relations Coordinator position. Ms. Halliday supported the goal related to the implementation of the Hayward Neighborhoods webpage and an interactive Hayward Neighborhoods Map.

Council Member Henson voiced the importance of retaining the First Time Homebuyers' Program and partnering with community banks to enhance the program. Mr. Henson congratulated staff for receiving the CALED Award of Merit for Economic Development Promotions and the Helen Putnam Award for murals. He urged staff to keep in mind a Complete Street Plan, priority development and growth opportunity areas, in order to qualify for funding.

Council Member Zermeño favored the addition of the Community and Media Relations Coordinator position. Mr. Zermeño asked staff to consider a program for "First Time Small Business Owners." Mr. Zermeño suggested the following niches to promote Hayward: murals, urban forest, marsh lands, hills, parks, and historic sites. He noted that Hayward could claim the titles of "cleanest city" and/or an "education city."

Assistant City Manager Morariu explained, at the request of Council Member Quirk, the proposed staffing changes for FY 2013, as outlined on page 101 of the Recommended Operating Budget.

Mayor Sweeney directed staff to correct wording related to FY 2013 & FY 2014 Core Service Objectives/Goal No. 1 by removing the word "reaffirm" and emphasizing "implementation." Mayor Sweeney suggested adding "closing structural gap" language under Core Service Objective/Goals. In reference to Goal No. 22, "Implement Community Preservation/Rental Housing Inspection reorganization plan to streamline and enhance efficiency of the two programs," Mayor Sweeney noted that the reorganization plan needed to be approved by Council prior to its implementation. Mr. Sweeney added that "crime priorities," needed to be called out, and the Community and Media Relations Coordinator position needed to be further defined and clarified.

He thanked staff for the effective management of the dissolution of the Redevelopment Agency.

City Council and Mayor

Assistant City Manager Morariu provided a synopsis of the budget for the City Council and Mayor Department which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes.

Mayor Sweeney recommended that Council priorities be included under Performance/Accomplishments, and under Core Service Objectives/Goals, the Council priorities needed to be articulated in terms of Safe, Clean, Green, Fiscal Stability, Land Use, and Organizational Health.

Council Member Henson was in agreement with Mayor Sweeney regarding highlighting the Council priorities under Objectives/Goals. Mr. Henson also suggested that the positive work of Council members, as liaisons to the Council's appointed bodies, should be reflected under accomplishments. He also noted that the Council contributed to the draft Airport Land Use Compatibility Plan by developing and guiding policy.

Council Member Quirk noted that the Department Performance/Accomplishments title needed to be corrected to reflect FY 2012.

Library and Community Service Department

Library and Community Service Department Director Reinhart provided a synopsis of the budget for his department which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes. Mr. Reinhart noted the Social Funding would be discussed during the June 12, 2012, Council meeting.

Council Member Henson mentioned that the Alameda County Transportation Commission (ACTC) was discussing restructuring the Paratransit Program by researching more fuel efficient vehicles and he encouraged Library and Community Service Department Director Reinhart to provide input.

Council Member Salinas, and liaison to the Library Commission, acknowledged Library and Community Services Director Reinhart's efforts with the Library budget and the funding process for Social Services. Mr. Reinhart in turn commended Social Services Planning Manager Culver for her efforts. Mr. Salinas suggested the City entertain partnering with other agencies for a city-wide infrastructure bond with the goal of capital improvement of public buildings. He also acknowledged the Friends of the Library for their support of the Library.

Council Member Halliday commended Library and Community Services Director Reinhart for his efforts in administering the Library Commission, Literacy Council, and all the volunteers. Ms. Halliday asked for a report on test scores to reflect the positive results of the Homework Afterschool Program. She spoke favorably of the merger of the Human Services and Citizens Advisory Commissions into the Community Services Commission. Ms. Halliday requested a report on the Urban Agriculture Program. Ms. Halliday requested clarification about the Measure B -



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Paratransit Program staff funding.

Council Member Quirk suggested that the budget for Community & Economic Block Grant on page 191 of the Recommended Budget be reviewed and corrected. Council Member Quirk commented that the FY 2013 and FY 2014 Service Delivery Outcomes for the Library and Community Services could reflect alignment with the Council priorities.

Council Member Zermeño thanked the Library and Community Services Director Reinhart for educating the youth and getting the public reading. He recommended the City consider growing its own trees and ultimately becoming an urban forest and commended Director Reinhart for his efforts.

Fire Department

Fire Chief Contreras provided a synopsis of the budget for his department which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes.

Council Member Henson commended the Fire Department for obtaining the interpretative radio funding and acknowledged Fire Chief Contreras' contribution and support with the East Bay Regional Interoperability Communications System (EBRICS). Council Member Henson said he would favor finding a funding source for the Airport Rescue and Fire Fighting (ARFF) program. He mentioned he would recommend having a city-sponsored disaster preparedness exercise, and hopefully at a later date, an across-agency exercise.

Council Member Peixoto commended Fire Chief Contreras for the community training presentation that was funded by the Department of Agriculture to create Fire Wise Communities. Chief Contreras noted Hayward was the only city in the county to receive a grant last year and the goal was to provide coverage to all areas where wild interfaces with urban areas. Mr. Peixoto acknowledged Fire Chief Contreras and the department for their positive public relations and commended Public Education Officer Thor Poulsen for his efforts.

Council Member Halliday commented on the value of the Community Response Team (CERT) training. Chief Contreras said the Mutual Aid Reimbursement figure on page 158 was an estimate of costs for an average fire season where the City meets its goal of being able to assist surrounding agencies in times of need. He said the City received 100% reimbursement.

CONSENT

2. Approval of Minutes of the City Council Meeting on May 15, 2012

It was moved by Council Member Peixoto, seconded by Council Member Henson, and carried unanimously to approve the minutes of the City Council Meeting of May 15, 2012.

3. Termination of Amended and Restated Bond Regulatory Agreement for the Waterford Apartments and Approval of Related Documents

Staff report submitted by Housing Development Specialist Cortez, dated May 29, 2012, was filed.

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

Resolution 12-082, "A Resolution of the City of Hayward Authorizing the Execution and Delivery of a Termination Agreement Relating to the Amended and Restated Regulatory Agreement for the Waterford Apartments Project and Approving Other Related Documents and Approving Other Related Actions in Connection Therewith"

4. Authorization for the City Manager to Execute the Revised Agreement to Implement the Alameda Countywide Clean Water Program

Staff report submitted by Water Pollution Control Administrator Kunisawa, dated May 29, 2012, was filed.

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

Resolution 12-083, "Resolution Authorizing the City Manager to Execute a New Inter-Agency Agreement to Implement the Alameda Countywide Clean Water Program"

PUBLIC HEARING

5. Council Member Call-Up of Planning Commission Approval of a Proposed 44-Unit Condominium Project Located at 22471-22491 Maple Court in the Central City Commercial (CC-C) Zoning Subdistrict - Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner)

Staff report submitted by Development Services Director Rizk, dated May 29, 2012, was filed.



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Development Services Director Rizk provided a synopsis of the report.

Council Member Peixoto expressed concern that the live/work units would not be successful and mentioned the units at Studio Walk. Mr. Peixoto asked if the applicant had retained financing. Development Services Director Risk said staff research had shown there was a growing demand for live/work units and noted Maple Court was located in the downtown core with a better frontage design than Studio Walk. Mr. Rizk also pointed out that the condominium market had improved in the last six months, and Condition of Approval 48(L) addressed hardship with language taken from the City's condominium conversion regulations.

Council Member Henson said he was comfortable knowing that the live/work units would not prevent retail, felt the proposed project would complement the retail across the street, and was satisfied that child safety on the ground floor units was no longer an issue.

Council Member Salinas expressed mixed feelings about the proposed project and mentioned receiving emails from neighbors opposed to the project. He mentioned there was the issue of rent versus own and was concerned that if the City required developers to have a ground floor retail element there would be more vacant spaces. He noted that if the item garnered approval, he would suggest having developers target certain sectors of the population such as housing for graduate students, professors, and professional people.

In response to Council Member Halliday's inquiry if the term live/work was defined in the Zoning Ordinance including permitted uses, Development Services Director Rizk explained it was not defined in the Zoning Ordinance, but other cities defined it as, residents of a unit would have a small business in the front portion open to the public for uses such as professional office, commercial, and/or retail space. Assistant City Attorney Conneely confirmed the CC&Rs could include prohibition of certain uses.

Mayor Sweeney opened the public hearing at 10:01 p.m.

Mr. Rudy Grusseschi, with business address on Foothill Boulevard, did not agree that live/work units would work. Mr. Grusseschi expressed concern that parking for the proposal was inadequate and did not want Municipal Parking Lot No. 5 used for overflow parking. He noted Lot No. 5 was being used by current business/retail patrons, and added there were projects in surrounding areas that were not developed. In response to Council Member Peixoto's inquiry, Mr. Grusseschi confirmed that overnight parking would attract negative elements such as crime.

Mr. Croft Jervis, Prospect Street resident representing neighbors from the Prospect Hill Homeowners' Association, expressed concern that five stories was too high and would overpower the area, that the 1.5 parking per unit allotment was insufficient for 44 units, and added that the

Municipal Parking Lot No. 5 was for retail patrons. Mr. Jervis urged Council to deny the project until these issues could be worked out.

Mr. Frank Goulart, with business address on Main Street, noted the Prospect Street neighborhood was concerned about the cumulative parking effect for the project plus what was being proposed on the Mervyn's site. Mr. Goulart positively acknowledged Condition of Approval No. 6 related to the archaeologist being present to monitor ground-disturbing activities, and encouraged Council to consider a memorial for the site, should the project be approved. He added there was insufficient open space for recreation. He said the term live/work units needed to be defined prior to approval of the project, and a full environmental impact report needed to be conducted considering the archaeological resources at the site.

In response to Council Member Salinas' inquiry as to what prohibited the applicant from building commercial space in the area, Mr. Ben Wong, Daly City resident and the applicant's architect, responded that City staff said that retail was not viable and added that Mr. Wong had worked with staff on the live/work concept and found demand for spaces where residents could work from home. In reference to the parking allotment, Mr. Wong commented that he thought the City wanted to promote more walking traffic.

Council Member Peixoto mentioned the value of condominiums were underwater and did not think the applicant would be able to sell the units for \$350,000 each given current market conditions. In response to questions about financing, Mr. Wong said the financing would be secured once the entitlements were approved and mentioned the lending market was beginning to improve.

Mayor Sweeney closed the public hearing at 10:25 p.m.

Council Member Quirk recommended restricting the parking at Municipal Parking Lot No. 5 to prohibit overnight parking, should the project be approved. In response to the stated concern that a problem could occur with overflow parking into the Prospect Hill neighborhood, City Manager David noted a Residential Preferential Parking Program could be installed, if the neighbors agreed. Mr. Quirk noted the project had the flexibility to allow for both ground floor live/work and for commercial use and mentioned that the purpose of Smart Growth was to have denser housing growth near transit to encourage people to have fewer cars for environmental reasons, and thus, the parking allocation.

Council Member Quirk offered a motion per the staff recommendation with the addition that Municipal Parking Lot No. 5 be protected by an overnight parking regulation and, if necessary, for staff to consider parking regulations in the adjoining neighborhood.

Council Member Zermeño seconded the motion. He mentioned a personal experience with a successful live/work situation, said he was glad the parking concerns for Municipal Lot No. 5 and the surrounding Prospect Hill neighborhood had been addressed, and mentioned that eventually height regulations would increase.

Council Member Henson concurred with comments made and mentioned that some of the child safety concerns he had were eliminated, but that he still had concerns about parking. It was clarified



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 29, 2012, 7:00 p.m.**

that there was a definition for live/work, but it did not relate to the proposed use or what was allowed to be there. Mr. Henson noted the live/work units could address the ground floor retail component and that he would be supporting the motion.

Council Member Salinas noted he would not support the motion because there continued to be concerns and unanswered questions about the proposed project, which was located in his neighborhood.

Council Member Halliday said she was glad she called the item up to address concerns. Ms. Halliday noted the redesign to the ground floor live/work units was in compliance with the Downtown General Plan. She noted that ground floor commercial retail with residential above was not as accepted as anticipated, but thought the downtown could be an area where people did not need cars, and that she was comfortable with the parking regulations. Ms. Halliday expressed concern about the historic house located next door to the proposed project and hoped a suitable location could be found. She agreed that an archaeological memorial should be considered if archaeological remains were found, and added that denser housing called for more open space. Ms. Halliday noted she would support the motion.

Council Member Peixoto said he would not be supporting the motion. Mr. Peixoto expressed concern that the proposed project would create parking issues at the Municipal Parking Lot and in surrounding neighborhoods, and he did not think ground floor live/work units would work for the proposed area. Mr. Peixoto expressed concern that the development would end up becoming rental units and thought Hayward already had its fair share. He also pointed out that it would be extremely complicated to reverse rental units back to owner-occupied housing and mentioned there were condominium units currently underwater.

Mayor Sweeney said specific language with a clear definition of hardship needed to be included in Condition of Approval No. 48(L). Assistant City Attorney Conneely offered a definition of hardship that could be incorporated into the condition: "loss of job, job transfer, military transfer, change of school, illness or injury that according to a doctor prevents the owner from being employed." Council Member Quirk accepted the addition of the hardship language. Mayor Sweeney suggested that there should also be a threshold on how long the units could remain rentals. Discussion ensued regarding marketing efforts during the three years after the certificate of occupancy was issued and the understanding that if the developer could achieve a return on his investment, the threshold might need to be extended.

Council Member Quirk was amenable to the addition of the hardship language, but he did not agree to the threshold language because he believed the developer would market the units for ownership as soon as he was able to do so.

It was moved by Council Member Quirk, seconded by Council Member Zermeño, and carried with the following vote, per staff recommendation with the addition that Municipal Parking Lot No. 5 be

regulated with an overnight parking regulation and, if necessary, for staff to consider parking regulations in the adjoining neighborhood. The motion included an amendment to Tentative Tract Map Condition of Approval No. 48(L), by incorporating examples of what would constitute “hardship” such, “loss of job, job transfer, military transfer, change of school, illness or injury that according to a doctor prevents the owner from being employed.”

AYES: Council Members Zermeño, Quirk, Halliday, Henson
NOES: Council Members Peixoto, Salinas
MAYOR Sweeney
ABSENT: None
ABSTAINED: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño mentioned an article in the National Geographic about the growing popularity of bicycle rental programs, and noted that the City could consider one. Mr. Zermeño noted that he participated, along with Council Member Salinas, in the Hayward Youth Commission interviews held on May 24, 2012, and noted there were 31 highly qualified applicants. He noted that a recommendation to increase the membership from seventeen to twenty-one would be forthcoming. He also encouraged everyone to vote on June 5, 2012.

Council Member Salinas noted the Youth Commission applicants were stellar students and a diverse group. Mr. Salinas reiterated that starting June 11, 2012, there would be “Let’s Do Lunch Hayward... and Breakfast Too” sites throughout the City where students could eat breakfast and lunch for free.

Council Member Peixoto announced the “A Taste of Hayward” event on June 6, 2012, at City Hall. He mentioned the participating restaurants, caterers, and retailers and noted that the proceeds would benefit Hayward Public Library’s After School Homework Support Center.

Council Member Henson announced that the 92/I-880 project won an Interchange Project of the Year award. He mentioned that Council Member Peixoto and he were in attendance for the presentation of the award.

ADJOURNMENT

Council Member Quirk requested that the Council adjourn in memory of Rao Kaza for his contributions to the Hayward-Ghazni Sister City Committee, the bowling alley on Mission Boulevard, and the Democratic Party. Mayor Sweeney adjourned the meeting at 11:12 p.m., in memory of Mr. Rao Kaza.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward



CITY OF
HAYWARD
HEART OF THE BAY

3

DATE: June 19, 2012

TO: Mayor and City Council

FROM: Director of Public Works – Engineering and Transportation

SUBJECT: Pavement Reconstruction FY13 – Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemere, Gading, and Lindenwood: Award of Contract

RECOMMENDATION

That Council adopts the attached resolution:

1. Increasing the Administrative Change Order amount from \$95,000 to \$195,000; and
2. Awarding the contract to G. Bortolotto & Co., Inc. in the amount of \$1,211,110.51.

BACKGROUND

On April 24, 2012, Council approved the plans and specifications for the Pavement Reconstruction FY13 - Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemere, Gading, and Lindenwood project and called for bids to be received on May 22, 2012.

This project represents the ninth year of the City's pavement reconstruction program. This year's project originally called for pavement reconstruction on Contessa Street, Sequoia Road, Capetown Avenue, Tilden Way, Martha Place, and Wauchula Way (see Attachment II). The proposed improvements will repair failed pavement sections and improve the riding surface and appearance of the streets. To satisfy the requirements of the Americans with Disabilities Act (ADA), accessible ramps will be installed at the curb returns of street intersections located within the limits of the project.

DISCUSSION

The City's pavement reconstruction program involves repairing severely deteriorated streets to return them to acceptable pavement condition standards. Contessa Street, Sequoia Road, Capetown Avenue, Tilden Way, Martha Place, and Wauchula Way were selected last year to be included in the Capital Improvement Program (CIP) budget for reconstruction in FY 2013. These streets were selected using the City's computerized Pavement Management Program (PMP) and visual field examination by staff. The City's PMP program uses a Pavement Condition Index (PCI), which is an indicator for the condition of pavement derived from a visual inspection of the street surface. Surface crack patterns are used as indicators of the condition of

the sub-grade. For example, “alligator” cracks (pavement crack interweave involving a combination of lateral and longitudinal cracks) on the surface of the pavement typically indicate a failure of the sub-base, which will usually require a replacement of the entire pavement section. To confirm the PMP’s recommendation for reconstruction, additional pavement testing is performed.

In past pavement reconstruction projects, the common treatment involved the replacement of the existing pavement section with deep lift asphalt concrete. This is a relatively expensive treatment method and is not always necessary. When tests and pavement analyses indicate that alternative and less expensive methods are possible, staff has used other methods of treatment, such as full-depth reclamation, which pulverizes and mixes the existing pavement section with additives to enhance the structural characteristics of the pavement. Another possible treatment involves reconstructing localized sections of the street followed by overlay, as opposed to replacing entire roadway sections. After pavement testing was performed by a consultant, staff found that these streets do not warrant the conventional reconstruction of removing 6” or more of pavement material, and replacing it with deep lift asphalt concrete. The cost savings from not using the conventional reconstruction method for these streets has allowed staff to add more streets than originally presented in the adopted CIP. Therefore, Edgemore Lane, Gading Road and Lindenwood Way were also added to this project (see Attachment IIa).

On May 22, 2012, staff received five bids. G. Bortolotto & Co., Inc. of San Carlos submitted the low bid in the amount of \$1,111,110.51, which is 9.3% below the Engineer’s Estimate of \$1,225,041.50. O’Grady Paving, Inc. of Mountain View submitted the second lowest bid in the amount of \$1,120,741.20, which is 8.5% below the Engineer’s Estimate. The bids ranged from \$1,111,110.51 to \$1,266,493.34.

The low bid received provides an opportunity to reconstruct additional streets that would not have been included due to limited funds. To accomplish this additional work, staff recommends increasing the Administrative Change Order (ACO) line item amount from \$95,000 to \$195,000. This recommended \$100,000 increase to the ACO line item would increase G. Bortolotto’s low bid from \$1,111,110.51 to \$1,211,110.51; the additional funds allow more streets to be repaired. Staff recommends adding Cobblestone Drive and Columbine Drive, which are streets adjacent to Capetown Avenue. The total lane miles of pavement to be reconstructed with this project, including the additional streets, will be 3.6 miles.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, G. Bortolotto & Co., Inc. in the amount of \$ 1,211,110.51.

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

FISCAL IMPACT

The estimated project costs are as follows:

Contract Construction	\$1,211,111
Design and Administration	75,889
City Staff – Striping	20,000
Inspection and Testing	93,000
Total	<u>\$1,400,000</u>

The Recommended FY 2013 Capital Improvement Program includes \$800,000 in the Measure B Tax Fund and \$600,000 in the Street System Improvements Fund for the Pavement Reconstruction FY13 project.

PUBLIC CONTACT

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

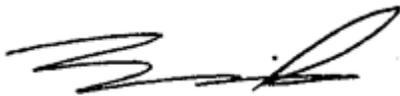
SCHEDULE

Begin Work	July 16, 2012
Complete Work	October 10, 2012

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works – Engineering and Transportation

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Project Location Map
- Attachment IIa: Additional Streets
- Attachment III: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-_____

Introduced by Council Member _____

RESOLUTION INCREASING THE ADMINISTRATIVE CHANGE ORDER AMOUNT, AND AWARDING THE CONTRACT TO G. BORTOLOTTO & CO., INC. FOR PAVEMENT RECONSTRUCTION FY13 - CONTESSA, SEQUOIA, CAPETOWN, TILDEN, MARTHA, WAUCHULA, EDGEMERE, GADING, AND LINDENWOOD PROJECT, PROJECT NOS. 5172 & 5180

WHEREAS, by resolution on April 24, 2012, the City Council approved the plans and specifications for the Pavement Reconstruction FY13 – Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemere, Gading, and Lindenwood Project, Project Nos. 5172 & 5180, and called for bids to be received on May 22, 2012;

WHEREAS, on May 22, 2012, five (5) bids were received ranging from \$1,111,110.51 to \$1,266,493. G. Bortolotto & Co., Inc. of San Carlos, California submitted the low bid in the amount of \$1,111,110.51, which is 9.3 percent below the Engineer’s Estimate of \$1,225,041.50; and

WHEREAS, staff recommends that the Administrative Change Order amount be increased on the contract by \$100,000 from \$95,000 to \$195,000, thus increasing G. Bortolotto & Co., Inc.’s low bid from \$1,111,110.51 to \$1,211,110.51.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward hereby authorizes an increase in the Administrative Change Order for the Pavement Reconstruction FY13 – Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemere, Gading, and Lindenwood Project, Project Nos. 5172 & 5180, from \$95,000 to \$195,000 thus increasing the low bid to \$1,211,110.51, for additional work at nearby streets.

BE IT FURTHER RESOLVED by the City Council that G. Bortolotto & Co., Inc. is hereby awarded the contract for the Pavement Reconstruction FY13 – Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemere, Gading, and Lindenwood Project, Project Nos. 5172 & 5180, in an amount not to exceed \$1,211,110.51, 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 G. Bortolotto & Co., Inc., in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA June 19, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

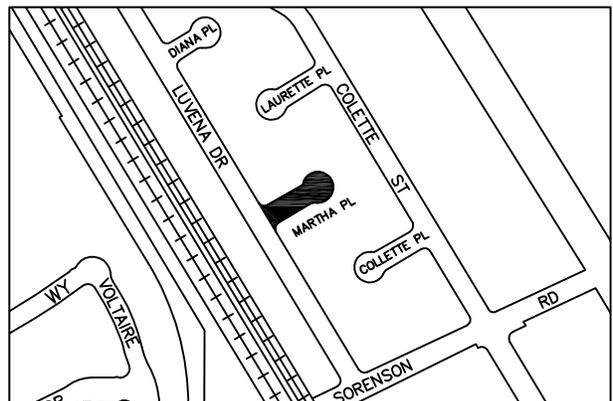
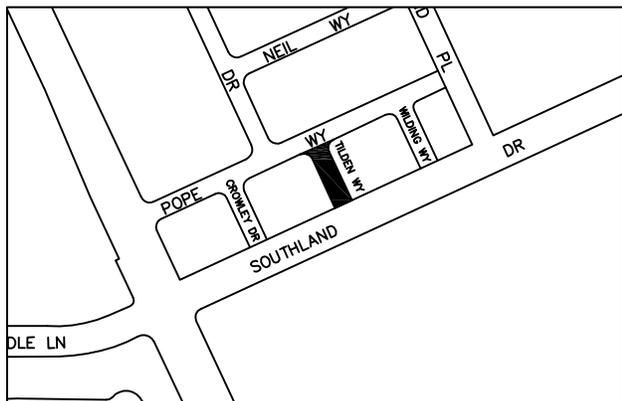
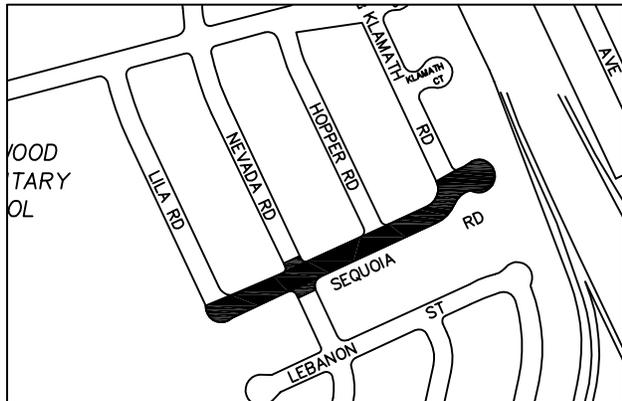
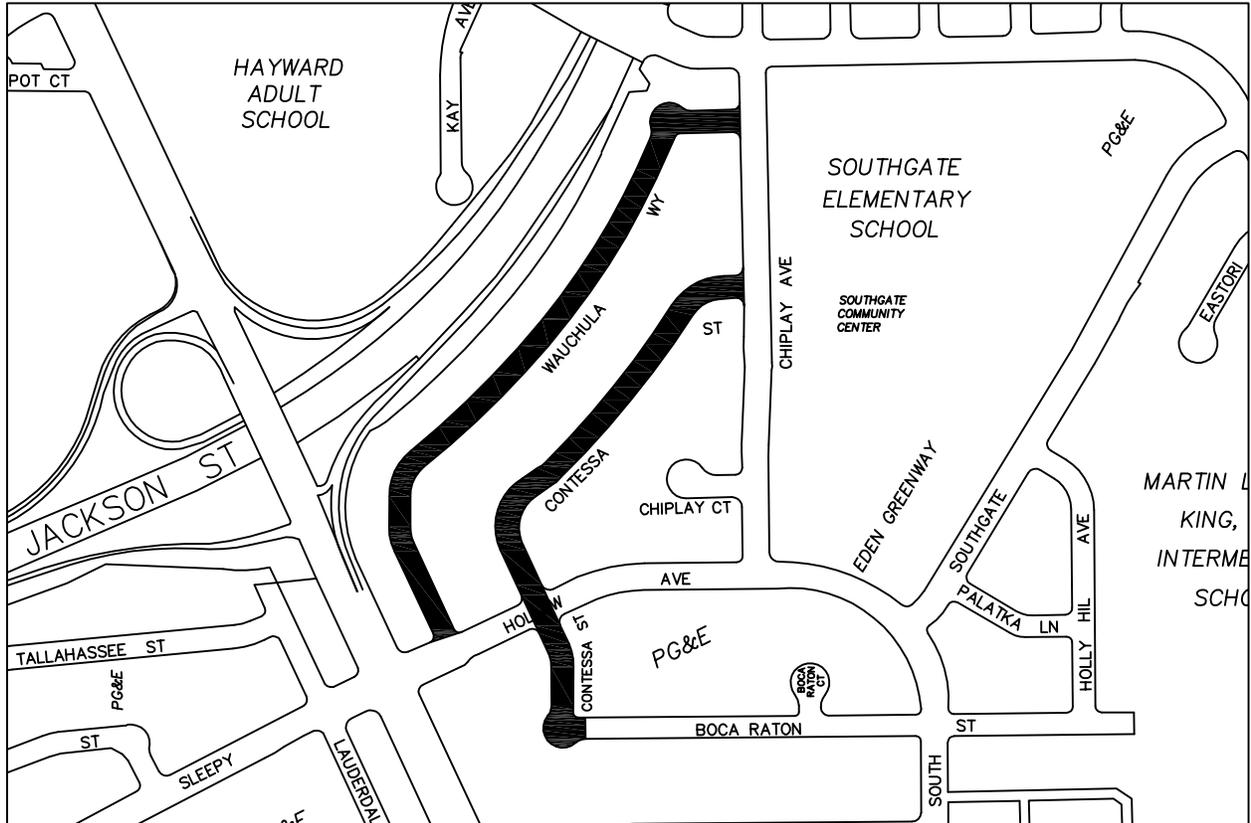
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

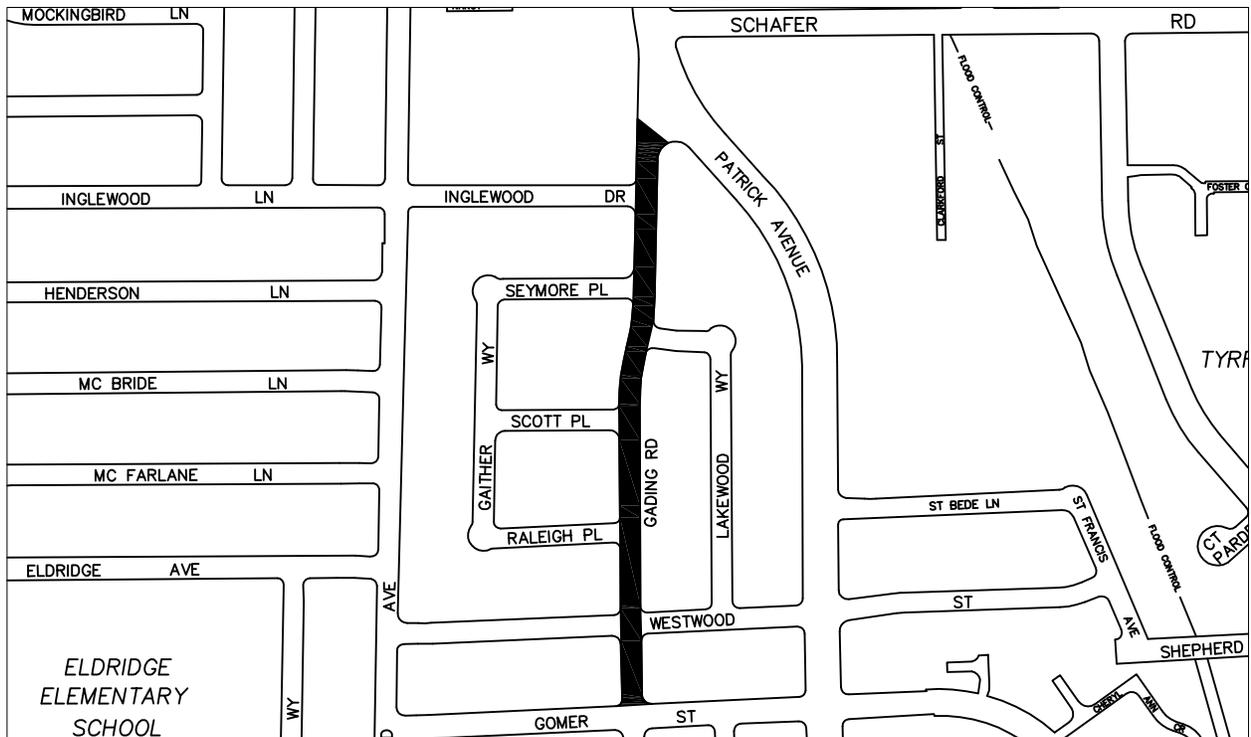
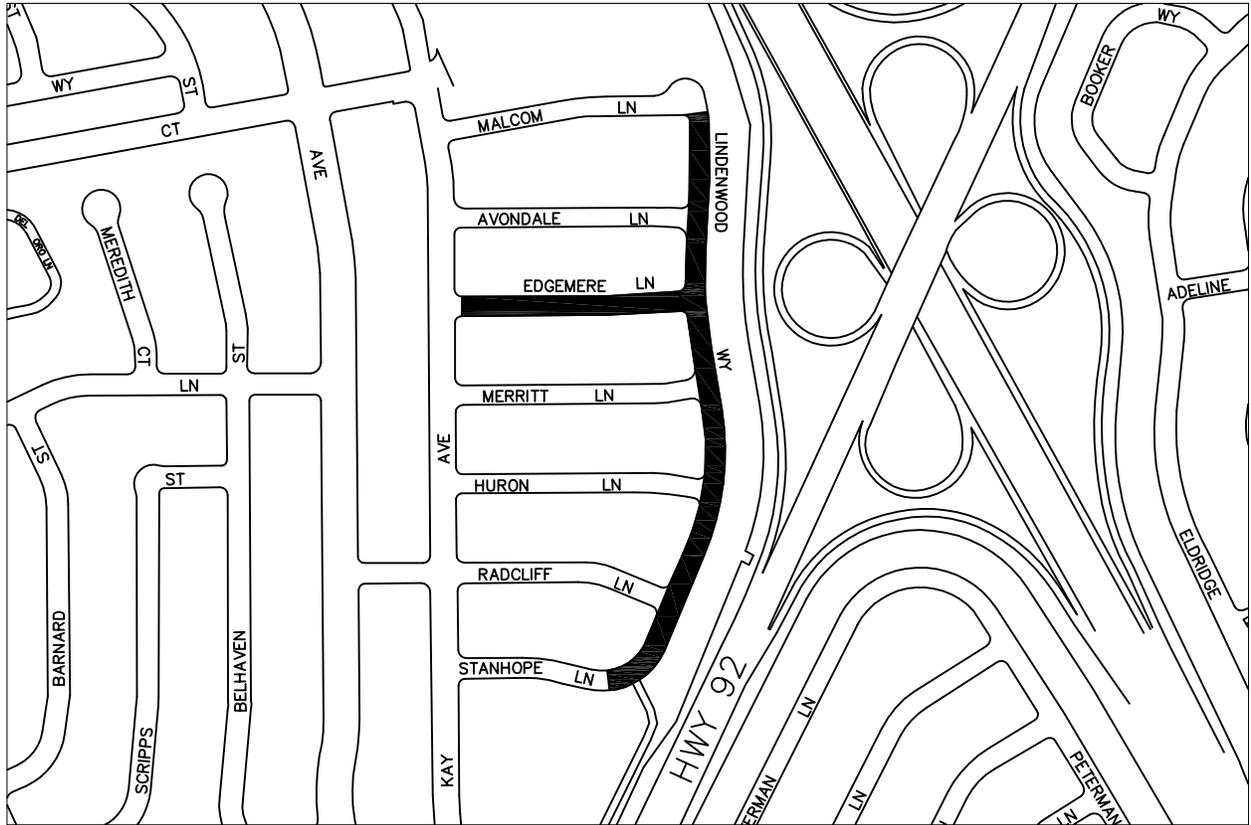
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PAVEMENT RECONSTRUCTION FY13-PROJECT NOS. 5172 & 5180



**PAVEMENT RECONSTRUCTION FY13-PROJECT NO. 5172 & 5180
ADDITIONAL STREETS**

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT RECONSTRUCTION FY13 -
 CONTESSA, SEQUOIA, CAPETOWN, TILDEN, MARTHA, WAUCHULA, EDGEMORE, GADING, AND LINDENWOOD
 PROJECT NOS. 5172, 5180
 BIDS OPENED: MAY 22, 2012
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY					ENGINEER'S ESTIMATE		G. Bortolotto & Company Inc. 582 Bragato Road San Carlos, CA 94070-6227 (650) 595-2591 (650) 595-0718 Fax		O'Grady Paving, Inc. 2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.06A	1	LS	MOBILIZATION	30,000.00	30,000.00	11,111.11	11,111.11	12,000.00	12,000.00
2	10-1.07A &	1	LS	TRAFFIC CONTROL	30,000.00	30,000.00	12,041.55	12,041.55	20,000.00	20,000.00
3	10-1.15	1	LS	PAVEMENT CRACK SEALING	15,000.00	15,000.00	14,000.00	14,000.00	13,000.00	13,000.00
4	10-1.16 &	97,716	SF	6" FULL DEPTH ASPHALT CONCRETE SPOT REPAIRS	4.75	464,151.00	4.08	398,681.28	4.40	429,950.40
5	10-1.08A	12,755	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.50	31,887.50	1.93 *	24,617.15	1.50	19,132.50
6	10-1.17C	33,662	SY	PAVEMENT REINFORCING FABRIC	2.50	84,155.00	2.41	81,125.42	2.15	72,373.30
7	10-1.16 &	3,916	TN	ASPHALT CONCRETE PAVING (OVERLAY)	83.00	325,028.00	87.00	340,692.00	80.00	313,280.00
8	10-1.16 &	541	TN	ASPHALT CONCRETE PAVING (1/2" THICK LEVELING COURSE)	100.00	54,100.00	91.00	49,231.00	100.00	54,100.00
9	10-1.08C	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	300.00	10,200.00	301.00	10,234.00	350.00	11,900.00
10	10-1.08C	9	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	150.00	1,350.00	180.00	1,620.00	200.00	1,800.00
11	10-1.08C	46	EA	REPLACE WATER VALVE BOX AND COVER TO GRADE	200.00	9,200.00	180.00	8,280.00	275.00	12,650.00
12	10-1.08C	33	EA	REPLACE SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	6,600.00	180.00	5,940.00	275.00	9,075.00
13	10-1.08C	9	EA	ADJUST SEWER RISER TO GRADE	250.00	2,250.00	180.00	1,620.00	200.00	1,800.00
14	10-1.18A	100	LF	MINOR CONCRETE (CURB & GUTTER) REPLACEMENT	35.00	3,500.00	41.00	4,100.00	40.00	4,000.00
15	10-1.18A &	3,360	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	17.00	57,120.00	14.00	47,040.00	13.00	43,680.00
16	10-1.18A &	10	EA	RETROFIT CURB RAMP WITH DETECTABLE WARNING SURFACE	500.00	5,000.00	500.00	5,000.00	600.00	6,000.00
17	10-1.11	1	LS	RECYCLING IMPLEMENTATION	500.00	500.00	777.00	777.00	1,000.00	1,000.00
18	10-1.22	1	LS	ADMINISTRATIVE CHANGE ORDERS	95,000.00	95,000.00	95,000.00	95,000.00	95,000.00	95,000.00
TOTAL						1,225,041.50	**	1,111,110.51		1,120,741.20

* Unit Total Correction
 Total Bid Correction

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT RECONSTRUCTION FY13 -
 CONTESSA, SEQUOIA, CAPETOWN, TILDEN, MARTHA, WAUCHULA, EDGEMORE, GADING, AND LINDENWOOD
 PROJECT NOS. 5172, 5180
 BIDS OPENED: MAY 22, 2012
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY					ENGINEER'S ESTIMATE		Interstate Grading & Paving Inc.		Gallagher & Burk, Inc.	
							128 South Maple Avenue South San Francisco, CA 9408063 (650) 952-7333 (650) 952-6851 Fax		344 High Street Oakland, CA 94601 (510) 261-0466 (510) 216-0478 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.06A	1	LS	MOBILIZATION	30,000.00	30,000.00	9,400.00	9,400.00	110,000.00	110,000.00
2	10-1.07A &	1	LS	TRAFFIC CONTROL	30,000.00	30,000.00	20,000.00	20,000.00	31,380.80	31,380.80
3	10-1.15	1	LS	PAVEMENT CRACK SEALING	15,000.00	15,000.00	14,000.00	14,000.00	13,000.00	13,000.00
4	10-1.16 &	97,716	SF	6" FULL DEPTH ASPHALT CONCRETE SPOT REPAIRS	4.75	464,151.00	4.10	400,635.60	4.20	410,407.20
5	10-1.08A	12,755	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.50	31,887.50	2.90	36,989.50	1.40	17,857.00
6	10-1.17C	33,662	SY	PAVEMENT REINFORCING FABRIC	2.50	84,155.00	2.13	71,700.06	1.50	50,493.00
7	10-1.16 &	3,916	TN	ASPHALT CONCRETE PAVING (OVERLAY)	83.00	325,028.00	83.00	325,028.00	82.00	321,112.00
8	10-1.16 &	541	TN	ASPHALT CONCRETE PAVING (1/2" THICK LEVELING COURSE)	100.00	54,100.00	120.00	64,920.00	90.00	48,690.00
9	10-1.08C	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	300.00	10,200.00	340.00	11,560.00	300.00	10,200.00
10	10-1.08C	9	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	150.00	1,350.00	205.00	1,845.00	200.00	1,800.00
11	10-1.08C	46	EA	REPLACE WATER VALVE BOX AND COVER TO GRADE	200.00	9,200.00	250.00	11,500.00	200.00	9,200.00
12	10-1.08C	33	EA	REPLACE SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	6,600.00	250.00	8,250.00	200.00	6,600.00
13	10-1.08C	9	EA	ADJUST SEWER RISER TO GRADE	250.00	2,250.00	290.00	2,610.00	300.00	2,700.00
14	10-1.18A	100	LF	MINOR CONCRETE (CURB & GUTTER) REPLACEMENT	35.00	3,500.00	40.00	4,000.00	35.00	3,500.00
15	10-1.18A &	3,360	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	17.00	57,120.00	13.50	45,360.00	11.00	36,960.00
16	10-1.18A &	10	EA	RETROFIT CURB RAMP WITH DETECTABLE WARNING SURFACE	500.00	5,000.00	525.00	5,250.00	600.00	6,000.00
17	10-1.11	1	LS	RECYCLING IMPLEMENTATION	500.00	500.00	100.00	100.00	100.00	100.00
18	10-1.22	1	LS	ADMINISTRATIVE CHANGE ORDERS	95,000.00	95,000.00	95,000.00	95,000.00	95,000.00	95,000.00
				TOTAL		1,225,041.50		1,128,148.16		1,175,000.00

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT RECONSTRUCTION FY13 -
 CONTESSA, SEQUOIA, CAPETOWN, TILDEN, MARTHA, WAUCHULA, EDGEMORE, GADING, AND LINDENWOOD
 PROJECT NOS. 5172, 5180
 BIDS OPENED: MAY 22, 2012
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY					ENGINEER'S ESTIMATE		RGW Construction, Inc. 550 Greenville Road Livermore, CA 945509235 (925) 606-2400 (925) 961-1925 Fax	
ITEM	ITEM CODE	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	10-1.06A	1	LS	MOBILIZATION	30,000.00	30,000.00	125,733.10	125,733.10
2	10-1.07A &	1	LS	TRAFFIC CONTROL	30,000.00	30,000.00	40,000.00	40,000.00
3	10-1.15	1	LS	PAVEMENT CRACK SEALING	15,000.00	15,000.00	12,450.00	12,450.00
4	10-1.16 &	97,716	SF	6" FULL DEPTH ASPHALT CONCRETE SPOT REPAIRS	4.75	464,151.00	4.20	410,407.20
5	10-1.08A	12,755	SY	PLANE PAVEMENT (WEDGE GRINDING)	2.50	31,887.50	2.00	25,510.00
6	10-1.17C	33,662	SY	PAVEMENT REINFORCING FABRIC	2.50	84,155.00	2.17	73,046.54
7	10-1.16 &	3,916	TN	ASPHALT CONCRETE PAVING (OVERLAY)	83.00	325,028.00	82.00	321,112.00
8	10-1.16 &	541	TN	ASPHALT CONCRETE PAVING (1/2" THICK LEVELING COURSE)	100.00	54,100.00	126.00	68,166.00
9	10-1.08C	34	EA	ADJUST MANHOLE FRAME AND COVER TO GRADE	300.00	10,200.00	325.00	11,050.00
10	10-1.08C	9	EA	ADJUST WATER VALVE BOX AND COVER TO GRADE	150.00	1,350.00	195.00	1,755.00
11	10-1.08C	46	EA	REPLACE WATER VALVE BOX AND COVER TO GRADE	200.00	9,200.00	240.00	11,040.00
12	10-1.08C	33	EA	REPLACE SURVEY MONUMENT BOX AND COVER TO GRADE	200.00	6,600.00	240.00	7,920.00
13	10-1.08C	9	EA	ADJUST SEWER RISER TO GRADE	250.00	2,250.00	275.00	2,475.00
14	10-1.18A	100	LF	MINOR CONCRETE (CURB & GUTTER) REPLACEMENT	35.00	3,500.00	32.52	3,252.00
15	10-1.18A &	3,360	SF	CURB RAMP WITH DETECTABLE WARNING SURFACE	17.00	57,120.00	14.84	49,862.40
16	10-1.18A &	10	EA	RETROFIT CURB RAMP WITH DETECTABLE WARNING SURFACE	500.00	5,000.00	671.41	6,714.10
17	10-1.11	1	LS	RECYCLING IMPLEMENTATION	500.00	500.00	1,000.00	1,000.00
18	10-1.22	1	LS	ADMINISTRATIVE CHANGE ORDERS	95,000.00	95,000.00	95,000.00	95,000.00
				TOTAL		1,225,041.50		1,266,493.34

DATE: June 19, 2012

TO: Mayor and City Council

FROM: Director of Public Works – Engineering and Transportation

SUBJECT: Pavement Rehabilitation Gas Tax FY13 (Districts 4 & 5): Approval of Addendum and Award of Contract

RECOMMENDATION

That Council adopts the attached resolution:

- 1) Approving Addendum No. 1, which postponed the bid opening date to May 22, 2012;
- 2) Increasing the Administrative Change Order amount from \$65,000 to \$165,390; and
- 3) Awarding the contract to Interstate Grading and Paving, Inc., in the amount of \$835,000.60.

BACKGROUND

On April 24, 2012, Council approved the plans and specifications for the Pavement Rehabilitation Gas Tax FY2013 (Districts 4 & 5) and called for bids to be received on May 8, 2012. Addendum No. 1 was issued to postpone the bid opening date to May 22, 2012.

This project is a continuation of the City's ongoing program to provide preventative maintenance for City streets before they deteriorate to the level where more costly repairs will be required. The slurry seal treatment process involves repairing localized pavement section failures by digging out the failed area and then plugging it with deep lift asphalt concrete. This is followed by the application of a slurry sand emulsion that seals the street surface against water intrusion. Slurry seal is typically used on streets in reasonably good condition and where such treatment will prolong the life of the street, before they deteriorate to the point where a more costly treatment will be required.

DISCUSSION

The selection of streets for slurry seal is based on staff's analysis of the pavement condition indices identified through the City's computerized Pavement Management Program (PMP), field examination and the functional classification of each street. As mentioned above, the focus of this project will be on pavement rehabilitation in Districts 4 & 5. Attachments II and IIa show the project location map and list of streets selected for treatment this year.

On May 1, 2012, Addendum No. 1 was issued to the bidders on the plan holder's list. The addendum extended the bid opening date to May 22, 2012.

On May 22, 2012, four bids were received for the Pavement Rehabilitation Gas Tax FY13 project. Interstate Grading & Paving Inc. of South San Francisco submitted the low bid of \$734,610.60, which is 12% below the Engineer's Estimate of \$835,000. American Asphalt Repair and Resurfacing Co., Inc. of Hayward submitted the second low bid in the amount of \$738,693.94, which is also 12% below the Engineer's Estimate. The bids range from \$734,610.60 to \$761,865.20.

The low bid received provides an opportunity to repair additional streets that otherwise would not be included, due to limited funds. Three streets that will be included for treatment are Second Street, Gading Street, and B Street (noted as items 53, 54, and 55 on Attachment II). Therefore, staff recommends increasing the Administrative Change Order from \$65,000 to \$165,390 to cover the additional work. The total lane miles of pavement to be resurfaced with this project, including the additional streets, is 16.9 miles.

All bids documents and licenses are in order. Staff recommends award of contract to the low bidder Interstate Grading & Paving, Inc., in the amount of \$835,000.60.

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

FISCAL & ECONOMIC IMPACT

The estimated project costs are as follows:

Contract Construction	\$ 835,000
Striping by City crew	75,000
Design and Administration	50,000
Construction Inspection and Testing	40,000
Total	<u>\$ 1,000,000</u>

The Recommended FY 2013 Capital Improvement Program includes a total of \$1,000,000 in the Gas Tax Fund for the Pavement Rehabilitation Gas Tax FY13 (Districts 4 & 5) project.

PUBLIC CONTACT

Because of the temporary inconvenience caused by the slurry seal work, after the construction contract is awarded, a preliminary notice explaining the slurry seal project will be posted and distributed to all residents and businesses along the affected streets. Later, after the construction work has been scheduled, a detailed notice indicating the date and time of work for each street will be distributed to all affected residents and businesses. The notice will explain the necessity

for allowing the slurry to dry (for approximately four hours) before the street can be reopened to traffic. Residents will be advised to park their vehicles on side streets outside of the work area while their street is being slurried.

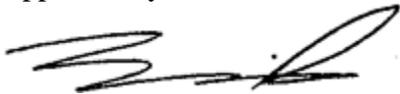
SCHEDULE

Begin Work	July 16, 2012
Complete Work	September 18, 2012

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works – Engineering and Transportation

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: List of Streets
- Attachment IIa: Location Map of Streets
- Attachment III: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-_____

Introduced by Council Member _____

RESOLUTION APPROVING ADDENDUM NO. 1, INCREASING THE ADMINISTRATIVE CHANGE ORDER AMOUNT FOR THE PAVEMENT REHABILITATION GAS TAX FY13 (DISTRICTS 4 & 5) PROJECT, PROJECT NO. 5170, AND AWARDING THE CONTRACT TO INTERSTATE GRADING AND PAVING, INC.

WHEREAS, by resolution on April 24, 2012, the City Council approved the plans and specifications for the Pavement Rehabilitation Gas Tax FY 13 (Districts 4 & 5) , Project No. 5170, and called for bids to be received on May 8, 2012; and

WHEREAS, Addendum No. 1 was issued to postpone the bid opening date to May 22, 2012; and

WHEREAS, on May 22, 2012, four bids were received ranging from \$734,610.60 to \$761,865.20; Interstate Grading and Paving, Inc. of San Francisco, California submitted the low bid in the amount of \$734,610.60, which is 12 percent below the Engineer's Estimate of \$835,000; and

WHEREAS, the low bid provides an opportunity to repair more streets; therefore, staff recommends increasing the Administrative Change Order amount by \$100,390, from \$65,000 to \$165,390, to allow for the repair of additional streets; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby authorizes an increase in the Administrative Change Order amount by \$100,390 to a total of \$165,390 to allow for the repair of additional streets.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Interstate Grading and Paving, Inc. is hereby awarded the contract for the Pavement Rehabilitation Gas Tax FY13 (Districts 4 & 5) project, Project No. 5170, in an amount not to exceed \$835,000.60, in accordance with the plans and specifications adopted therefor and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Interstate Grading & paving Inc is, 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 _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

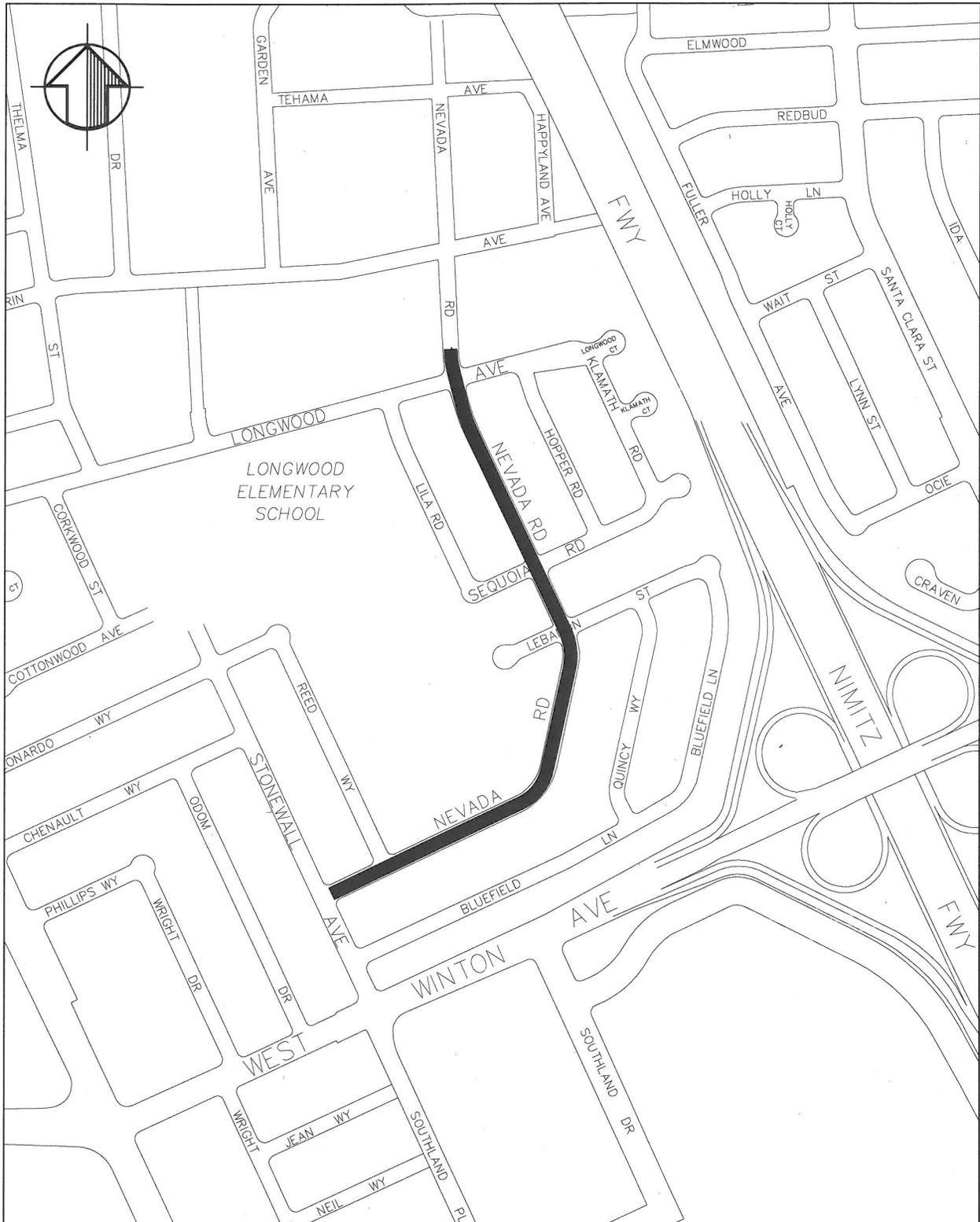
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

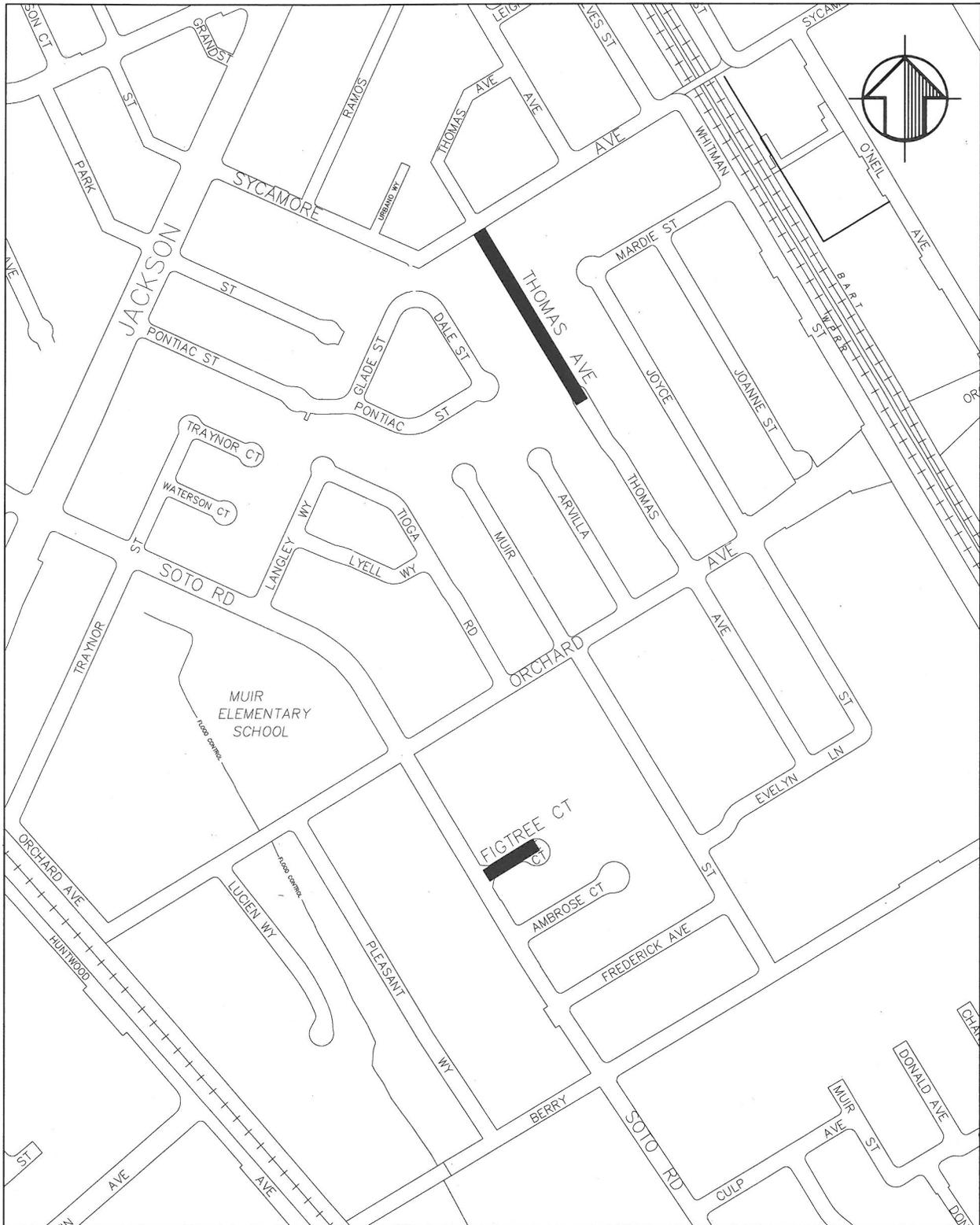
City Attorney of the City of Hayward

LIST OF THE STREETS SCHEDULED FOR SLURRY SEAL

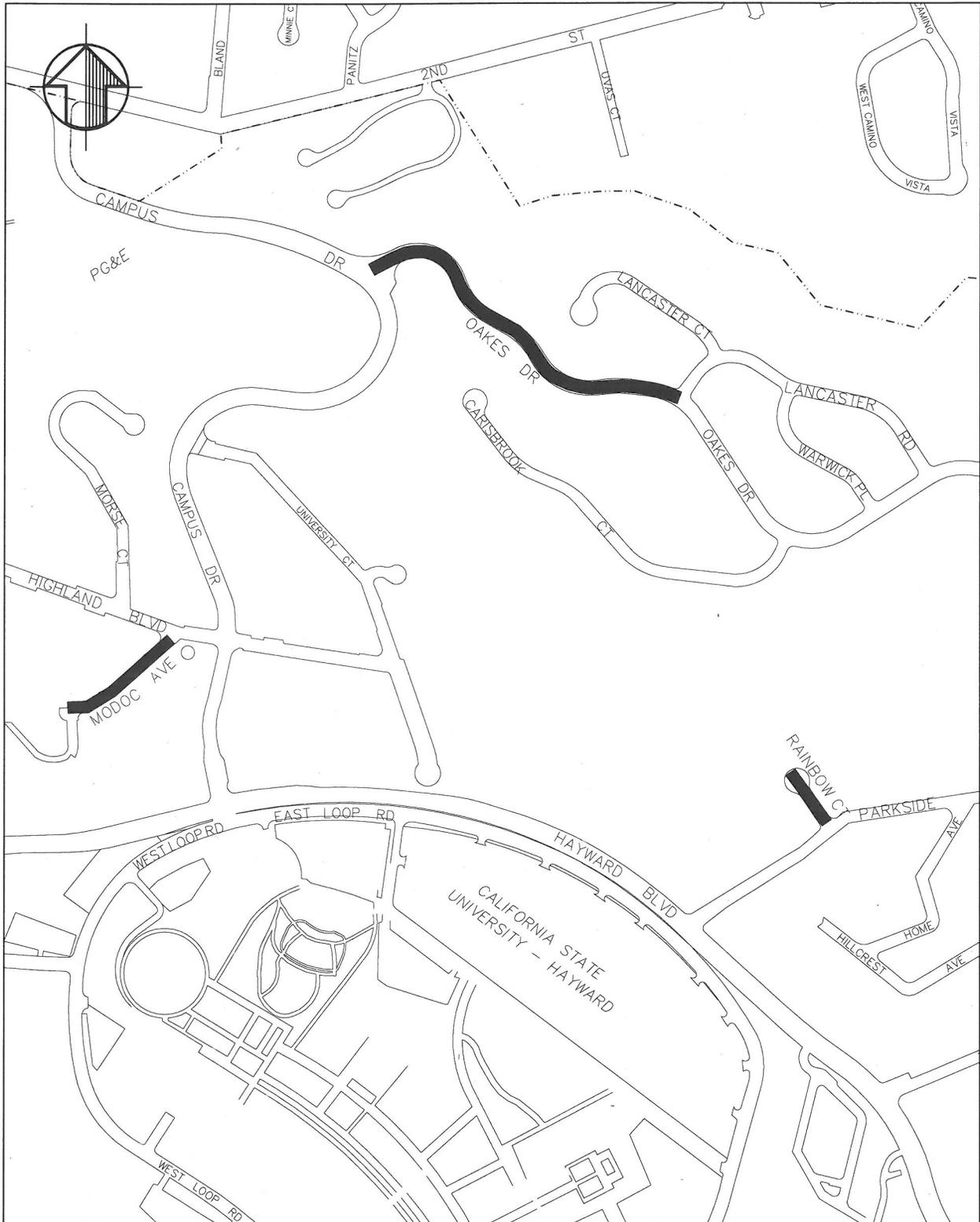
No	Street Name	DISTRICT	START LOCATION	END LOCATION
1	BROOKDALE WAY	2	BROOKSIDE LANE	BROOKFIELD ROAD
2	BROOKFIELD RD	2	ARROWHEAD WY	BROOKVIEW WY
3	BROOKHAVEN COURT	2	BROOKFIELD ROAD	CDS
4	BROOKSIDE LANE	2	ARROWHEAD WAY	BROOKVIEW WAY
5	BROOKTREE WY	2	OAKBROOK RD	CUL-DE-SAC
6	BROOKVIEW WAY	2	BROOKSIDE LANE	BROOKFIELD ROAD
7	CEDARBROOK WY	2	ARROWHEAD WY	ASHBROOK WAY
8	OAKBROOK RD	2	ARROWHEAD WY	ASHBROOK WAY
9	PINEBROOK RD	2	CEDARBROOK WY	OAKBROOK RD
10	WILLOWBROOK RD	2	ARROWHEAD WY	ASHBROOK WY
11	BAILEY RANCH ROAD	4	HAYWARD BLVD	ROCKY POINT CT
12	BARN ROCK DR	4	HAYWARD BLVD	FOX HOLLOW
13	RAINBOW CT	4	PARKSIDE DR	END
14	OAKES DR	5	DURHAM	FAIRVIEW
15	OAKES DR	5	CAMPUS	LANCASTER RD
16	MODOC AVE	6	DEAD END	HIGHLAND
17	BEATRON WAY	8	ROCHELLE	TENNYSON
18	LANCE WY	8	ROCHELLE AV	PACIFIC ST
19	LOVERIN CT	8	TRITON ST	END
20	QUIST AV	8	ROCHELLE WY	TUCKER ST
21	BURKE DR	9	WHITMAN	INGRAM
22	GOLDTREE WY	9	WHITETREE ST	GREENWOOD RD
23	ROSS PL	9	WHITE DR	THORNE DR
24	THORNE DR	9	WHITMAN ST	ROSS PL
25	WHITE DR	9	WHITMAN ST	ROSS PL
26	FIRST ST	10	E ST	C ST
27	FOURTH ST	10	A ST	B ST
28	MANON AV	12	TENNYSON RD	HARRIS RD
29	INGLEWOOD ST	13	STANWOOD AV	UNDERWOOD RD
30	FIGTREE CT	14	SOTO RD	CUL-DE-SAC
31	SIMON ST	15	PROSPECT	MAIN ST
32	SUNSET BLVD	15	MISSION BLVD	MAIN ST
33	BELHAVEN ST	17	CATHY	FRY LN
34	BOCA RATON ST	17	SLEEPY HOLLOW AV	PVMT CHNG @ SCHOOL ENTRANCE
35	SLEEPY HOLLOW AV	17	CHIPLAY AV	BOCA RATON ST
36	SLEEPY HOLLOW AV	17	BOCA RATON ST	W TENNYSON RD
37	THOMAS AVE	19	677ft NW/O ORCHARD AV	SYCAMORE AV
38	GRACE ST	20	MONTGOMERY ST	MISSION BLVD
39	ARF AV	21	BAUMBERG	HESPERIAN
40	STROMBERG CT	21	CUL DE SAC	OLIVER DR
41	BAMBOO CT	22	YOSHIDA DR	CUL-DE-SAC
42	BARTON WY	22	EDEN AV	MICHELSON ST
43	CONTINENTAL AV	22	EDEN AV	END
44	LAGUNA DR	22	EDEN AV	MOHR DR
45	LAGUNA DR	22	MOHR DR	YOSHIDA DR
46	MOODY WY	22	EDEN AVY	END
47	PLUMMER CT	22	BARTON WY	END
48	YOSHIDA DR	22	ROCKSPRINGS DR	OCCIDENTAL RD
49	NEVADA RD	23	SEQUOIA RD	108 FT. N/O LONGWOOD AV
50	NEVADA RD	23	STONEWALL	SEQUOIA
51	CORPORATE PL	24	CORPORATE AVE	CUL DE SAC
52	MUNSTER AV	26	CONNECTICUT ST	EICHLER ST
53	SECOND	10	A STREET	B STREET
54	GADING	13	ROOSEVELT AVE	GOMER ST
55	B STREET	10	MONTGOMERY ST	WATKINS AVE



**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**



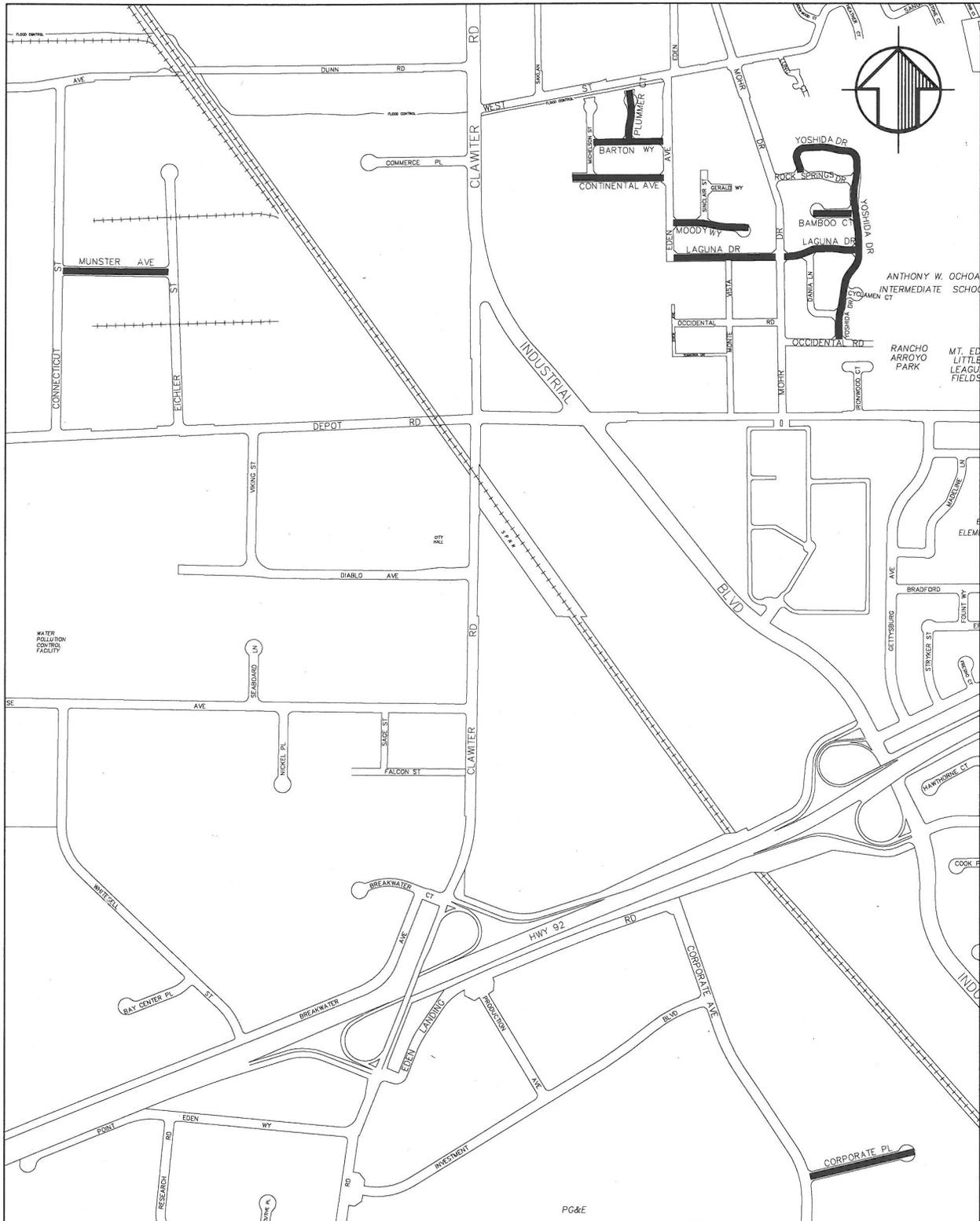
**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**



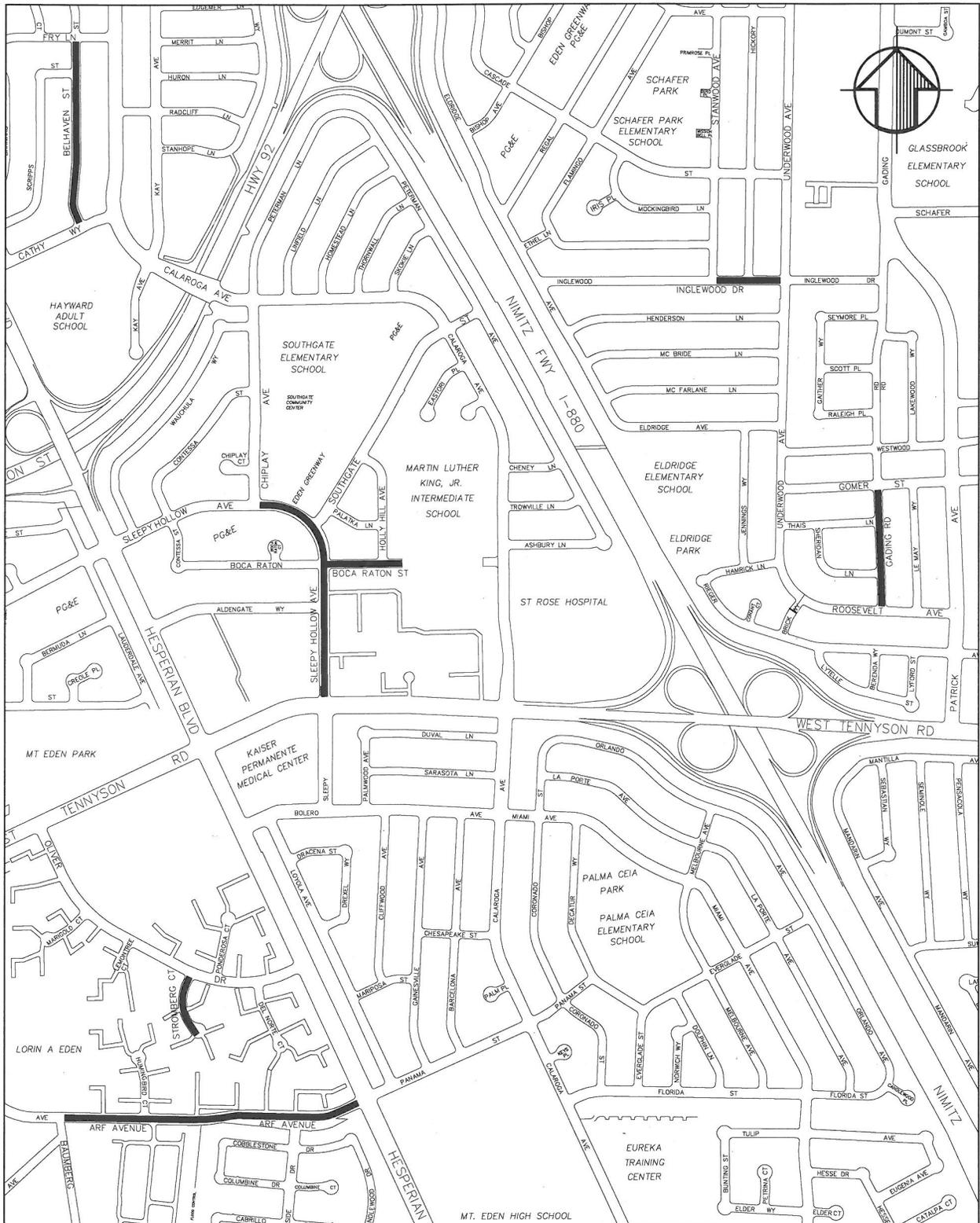
LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170



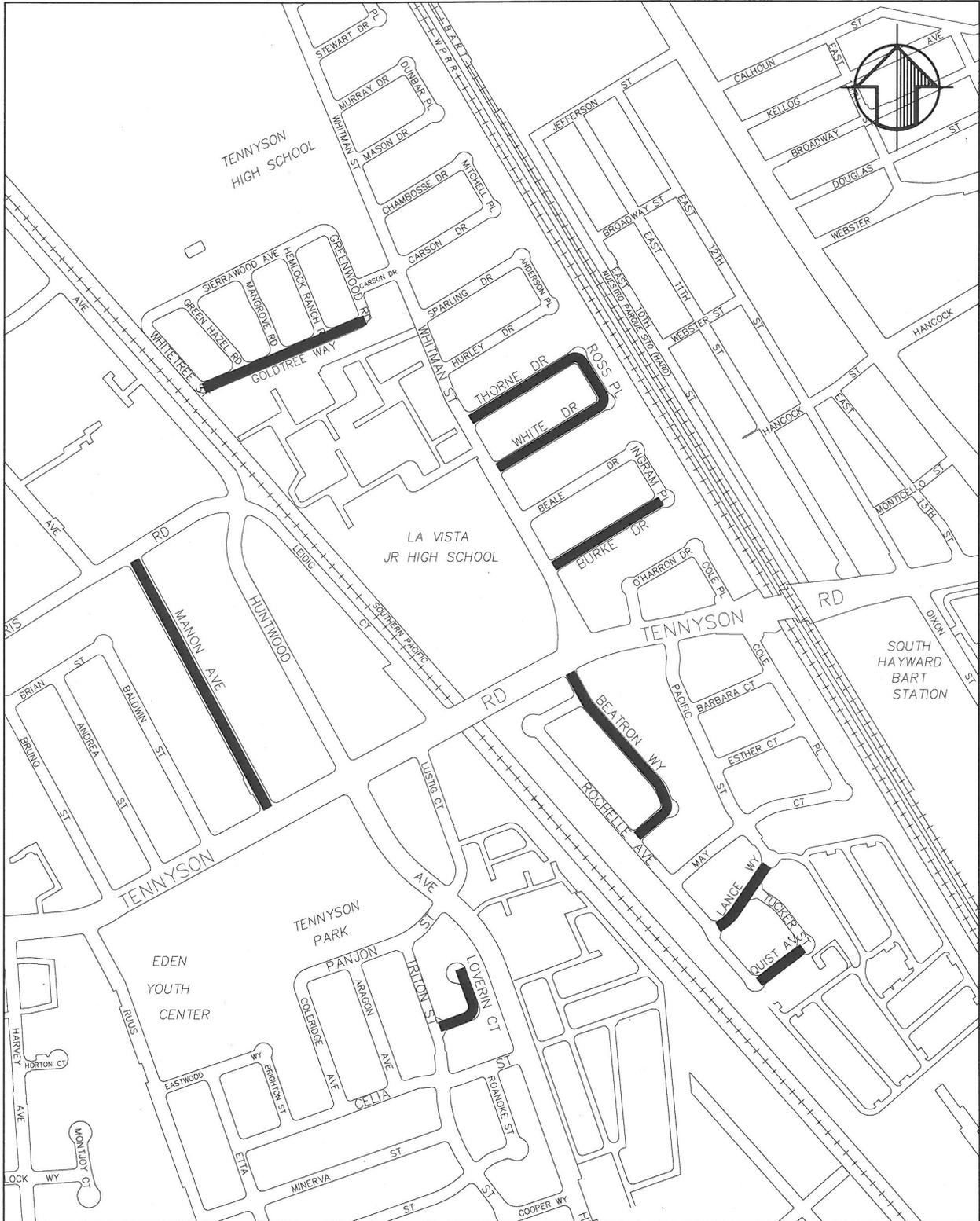
**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**



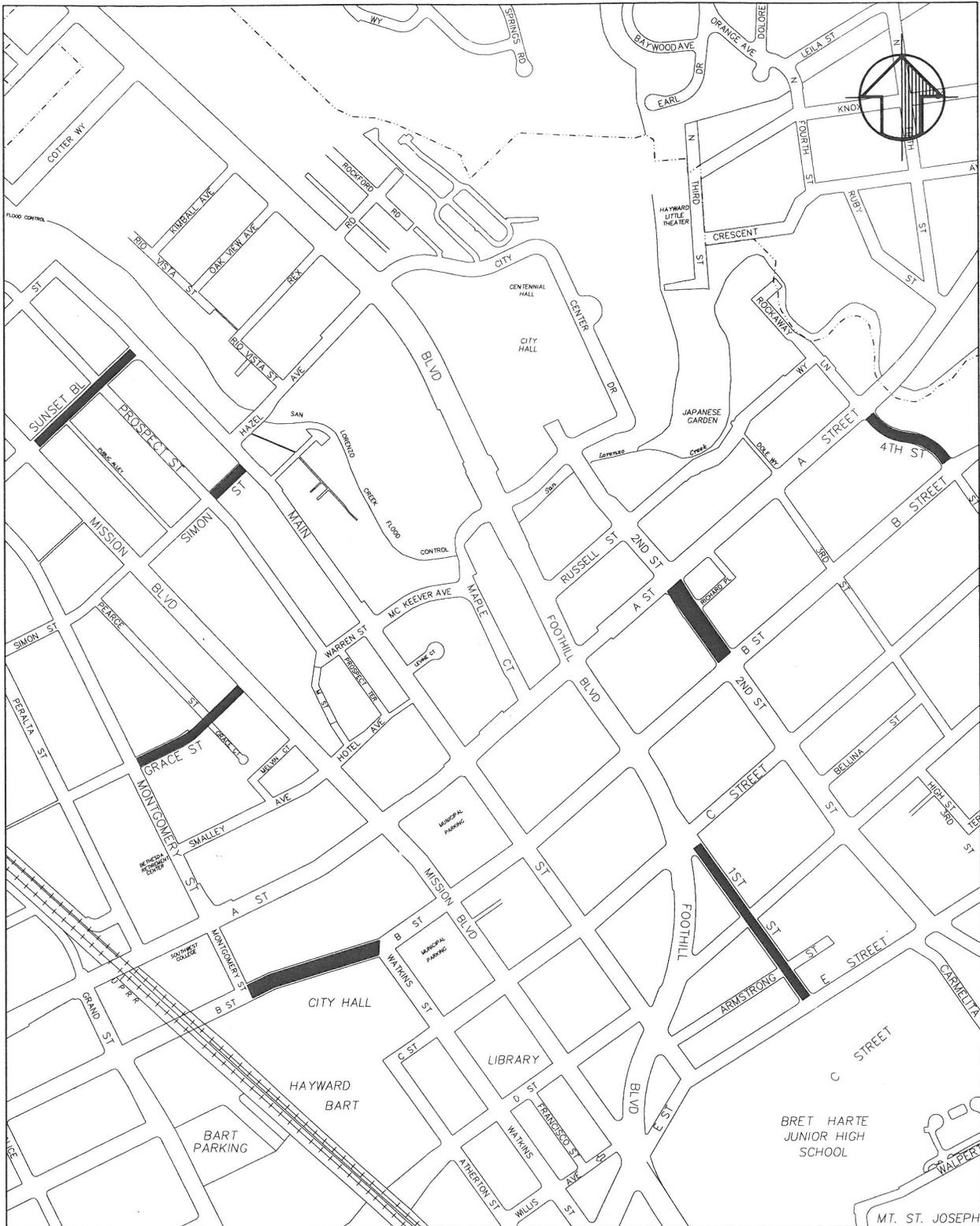
**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**



**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**



**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**



**LOCATION MAP
PAVEMENT REHABILITATION FY13
DISTRICTS 4 & 5 - PROJECT NO. 5170**

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION GAS TAX FY13 (DISTRICTS 4 & 5)
 PROJECT NO. 5170
 BIDS OPENED: 5/22/12
 (NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		Interstate Grading & Paving Inc.		American Asphalt Repair and Resurfacing Co., Inc	
						128 South Maple Avenue So. San Francisco, CA 94080 (650) 952-7333 (650) 952-6851 Fax		24200 Clawiter Road Hayward, CA 94545 (510) 723-0280 (510) 723-0288 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	TRAFFIC CONTROL	9,000.00	9,000.00	22,000.00	22,000.00	5,000.00	5,000.00
2	50,536	SF	FULL DEPTH 6" AC SPOT REPAIR	5.00	252,680.00	5.75	290,582.00	6.75	341,118.00
3	1	LS	CRACK SEALING	25,000.00	25,000.00	37,000.00	37,000.00	31,000.00	31,000.00
4	148,804	SY	POLYMER MODIFIED SLURRY SEAL	2.00	297,608.00	2.15	319,928.60	1.985	295,375.94
5	1	EA	RECYCLING IMPLEMENTATION	712.00	712.00	100.00	100.00	1,200.00	1,200.00
6	1	LS	ADMINISTRATIVE CHANGE ORDERS	65,000.00	65,000.00	65,000.00	65,000.00	65,000.00	65,000.00
TOTAL					650,000.00		734,610.60		738,693.94

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION GAS TAX FY13 (DISTRICTS 4 & 5)
 PROJECT NO. 5170
 BIDS OPENED: 5/22/12
 (NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		G Bortolotto & Co., Inc.		Graham Contractors, Inc.	
						582 Bragato Rd San Carlos, CA 94070 (650) 595-2591 (650) 595-0718 Fax		860 Lonus Street San Jose, CA 95126 (408) 293-9516 (408) 293-3633 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	TRAFFIC CONTROL	9,000.00	9,000.00	18,111.11	18,111.11	30,000.00	30,000.00
2	50,536	SF	FULL DEPTH 6" AC SPOT REPAIR	5.00	252,680.00	5.91	298,667.76	6.30	318,376.80
3	1	LS	CRACK SEALING	25,000.00	25,000.00	31,000.00	31,000.00	35,000.00	35,000.00
4	148,804	SY	POLYMER MODIFIED SLURRY SEAL	2.00	297,608.00	2.19	325,880.76	2.10	312,488.40
5	1	EA	RECYCLING IMPLEMENTATION	712.00	712.00	777.00	777.00	1,000.00	1,000.00
6	1	LS	ADMINISTRATIVE CHANGE ORDERS	65,000.00	65,000.00	65,000.00	65,000.00	65,000.00	65,000.00
			TOTAL		650,000.00		739,436.63		761,865.20



CITY OF
HAYWARD
HEART OF THE BAY

DATE: June 19, 2012

TO: Mayor and City Council

FROM: Director of Public Works – Engineering and Transportation

SUBJECT: Pavement Rehabilitation Measure B FY13: Increasing the Administrative Change Order Amount and Award of Contract

RECOMMENDATION

That Council adopts the attached resolution:

- 1) Increasing the Administrative Change Order amount from \$100,000 to \$585,000; and
- 2) Awarding the contract to G. Bortolotto & Co., Inc. in the amount of \$1,286,670.57.

BACKGROUND

On April 17, 2012, Council approved the plans and specifications for the Pavement Rehabilitation Measure B FY2013 project and called for bids to be received on May 15, 2012. This Measure B funded project is a continuation of the City's ongoing program to repair failed pavement sections with localized pavement section repairs and the application of asphalt concrete overlay on streets City-wide. This work will extend the useful life of pavement before it deteriorates to the point where more costly reconstruction work is necessary. To satisfy the requirements of the Americans with Disabilities Act (ADA), accessible ramps will be installed at the curb returns of street intersections located within the limits of the project, where they currently do not exist or do not meet current ADA standards.

DISCUSSION

The selection of City streets for rehabilitation is based on staff's analysis of the pavement condition indices identified through the City's computerized Pavement Management Program (PMP), field examination, and the functional classification of each street. The streets identified for rehabilitation in this project include Canyon View Court, Gettysburg Avenue, High Country Drive, Deer Park Court, Deer Park Way, Claiborne Court, Chandler Road, and Denton Avenue. Attachment II provides the locations and limits of the streets.

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

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

On May 15, 2012, eight bids were received. G. Bortolotto & Co., Inc. of San Carlos submitted the low bid in the amount of \$801,670.57, which is slightly below the Engineer’s Estimate of \$804,846.50. C. F. Archibald Paving, Inc. of Redwood City submitted the second lowest bid in the amount of \$857,869.36, which is 6.6% above the Engineer’s Estimate. The bids ranged from \$801,670.57 to \$1,353,344.

During this year’s Capital Improvement Program (CIP) process, staff was able to increase the appropriation for this project, which is more fully explained under the “Fiscal and Economic Impact” section of this report. The low bid received provides an opportunity to repair additional pavement that would not have been included due to limited funds. The additional streets to be included as part of the project are Fielding Drive, Columbia Way, and Columbia Court; in total, this project will repair 3.6 lane miles of streets and add forty-seven ADA-compliant ramps. Attachment IIa provides the locations and limits of the additional streets.

During the FY2011 CIP process, staff established an annual program to repair pavement at the City’s municipal parking lots. Municipal Parking Lot No. 5 (Muni Lot 5), which is included in the Recommended FY 2013 Capital Improvement Program (CIP), is the first parking lot to be treated as part of this program and is the result of reserving funds over several fiscal years to cover the estimated cost. The Muni Lot 5 project consists of pavement repairs, overlay, concrete work, re-striping of the parking lot, tree planting, and the conversion of parking lot lights to LED. The concrete work and conversion of parking lot lights to low energy consuming LED lights will be completed by other contractors under a separate contract.

This project was to be advertised for bids in July 2012. However, in response to concerns from downtown businesses and to expedite completion of this project, staff is recommending taking advantage of the low unit prices offered by the low bid, and adding it to the contract.

To accomplish the additional street pavement rehabilitation and Muni Lot 5 work, staff recommends increasing the Administrative Change Order (ACO) line item amount from \$100,000 to \$585,000. This recommended \$485,000 increase to the ACO line item would adjust G. Bortolotto & Co., Inc.’s low bid from \$801,670.57 to \$1,286,670.57; \$185,000 of the additional amount will be applied towards Muni Lot 5, while the remaining \$300,000 will be applied towards additional streets. The table below summarizes the allocation of expenditures between the two projects:

Original Contract	\$	801,671
Additional Streets	\$	300,000
Municipal Parking Lot No. 5	\$	185,000
Total	\$	1,286,671

All bid documents and licenses are in order. Increase of the Change Order for this work is consistent with allowed government procurement practices. Staff recommends award of contract to the low bidder, G. Bortolotto & Co., Inc., in the amount of \$1,286,670.57.

Both the Pavement Rehabilitation Measure B FY13 and Muni Lot 5 projects are categorically exempt under Section 15301 (c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

FISCAL AND ECONOMIC IMPACT

The combined estimated project costs for both projects are as follows:

Construction Contract	\$1,286,671
Design and Administration	137,329
Construction Survey, Inspection and Testing	114,000
Striping and Tree Planting (City Staff)	45,000
Concrete Work and Streetlight LED	
Conversion (Outside Contractor)	137,000
Total	\$1,720,000

The Recommended FY 2013 Capital Improvement Program includes \$1,300,000 in the Measure B Tax Fund (Local Transportation) for the Measure B Pavement Rehabilitation FY13 project and \$420,000 in the Street System Improvements Fund for the Muni Lot 5 project. Funding for the project was increased by \$300,000 over what was approved in the FY12 CIP for Measure B due to cost savings achieved from recent pavement projects expended out of that fund as well as better than expected revenue receipts from the Measure B program.

PUBLIC CONTACT

Because of the temporary inconvenience the pavement work will cause, immediately after the construction contract is awarded, staff will distribute a preliminary notice explaining the pavement rehabilitation project to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

SCHEDULE

Begin Work	July 16, 2012
Complete Work	September 19, 2012

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Project Location Map
- Attachment II-a: Project Location Map for Additional Pavement Repair Locations
- Attachment III: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-_____

Introduced by Council Member _____

RESOLUTION ADDING THE MUNICIPAL PARKING LOT NUMBER 5 PROJECT TO THE PROJECT, INCREASING THE ADMINISTRATIVE CHANGE ORDER AMOUNT, AND AWARDED CONTRACT TO G. BORTOLOTTI & CO., INC. FOR THE PAVEMENT REHABILITATION MEASURE B FY13 PROJECT, PROJECT NO. 5174

WHEREAS, by resolution on April 17, 2012, the City Council approved the plans and specifications for the Pavement Rehabilitation Measure B FY13 project, Project No. 5174, and called for bids to be received on May 15, 2012;

WHEREAS, on May 15, 2012, eight (8) bids were received ranging from \$801,670.57 to \$1,353,344; G. Bortolotto & Co., Inc. of San Carlos, California submitted the low bid in the amount of \$801,670.57, which is 0.4 percent below the Engineer's Estimate of \$804,846.50;

WHEREAS, the low bid, plus the increase to the Measure B project appropriation of \$300,000, provides the opportunity to repair additional pavement locations;

WHEREAS, staff recommends adding the Municipal Parking Lot Number 5 Improvement Project to this project; and

WHEREAS, staff recommends that the Administrative Change Order amount be increased on the contract by \$485,000 from \$100,000 to \$585,000, thus increasing G. Bortolotto & Co., Inc's low bid from \$801,670.57 to \$1,286,670.57.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that G. Bortolotto & Co., Inc. is hereby awarded the contract for the Pavement Rehabilitation Measure B FY13 project, Project No. 5174, in an amount not to exceed \$1,286,670.57, 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 G. Bortolotto & Co., Inc., in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA June 19, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

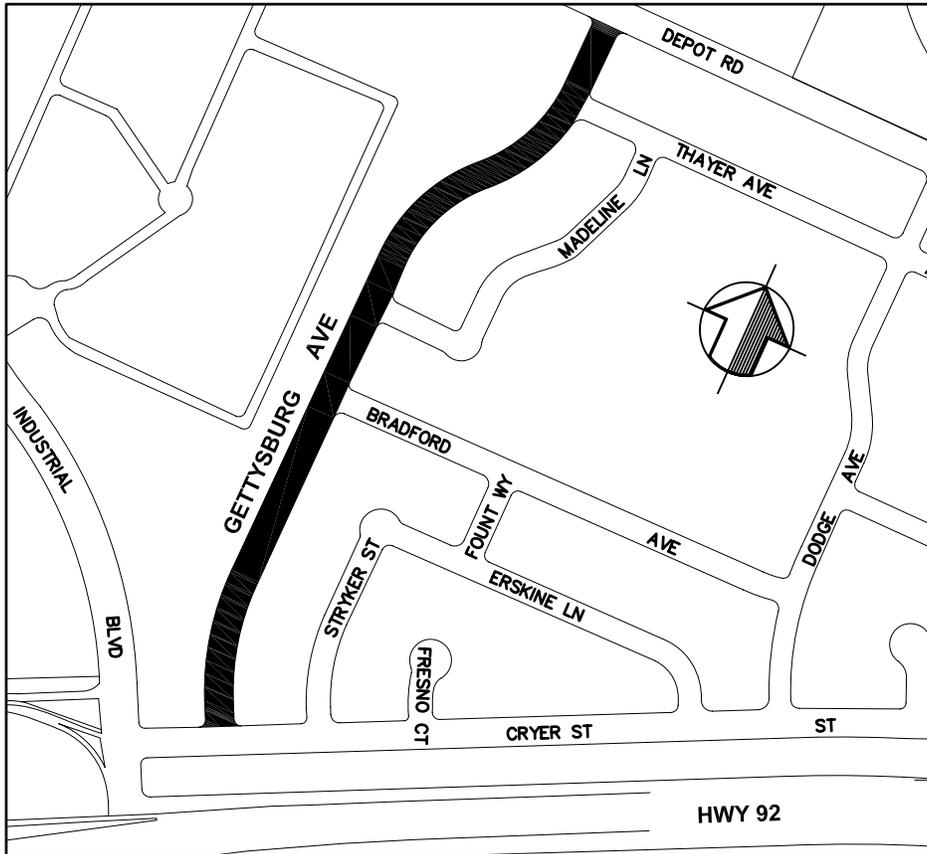
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

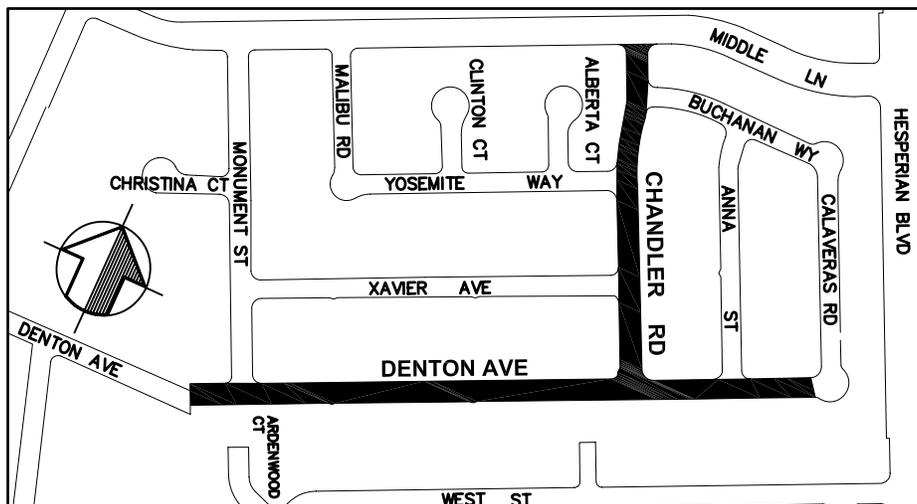
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

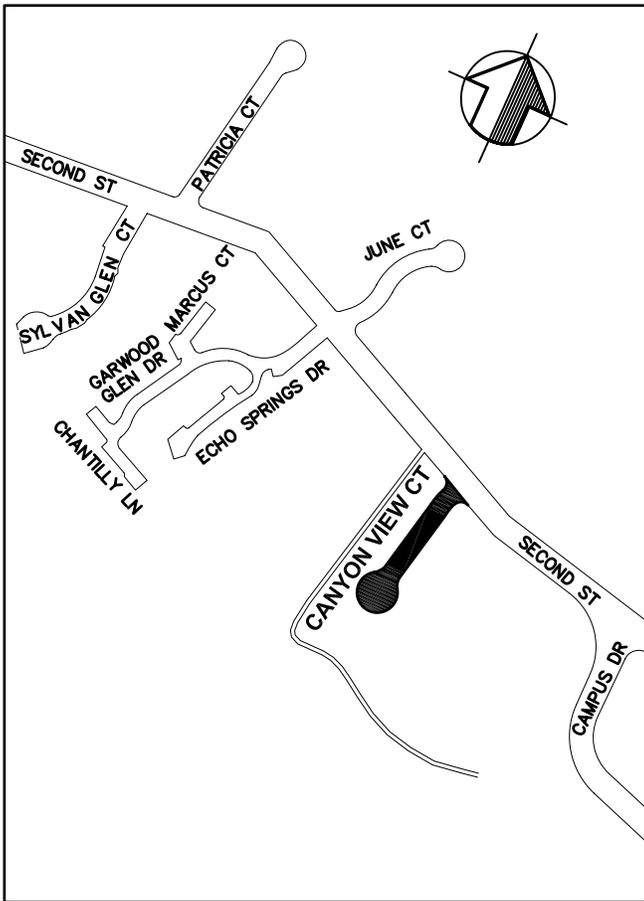


GETTYSBURG AVE

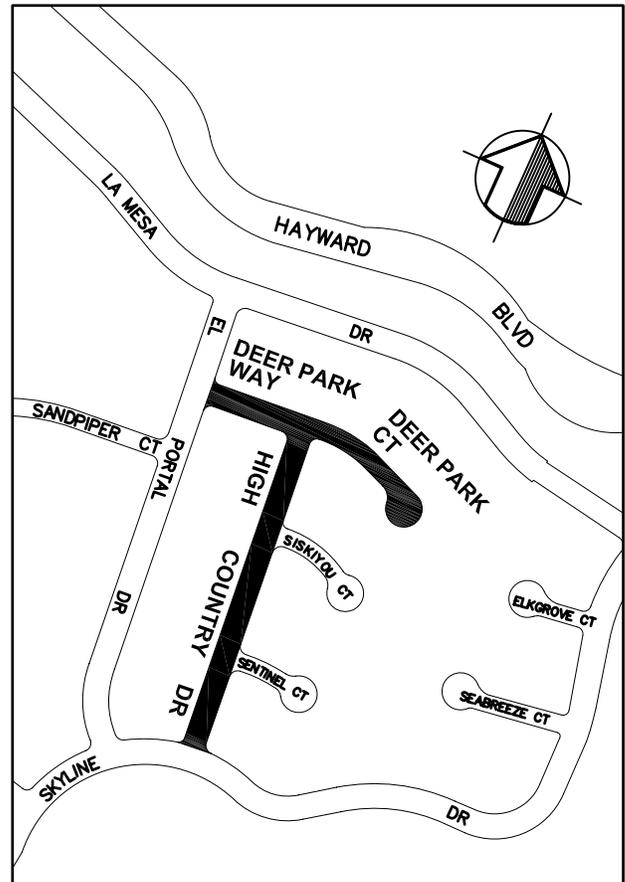


DENTON AVENUE, CHANDLER ROAD

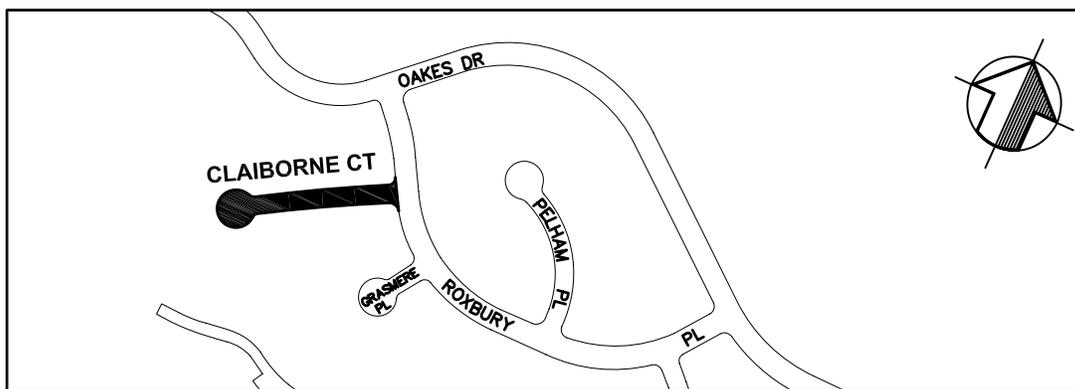
**PROJECT LOCATION MAP
PAVEMENT REHABILITATION, MEASURE B - FY13**



CANYON VIEW COURT

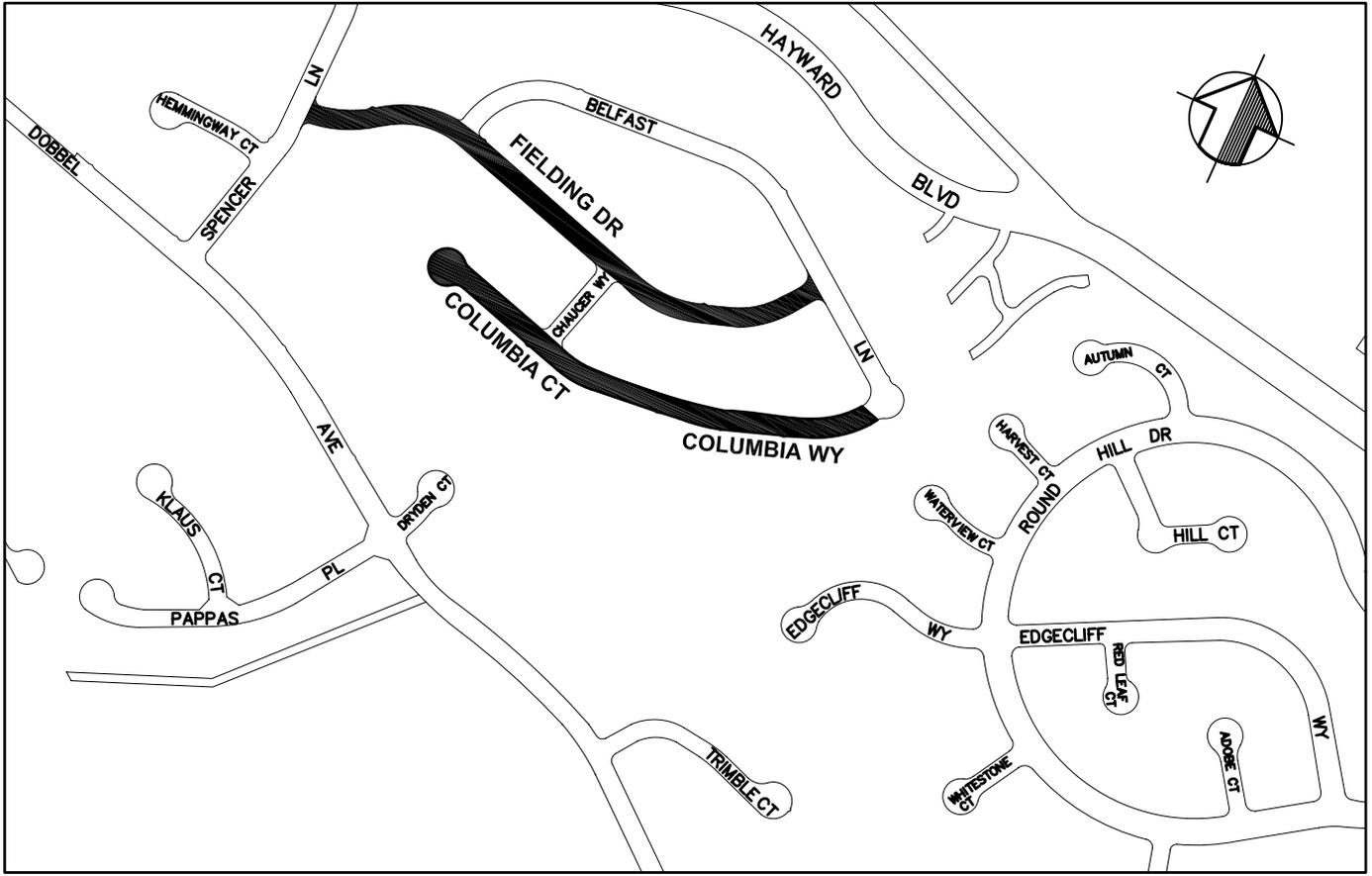


DEER PARK WY, DEER PARK CT, HIGH COUNTRY DR

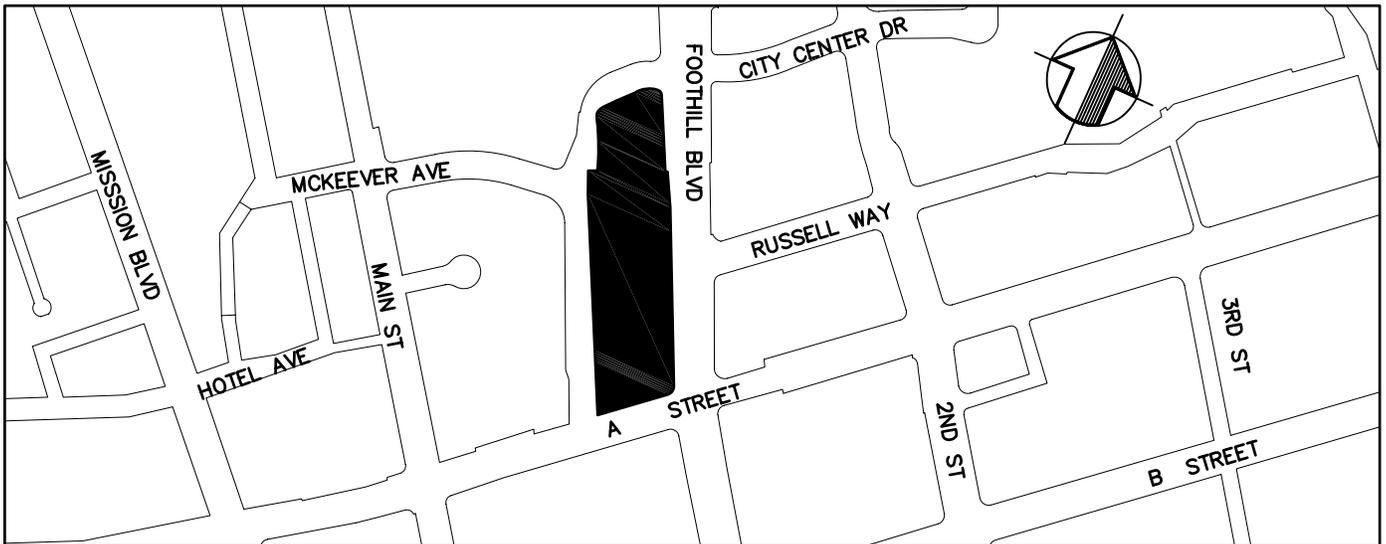


CLAIBORNE COURT

**PROJECT LOCATION MAP
PAVEMENT REHABILITATION, MEASURE B - FY13**



FIELDING DRIVE, COLUMBIA COURT, COLUMBIA WAY



MUNI LOT 5

**PROJECT LOCATION MAP - ADDITIONAL PAVEMENT REPAIR LOCATIONS
PAVEMENT REHABILITATION, MEASURE B - FY13**

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION MEASURE B FY13
 PROJECT NO. 5174
 BIDS OPENED: 5/15/12
 (NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY				ENGINEER'S ESTIMATE		G Bortolotto & Company 582 Bragato Rd San Carlos, CA 94070 (650) 595-2591 (650) 595-0718 Fax		CF Archibald Paving, Inc. PO Box 37 Redwood City, CA 94064 (650) 364-3045 (650) 366-8777 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization	15,000.00	15,000.00	11,111.11	11,111.11	17,000.00	17,000.00
2	1	LS	Traffic Control	10,000.00	10,000.00	4,000.00	4,000.00	22,000.00	22,000.00
3	1	LS	Crack Seal	7,500.00	7,500.00	6,687.00	6,687.00	6,250.00	6,250.00
4	36,535	SF	Full Depth Asphalt Concrete Spot Repairs	4.25	155,273.75	4.00	146,140.00	4.10	149,793.50
5	10,344	SY	Plane Pavement (Wedge Grinding)	2.00	20,688.00	1.93	19,963.92	1.80	18,619.20
6	19,382	SY	Pavement Reinforcing Fabric	2.50	48,455.00	2.47	47,873.54	2.33	45,160.06
7	3,367	TN	Asphalt Concrete Paving (Overlay)	84.05	282,996.35	84.00	282,828.00	84.80	285,521.60
8	808	TN	Asphalt Concrete Paving (1/2" Leveling Course)	84.05	67,912.40	87.00	70,296.00	122.00	98,576.00
9	38	EA	Adjust Manhole Frame and Cover to Grade	325.00	12,350.00	301.00	11,438.00	200.00	7,600.00
10	47	EA	Adjust Water Valve Box and Cover to Grade	200.00	9,400.00	180.00	8,460.00	100.00	4,700.00
11	9	EA	Replace Water Valve Box and Cover to Grade	315.00	2,835.00	212.00	1,908.00	275.00	2,475.00
12	22	EA	Adjust Survey Monument Box and Cover to Grade	200.00	4,400.00	180.00	3,960.00	100.00	2,200.00
13	2	EA	Replace Survey Monument Box and Cover to Grade	315.00	630.00	212.00	424.00	275.00	550.00
14	6	EA	Adjust Sewer Riser to Grade	200.00	1,200.00	180.00	1,080.00	100.00	600.00
15	4,277	SF	Curb Ramp with Detectable Warning Surface	13.00	55,601.00	12.00	51,324.00	12.00	51,324.00
16	3	EA	Retrofit Existing Curb Ramp With Detectable Warning Surface	535.00	1,605.00	800.00	2,400.00	200.00	600.00
17	4	EA	Remove Asphalt Concrete Speed Lump	750.00	3,000.00	750.00	3,000.00	300.00	1,200.00
18	4	EA	Install Rubberized Speed Lump	1,250.00	5,000.00	7,000.00	28,000.00	10,750.00	43,000.00
19	1	LS	Recycling Implementation	1,000.00	1,000.00	777.00	777.00	700.00	700.00
20	1	LS	Administrative Change Orders	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
			TOTAL		804,846.50		801,670.57		857,869.36

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION MEASURE B FY13
 PROJECT NO. 5174
 BIDS OPENED: 5/15/12
 (NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY				ENGINEER'S ESTIMATE		O'Grady Paving Inc. 2513 Wyandotte Street Mountain View, CA 94043 (650) 966-1926 (650) 966-1946 Fax		Gallagher & Burk, Inc. 344 High Street Oakland, CA 94601 (510) 261-0466 (510) 216-0478 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization	15,000.00	15,000.00	10,000.00	10,000.00	78,000.00	78,000.00
2	1	LS	Traffic Control	10,000.00	10,000.00	13,000.00	13,000.00	23,022.00	23,022.00
3	1	LS	Crack Seal	7,500.00	7,500.00	7,000.00	7,000.00	8,000.00	8,000.00
4	36,535	SF	Full Depth Asphalt Concrete Spot Repairs	4.25	155,273.75	5.15	188,155.25	4.40	160,754.00
5	10,344	SY	Plane Pavement (Wedge Grinding)	2.00	20,688.00	2.40	24,825.60	2.00	20,688.00
6	19,382	SY	Pavement Reinforcing Fabric	2.50	48,455.00	2.50	48,455.00	2.50	48,455.00
7	3,367	TN	Asphalt Concrete Paving (Overlay)	84.05	282,996.35	84.50	284,511.50	82.00	276,094.00
8	808	TN	Asphalt Concrete Paving (1/2" Leveling Course)	84.05	67,912.40	100.00	80,800.00	92.00	74,336.00
9	38	EA	Adjust Manhole Frame and Cover to Grade	325.00	12,350.00	400.00	15,200.00	300.00	11,400.00
10	47	EA	Adjust Water Valve Box and Cover to Grade	200.00	9,400.00	200.00	9,400.00	200.00	9,400.00
11	9	EA	Replace Water Valve Box and Cover to Grade	315.00	2,835.00	250.00	2,250.00	250.00	2,250.00
12	22	EA	Adjust Survey Monument Box and Cover to Grade	200.00	4,400.00	200.00	4,400.00	200.00	4,400.00
13	2	EA	Replace Survey Monument Box and Cover to Grade	315.00	630.00	250.00	500.00	300.00	600.00
14	6	EA	Adjust Sewer Riser to Grade	200.00	1,200.00	250.00	1,500.00	400.00	2,400.00
15	4,277	SF	Curb Ramp with Detectable Warning Surface	13.00	55,601.00	15.00	64,155.00	13.00	55,601.00
16	3	EA	Retrofit Existing Curb Ramp With Detectable Warning Surface	535.00	1,605.00	600.00	1,800.00	500.00	1,500.00
17	4	EA	Remove Asphalt Concrete Speed Lump	750.00	3,000.00	500.00	2,000.00	250.00	1,000.00
18	4	EA	Install Rubberized Speed Lump	1,250.00	5,000.00	7,500.00	30,000.00	4,000.00	16,000.00
19	1	LS	Recycling Implementation	1,000.00	1,000.00	1,000.00	1,000.00	100.00	100.00
20	1	LS	Administrative Change Orders	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
			TOTAL		804,846.50		888,952.35		894,000.00

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION MEASURE B FY13
 PROJECT NO. 5174
 BIDS OPENED: 5/15/12
 (NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY				ENGINEER'S ESTIMATE		MCK Services, Inc. PO Box 5697 Concord, CA 94524 (925) 957-9200 (925) 957-0505 Fax		Top Grade Construction, Inc. 50 Contractors St Livermore, CA 94551 (925) 449-5764 (925) 449-5875 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization	15,000.00	15,000.00	40,000.00	40,000.00	82,531.25	82,531.25
2	1	LS	Traffic Control	10,000.00	10,000.00	23,000.00	23,000.00	30,000.00	30,000.00
3	1	LS	Crack Seal	7,500.00	7,500.00	6,250.00	6,250.00	6,250.00	6,250.00
4	36,535	SF	Full Depth Asphalt Concrete Spot Repairs	4.25	155,273.75	4.45	162,580.75	4.25	155,273.75
5	10,344	SY	Plane Pavement (Wedge Grinding)	2.00	20,688.00	1.30	13,447.20	2.00	20,688.00
6	19,382	SY	Pavement Reinforcing Fabric	2.50	48,455.00	2.33	45,160.06	2.50	48,455.00
7	3,367	TN	Asphalt Concrete Paving (Overlay)	84.05	282,996.35	86.00	289,562.00	82.00	276,094.00
8	808	TN	Asphalt Concrete Paving (1/2" Leveling Course)	84.05	67,912.40	100.00	80,800.00	91.00	73,528.00
9	38	EA	Adjust Manhole Frame and Cover to Grade	325.00	12,350.00	350.00	13,300.00	350.00	13,300.00
10	47	EA	Adjust Water Valve Box and Cover to Grade	200.00	9,400.00	200.00	9,400.00	200.00	9,400.00
11	9	EA	Replace Water Valve Box and Cover to Grade	315.00	2,835.00	265.00	2,385.00	265.00	2,385.00
12	22	EA	Adjust Survey Monument Box and Cover to Grade	200.00	4,400.00	200.00	4,400.00	200.00	4,400.00
13	2	EA	Replace Survey Monument Box and Cover to Grade	315.00	630.00	315.00	630.00	315.00	630.00
14	6	EA	Adjust Sewer Riser to Grade	200.00	1,200.00	425.00	2,550.00	425.00	2,550.00
15	4,277	SF	Curb Ramp with Detectable Warning Surface	13.00	55,601.00	14.30	61,161.10	15.00	64,155.00
16	3	EA	Retrofit Existing Curb Ramp With Detectable Warning Surface	535.00	1,605.00	600.00	1,800.00	700.00	2,100.00
17	4	EA	Remove Asphalt Concrete Speed Lump	750.00	3,000.00	1,500.00	6,000.00	600.00	2,400.00
18	4	EA	Install Rubberized Speed Lump	1,250.00	5,000.00	10,750.00	43,000.00	5,775.00	23,100.00
19	1	LS	Recycling Implementation	1,000.00	1,000.00	2,500.89	2,500.89	500.00	500.00
20	1	LS	Administrative Change Orders	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
			TOTAL		804,846.50		907,927.00		917,740.00

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION MEASURE B FY13
 PROJECT NO. 5174
 BIDS OPENED: 5/15/12
 (NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY				ENGINEER'S ESTIMATE		Ghilotti Construction Company, Inc. 246 Ghilotti Avenue Santa Rosa, CA 95407 (707) 585-1221 (707) 585-1601 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization	15,000.00	15,000.00	24,000.00	24,000.00
2	1	LS	Traffic Control	10,000.00	10,000.00	15,300.00	15,300.00
3	1	LS	Crack Seal	7,500.00	7,500.00	6,250.00	6,250.00
4	36,535	SF	Full Depth Asphalt Concrete Spot Repairs	4.25	155,273.75	3.90	142,486.50
5	10,344	SY	Plane Pavement (Wedge Grinding)	2.00	20,688.00	2.50	25,860.00
6	19,382	SY	Pavement Reinforcing Fabric	2.50	48,455.00	2.35	45,547.70
7	3,367	TN	Asphalt Concrete Paving (Overlay)	84.05	282,996.35	92.00	309,764.00
8	808	TN	Asphalt Concrete Paving (1/2" Leveling Course)	84.05	67,912.40	101.00	81,608.00
9	38	EA	Adjust Manhole Frame and Cover to Grade	325.00	12,350.00	350.00	13,300.00
10	47	EA	Adjust Water Valve Box and Cover to Grade	200.00	9,400.00	200.00	9,400.00
11	9	EA	Replace Water Valve Box and Cover to Grade	315.00	2,835.00	265.00	2,385.00
12	22	EA	Adjust Survey Monument Box and Cover to Grade	200.00	4,400.00	200.00	4,400.00
13	2	EA	Replace Survey Monument Box and Cover to Grade	315.00	630.00	315.00	630.00
14	6	EA	Adjust Sewer Riser to Grade	200.00	1,200.00	425.00	2,550.00
15	4,277	SF	Curb Ramp with Detectable Warning Surface	13.00	55,601.00	29.00	124,033.00
16	3	EA	Retrofit Existing Curb Ramp With Detectable Warning Surface	535.00	1,605.00	2,280.00	6,840.00
17	4	EA	Remove Asphalt Concrete Speed Lump	750.00	3,000.00	330.00	1,320.00
18	4	EA	Install Rubberized Speed Lump	1,250.00	5,000.00	7,600.00	30,400.00
19	1	LS	Recycling Implementation	1,000.00	1,000.00	1.00	1.00
20	1	LS	Administrative Change Orders	100,000.00	100,000.00	100,000.00	100,000.00
			TOTAL		804,846.50		946,075.20

CITY OF HAYWARD
 CONSTRUCTION OF PAVEMENT REHABILITATION MEASURE B FY13
 PROJECT NO. 5174
 BIDS OPENED: 5/15/12
 (NUMBER OF BIDS RECEIVED - 8)

BID SUMMARY				ENGINEER'S ESTIMATE		J. A. Gonsalves & Son Constr., Inc. PO Box 6553 Napa, CA 94581 (707) 258-6261 (707) 258-1240 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization	15,000.00	15,000.00	10,000.00	10,000.00
2	1	LS	Traffic Control	10,000.00	10,000.00	30,000.00	30,000.00
3	1	LS	Crack Seal	7,500.00	7,500.00	28,000.00	28,000.00
4	36,535	SF	Full Depth Asphalt Concrete Spot Repairs	4.25	155,273.75	6.00	219,210.00
5	10,344	SY	Plane Pavement (Wedge Grinding)	2.00	20,688.00	6.00	62,064.00
6	19,382	SY	Pavement Reinforcing Fabric	2.50	48,455.00	2.50	48,455.00
7	3,367	TN	Asphalt Concrete Paving (Overlay)	84.05	282,996.35	115.00	387,205.00
8	808	TN	Asphalt Concrete Paving (1/2" Leveling Course)	84.05	67,912.40	130.00	105,040.00
9	38	EA	Adjust Manhole Frame and Cover to Grade	325.00	12,350.00	250.00	9,500.00
10	47	EA	Adjust Water Valve Box and Cover to Grade	200.00	9,400.00	200.00	9,400.00
11	9	EA	Replace Water Valve Box and Cover to Grade	315.00	2,835.00	750.00	6,750.00
12	22	EA	Adjust Survey Monument Box and Cover to Grade	200.00	4,400.00	500.00	11,000.00
13	2	EA	Replace Survey Monument Box and Cover to Grade	315.00	630.00	750.00	1,500.00
14	6	EA	Adjust Sewer Riser to Grade	200.00	1,200.00	250.00	1,500.00
15	4,277	SF	Curb Ramp with Detectable Warning Surface	13.00	55,601.00	60.00	256,620.00
16	3	EA	Retrofit Existing Curb Ramp With Detectable Warning Surface	535.00	1,605.00	1,700.00	5,100.00
17	4	EA	Remove Asphalt Concrete Speed Lump	750.00	3,000.00	3,000.00	12,000.00
18	4	EA	Install Rubberized Speed Lump	1,250.00	5,000.00	12,000.00	48,000.00
19	1	LS	Recycling Implementation	1,000.00	1,000.00	2,000.00	2,000.00
20	1	LS	Administrative Change Orders	100,000.00	100,000.00	100,000.00	100,000.00
			TOTAL		804,846.50		1,353,344.00

DATE: June 19, 2012

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Increasing the Number of Hayward Youth Commission Members and Amending Section 2 of Resolution 92-277

RECOMMENDATION

That the City Council approves the attached resolution revising Resolution 92-277 to increase the number of members of the Youth Commission from seventeen to twenty one with provisions for four alternates.

BACKGROUND

On [July 7, 1992](#), the City Council considered a proposal for a City of Hayward Youth Commission.

On [September 17, 1992](#), the recommendation for the establishment of the Hayward Youth Commission was presented to the City Council and [Resolution 92-277](#) was adopted for the purpose of providing an opportunity for the youth to have an impact on policies and services affecting them. The resolution established that the Youth Commission would consist of seventeen members.

On [October 4, 1994](#), the City Council adopted Resolution 94-221, which amended Sections 4 and 7 of Resolution 92-277, concerning guidelines for appointments and term of office.

On [March 21, 2005](#), the City of Hayward, Hayward Unified School District (HUSD), and Hayward Area Recreation and Park District (HARD) entered into an agreement to provide staff assistance and for each respective agency to rotate that support every two fiscal years. Since July 2005, the three agencies have each provided staff assistance to the Commission.

On May 24, 2012, during the annual recruitment for the Hayward Youth Commission, representatives from the three agencies: Council Members Francisco Zermeño and Mark Salinas from the City; Board Members Paul Hodges and Minane Jameson from HARD; and Vice President Lisa Brunner from HUSD, interviewed thirty highly qualified applicants. Due to the number of qualified applicants, the three agencies recommended unanimously to increase the number of Hayward Youth Commission members from seventeen to twenty one for the purpose of keeping more talented youth engaged and involved in City affairs.

FISCAL IMPACT

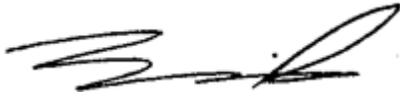
Should the Council decide to increase the number of the Hayward Youth Commission, there will be no impact to staff from the three agencies.

NEXT STEPS

If the Council chooses to adopt the attached resolution revising Section 2 of Resolution 92-277, staff would bring a recommendation to the June 26, 2012 Council meeting to appoint twenty one members and four alternates.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution Amending Resolution 92-277

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member _____

RESOLUTION INCREASING THE NUMBER OF MEMBERS OF THE YOUTH COMMISSION, AND AMENDING RESOLUTION NO. 92-277

WHEREAS, The Hayward Youth Commission gives youth a voice in effecting and implementing policies and services in the City, in conjunction with the Hayward Area Recreation District (HARD) and the Hayward Unified School District (HUSD);

WHEREAS, by Resolution No. 92-277, dated September 22, 1992, the City Council established the Youth Commission, setting forth guidelines for appointments and terms of office of members of the Commission; and

WHEREAS, it is desirable to change the size of the Youth Commission adopted by Council in said Resolution No. 92-277.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Resolution No. 92-277 is hereby amended as follows:

- 1. Section 2 is hereby amended to read in full as follows:

“Section 2. YOUTH COMMISSION: MEMBERS. The City Council hereby establishes the Youth Commission, which shall consist of twenty one members, one of whom shall be selected annually from among its members to serve as its Chairperson, and four alternate members.

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

“The Youth Commission shall adopt rules and regulations for the conduct of its business and for the time and place of its regular meetings, and any rules and regulations shall be printed and be made available to the public.

“Subject to approval of the City Council, the commission may designate one of its members to act as a liaison representative to any other board, commission, or committee and, on request of such board, commission, or committee, to advise such other board commission, or committee of policy, procedures, and decisions of the Youth Commission that may bear upon matters under discussion by such other board, commission, or committee.”

2. Except as amended herein, Resolution No. 92-277 shall otherwise remain in full force and effect.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

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



DATE: June 19, 2012

TO: Mayor and City Council
Redevelopment Successor Agency Board
Housing Authority Board

FROM: Director of Finance

SUBJECT: Notice of Appropriations Limit for FY 2013

RECOMMENDATION

That City Council adopts a Resolution providing notice that:

1. Council will adopt an appropriations limit for Fiscal Year 2013 at its meeting of June 26, 2012; and
2. The amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 11, 2012.

BACKGROUND AND DISCUSSION

State Proposition 4, commonly known as the Gann Initiative, was approved by California voters in November 1979. Proposition 4 created Article XIIB of the State Constitution, which places limits on the amount of revenue that can be spent by government agencies. This is referred to as the Gann Appropriation Limit, or Gann Limit.

A subsequent related State initiative, Proposition 111, was approved by the voters in June 1990 and provided new adjustment formulas to make the Gann Limit more responsive to local growth issues and to address concerns regarding the accountability of local governments in adopting their limits. Prior to each fiscal year, city councils must adopt by resolution the Gann Appropriation Limit for the city for the upcoming year. In addition, cities are required to conduct a review of their limits during annual financial audits.

The appropriations limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year using population and inflation growth factors. Only revenues that are classified as "proceeds of taxes" are subject to the limit. The use of "non-tax proceeds" (user fees, rental income, franchise fees, Gas Tax revenue) is not restricted.

During any fiscal year, a city may not appropriate any proceeds of taxes it receives in excess of its established limit. Excess funds received in any year may be carried into the subsequent year for use if the city is below its limit for that year. Any excess funds remaining after the second year would be required to be returned to local taxpayers by reducing tax rates or fees. As an alternative, a majority of the voters may approve an "override" to increase the city's appropriation limit.

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that the documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

The Finance Department of the City of Hayward compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. This Resolution provides public notice of Council's intent to adopt an appropriations limit for Fiscal Year 2013 at its meeting of June 26, 2012, and that the documents used in calculating the limit has been available for public review on or before June 11, 2012.

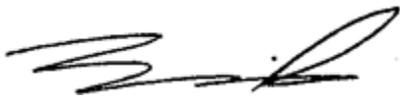
FISCAL IMPACT

On June 26, 2012, the Council will set the Fiscal Year 2013 appropriations limit. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit.

The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2013. Thus, there are no present fiscal impacts related to establishing the limit.

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Summary Chart

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Council Member _____

PROVIDING NOTICE OF SCHEDULED ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the California Legislature, provides for the implementation of Article XIII; and

WHEREAS, the City is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting, and 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hayward that notice is hereby given that at its meeting of June 26, 2012, Council will adopt a Resolution which establishes the appropriations limit for the 2013 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2013 shall be made available for public review in the Office of the City Clerk of the City of Hayward on or before June 11, 2012.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

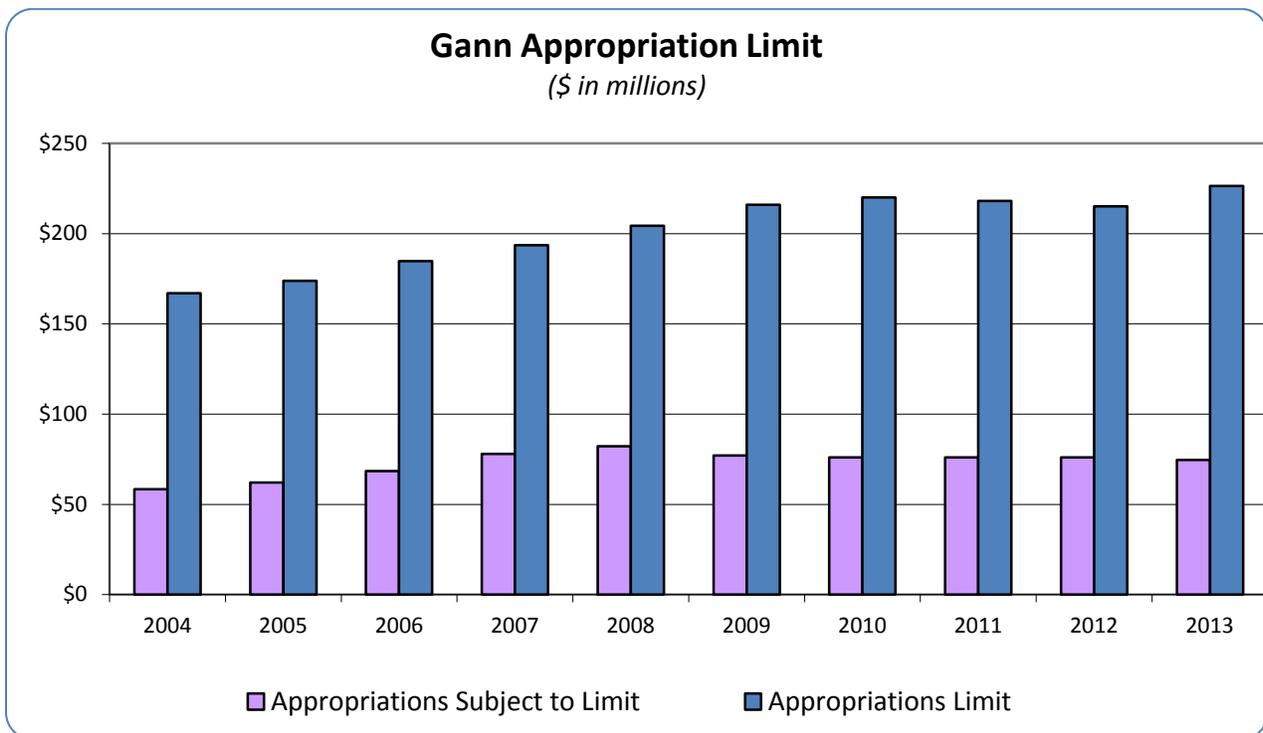
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Gann Appropriation Limit

Fiscal Year	Population Factor	Inflation Factor	Total Adjustment Factor	Appropriations Limit	% Change	Appropriations Subject to Limit	% of Limit Appropriated
2004	0.8200	2.3100	1.0315	\$167,042,568	3.2%	\$58,400,562	35.0%
2005	0.7200	3.2800	1.0402	\$173,764,360	4.0%	\$62,165,120	35.8%
2006	1.0300	5.2600	1.0634	\$184,787,972	6.3%	\$68,399,894	37.0%
2007	0.7400	3.9600	1.0473	\$193,526,595	11.4%	\$78,021,824	40.3%
2008	1.0700	4.4200	1.0554	\$204,242,163	10.5%	\$82,136,688	40.2%
2009	0.0116	4.4500	1.0193	\$216,147,439	11.7%	\$77,285,005	35.8%
2010	1.3000	0.6200	1.0193	\$220,314,761	7.9%	\$76,355,082	34.7%
2011	1.4000	-2.5400	0.98824	\$217,723,859	0.7%	\$75,558,103	34.7%
2012	1.3900	-2.5100	0.98845	\$215,163,426	-2.3%	\$76,362,500	35.5%
2013	1.3900	3.7700	1.05212	\$226,378,611	4.0%	\$74,542,885	32.9%

DATE: June 19, 2012

TO: Mayor and City Council

FROM: Director of Public Works – Utilities and Environmental Services

SUBJECT: Extension of 72-Inch Effluent Pipeline Shoring at the Water Pollution Control Facility

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to negotiate and execute a contract with McGuire and Hester for design and construction of shoring for effluent pipeline construction at the Water Pollution Control Facility (WPCF), for a price not to exceed \$1,027,000.

SUMMARY

The City has planned a project to construct a 72-inch treated effluent pipeline to replace its existing 48-inch pipeline in order to provide adequate capacity for transporting treated effluent to the East Bay Dischargers Authority (EBDA) pump station. The project is included in the City’s current Capital Improvement Program. This effluent pipeline will, in part, provide treated wastewater to the Russell City Energy Center’s (RCEC) recycled water facility. Due to the schedule of completion, RCEC has designed, and will shortly construct, a 150-foot long section of the 72-inch effluent pipeline to take treated effluent from the City’s Water Pollution Control Facility to RCEC’s on-site Recycled Water Facility. This work requires installation of shoring during construction.

A second segment of the pipeline, 550 feet in length, will be installed by the City in two phases; the first phase will install shoring prior to power plant construction completion. The second phase will install the piping after RCEC construction is completed. The proximity of the 72-inch main to RCEC’s southern property line and RCEC’s plan to construct a sound wall along the entire length of its southern property line make future installation of shoring needed to extend the pipeline very challenging. A practical option to address this issue is for the City to construct the necessary shoring for 500 feet of the 550-foot second segment before the RCEC sound wall is constructed.

New construction of this type and magnitude typically require the process of full advertising and call for bids to select the lowest responsible and responsive bidder. However, given the timing for the work, this process cannot be carried out, and the City will not have the certainty of knowing that the negotiated contract amount is the lowest possible bid. However, quotations for shoring were received from two local, competent pipeline contractors: Platinum Pipeline and McGuire and Hester. Both contractors proposed using Blue Iron, a firm that specializes in placing shoring, and that will already be mobilized and onsite to install shoring for the shorter 150-foot segment. The primary contractor

will supplement and support work by Blue Iron (mainly earthwork) and be responsible for coordinating construction activities in a busy, congested construction access area.

McGuire and Hester has the added advantage of being the prime contractor for construction of the 150-foot section under RCEC's contract. Staff reviewed the quotes and interviewed the contractors, and while the prices were competitive and both contractors are competent, staff has determined that a contract with McGuire and Hester is in the City's best interest.

BACKGROUND

The City's FY 2012 Capital Improvement Program includes a project at the WPCF to replace 700 feet of an existing 48-inch pipeline used to convey treated effluent to an open channel with a new 72-inch pipe that will be offset from and parallel to the 48-inch pipeline. This project will increase the present conveyance capacity to meet all of the City's needs in the foreseeable future.

Due to construction of the RCEC on formerly WPCF property, the 72-inch line will be located in a very narrow corridor between the existing 48-inch line and the southern property line of the RCEC power project currently under construction by Calpine on the site adjacent to the WPCF.

Further complicating the situation is the requirement for Calpine to install a sound wall along its southern property line, work that is expected to be completed before the City constructs piping in the second phase of the 72-inch extension. These factors present construction challenges, particularly because the structural integrity of the existing 48-inch line must be ensured as it is the only conveyance available for effluent until the 72-inch extension is completed. The prudent way to construct the 72-inch line, while protecting the 48-inch line, is to install two curtains of shoring within which excavation for the new piping can be made.

Calpine will construct the first 150 feet of the 700 foot replacement to convey treated effluent from the end of the WPCF treatment process to a diversion structure for further treatment and use in the cooling towers at the RCEC. This phase will get underway this month. The second phase of piping installation to be constructed by the City at a later date, will extend the piping from the diversion structure to an existing open channel, which conveys effluent to the EBDA facilities for ultimate disposal to the San Francisco Bay.

DISCUSSION

The shoring needed for the 72-inch pipeline will consist of interlocking steel members, twenty-five feet in vertical length, pushed into the soil profile, with added features for structural strength. Once the shoring is in place, excavation for the 72-inch line can be done. After placing individual pipe pieces, backfill will then be placed between the shoring and the pipe to complete the installation. Most shoring is driven using a pile driver, but, in this case, because vibrations might damage the 48-inch pipeline the shoring will be pushed into the ground by a hydraulic ram. This type of shoring installation, referred to as the press-in method where individual sheets of steel are pushed vertically some twenty-five feet into underlying soils, is highly specialized.

If the City Council approves, staff would enter into a contract with McGuire and Hester, the pipeline subcontractor for the RCEC project, for installation of shoring for 500 feet of the 550-foot second segment. McGuire and Hester would subcontract the actual design and installation of the shoring to

Blue Iron, Inc. For clarity, Bechtel Corporation is under contract to RCEC and is responsible for the design and onsite construction of the RCEC, McGuire and Hester is a subcontractor to Bechtel for the pipeline work, and Blue Iron is a subcontractor to McGuire and Hester for shoring installation. Installation of shoring for the second phase will use the same team as for the first phase.

Staff is aware of only one other firm, besides Blue Iron, that would be considered local to Northern California and can offer the press-in technology. McGuire and Hester would be required to meet construction contract standards normally imposed by the City, such as insurance and bonds, and payment of prevailing wages, as part of an agreement.

The shoring for the City's segment of the 72-inch pipeline is expected to be completed in August, assuming that City Council approves the contract with Hester and McGuire. Installation of the second phase piping will be scheduled at some future date, after construction of the RCEC. An additional distance of fifty feet of 72-inch piping beyond the RCEC sound wall must be constructed to reach the open effluent channel. This additional fifty feet will not be encumbered by the sound wall and will be completed as part of the later phase of construction when the 72-inch piping is installed; and there is no immediate need to construct shoring in this final stretch.

Installation of the shoring extension will require coordination between staff and Bechtel concerning the two roads to be crossed during construction. A temporary road, located near the midpoint of the south property line, was installed to transport "heavy loads." A second construction access road is located near the southwest corner of the RCEC property and at the end of the sound wall. Installation of the shoring must be undertaken in stages for these construction road crossings to remain open and without interfering with power plant construction access. This is a very important issue since the City's project may not unduly impact construction access to RCEC.

FISCAL IMPACT

The cost of shoring installation is expected not to exceed \$1,047,000, including \$100,000 for contingencies and administrative change orders and \$20,000 for project administration. If this work is not done now, however, the cost will be significantly higher because the sound wall will need to be removed in order to have room to construct the shoring. If the shoring is completed at this time, installation of the piping will not require sound wall removal. If the shoring is not installed at this time, the City will not be able to complete the pipeline without incurring major expenses associated with RCEC's constructed improvements, including the sound wall.

After careful consideration, staff has determined that the initial quotes represent current market value and are reasonable, and the savings realized outweigh the possible negative economic impact of not completing a more comprehensive bidding process for this project. The larger portion of the project, expected to cost well over ten times the value of this portion, will be designed and constructed in accordance with the City's traditional bidding process.

McGuire and Hester's quote for \$927,000 for the basic work was slightly higher than the quote of \$920,000 received from Platinum Pipeline for the same work. Both contractors are fully qualified and capable. However, McGuire and Hester is the contractor for the RCEC portion of the work, and staff believes that it would be to the City's advantage and create a smoother more efficient installation to have the same contractor responsible for both segments. Another reason to recommend McGuire and Hester is that they have indicated they may be able to find used shoring

and if so, the cost savings would be \$40,000. For these reasons, it is recommended that the contract be awarded to McGuire and Hester. In addition to the \$927,000 amount for the basic work, staff recommends the addition of \$100,000 to address potential unknown site conditions and other contingencies.

The estimated costs are summarized in the following table.

Administration	\$ 20,000
Shoring Design and Construction	927,000
Administrative Change Orders	<u>100,000</u>
Total:	\$1,047,000

While not distinguished as a separate project, the 72-inch pipeline extension is part of the overall goal for providing a 72-inch pipeline from the WPCF to EBDA and for which two projects are included in the adopted FY 2012 CIP. One of the two projects is the Enclosed Effluent Channel with a total appropriation of \$5.1 million in the Water Pollution Control Facility Replacement Fund, and staff recommends using this project for the shoring work. This is an appropriate expenditure, and, to the extent that additional funding may be needed in the future to complete the project, staff will request an additional appropriation when design and construction of the second phase gets underway.

PUBLIC CONTACT

No public contact is planned for the project. All work will be done inside the WPCF boundary, which is located in an industrial or commercial area. There will be no impact on the neighbors or the public.

SCHEDULE

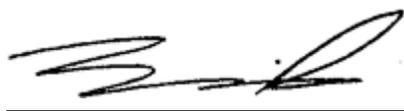
Assuming the City Council concurs with staff’s recommendation, and once a contract with Blue Iron is executed, staff anticipates that construction of shoring will be completed prior to March 1, 2013, the anticipated start of sound wall construction.

Approval for City Manager to negotiate contract with Blue Iron	June 19, 2012
Execute contract with Blue Iron	June 28, 2012
Notice to Proceed	July 6, 2012
Complete shoring construction	Aug 17, 2012

Prepared by: Don Clark, Senior Utilities Engineer

Recommended by: Alex Ameri, Director of Public Works –Utilities and Environmental Services

Approved by:



Fran David, City Manager

Attachments:

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 12- _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MCGUIRE AND HESTER TO EXTEND 72 INCH EFFLUENT PIPELINE SHORING AT THE WATER POLLUTION CONTROL FACILITY

WHEREAS, the Water Pollution Control Facility (WPCF) conveys treated effluent to East Bay Dischargers Authority for final disposal;

WHEREAS, the existing conveyance system consists of a short length of 48-inch piping and of open channel, and the piping portion will require increased conveyance capacity;

WHEREAS, the first 150 feet of new piping that will eventually replace the 48-inch diameter pipeline with 72-inch pipeline will be constructed by Calpine in order to divert treated effluent to the Russell City Energy Center (RCEC) for power process needs;

WHEREAS, a sound wall that must be constructed on the southern RCEC property boundary will interfere with placement of shoring necessary to extend the 72-inch pipeline;

WHEREAS, extending the shoring by 500 feet from the RCEC effluent diversion point to the end of the sound wall prior to construction of the sound wall will avoid increased costs for shoring construction; and

WHEREAS, staff recommends that shoring to accommodate construction of a 72-inch pipeline be constructed prior to sound wall construction.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to negotiate and execute an agreement with McGuire and Hester, in a form to be approved by the City Attorney, in an amount not to exceed \$1,027,000 to construct 500 feet of double-curtain shoring by the “press-in” method, which will accommodate construction of a 72-ich pipeline along the south RCEC property line to the western end of the sound wall.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

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



DATE: June 19, 2012

TO: Mayor and City Council

FROM: Director of Public Works – Utilities and Environmental Services

SUBJECT: Introduction of Ordinance to Amend the Hayward Municipal Code Section 11-3.255 Regarding Sewer Connection Fees to Allow for Longer Payment Terms (Continued to June 26, 2012)

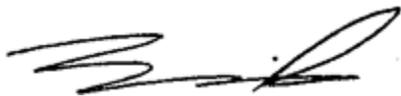
RECOMMENDATION

That Council continues the item to June 26, 2012.

Prepared by: Marilyn Mosher, Administrative Analyst III

Recommended by: Alex Ameri, Director of Public Works – Utilities and Environmental Services

Approved by:



Fran David, City Manager

DATE: June 19, 2012

TO: Mayor and City Council

FROM: Chief of Police and Director of Development Services

SUBJECT: Temporary Revisions to the Alcohol Beverage Outlet Regulations to Allow on a Trial Basis Happy Hours from 4:00 to 9:00 pm and Music until 10:00 pm at Full-Service Restaurants

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I) allowing, on a trial basis, happy hours at full-service restaurants from 4:00 to 9:00 pm; and recorded or live musical entertainment (no dancing) at full service restaurants until 10:00 pm.

SUMMARY

In support of Council priorities to promote economic growth and support local businesses, staff is recommending allowing, on a temporary, trial basis, reduced price alcohol sales (happy hours) at full service restaurants from 4:00 pm to 9:00 pm, including reduced price appetizers and non-alcoholic drinks; and to allow on a temporary, trial basis live or recorded musical entertainment with no dancing at full service restaurants until 10:00 pm.

Staff is also proposing to assess the impacts of such recommendations over the next several months including ensuring the recommended activities are conducted in a manner that will not overwhelm or unduly burden City resources. Staff would come back to Council and recommend that such temporary provisions would end if they result in widespread problems and/or unacceptable increased calls for service for the Hayward Police Department (HPD). Alternatively, if the outcomes from the trial period warrant, the provisions would be incorporated into a comprehensive set of revisions to the City's regulations planned to be presented to the City Council during a work session in September. Anticipated comprehensive revisions to the City's regulations will entail additional research by staff and development of a more streamlined, effective way to address problematic alcohol-serving establishments (including problematic full-service restaurants), as well as a funding source for HPD to help administer and oversee such establishments.

BACKGROUND

A joint work session of the City Council and Planning Commission was held on January 24, 2012, during which several aspects of the current alcohol beverage outlet regulations were discussed. The minutes from that meeting discussion are included as Attachment II to this report, and the staff report with attachments for that work session can be accessed at: <http://www.hayward-ca.gov/citygov/meetings/cca/2012/CCA12PDF/cca012412full.pdf>.

As the meeting minutes reflect, there was support for allowing early happy hours for full-service restaurants, which must also include reduced price appetizers and non-alcoholic beverages; and concerns were expressed with allowing late-night happy hours. Some Council members and Planning Commissioners supported allowing happy hours from 3:00 pm to 7:00 pm, while others supported allowing happy hours until 9:00 pm. Also, several Council members and Commissioners expressed a desire to have the ability to eliminate happy hours for problem establishments. The majority of Council members and Commissioners who spoke on the topic supported allowing music without dancing during the proposed time window.

In summary, there seemed to be majority support for allowing early happy hours with reduced price appetizers at full-service restaurants on a trial basis, allowing live or recorded musical entertainment with no dancing until 10:00 pm at full-service restaurants on a trial basis, and establishing new mechanisms and regulations that would allow the City to more effectively regulate and eliminate problem establishments and/or disallow happy hours and/or music at such establishments. There was no support for allowing late-night happy hours in any establishment.

DISCUSSION

Staff is recommending that the Council authorize early happy hours and limited, musical entertainment at full-service restaurants on a temporary, trial basis for up to six months (the "Happy Hour Trial Program"). Doing so will provide the City Council flexibility in determining whether formal amendments to the City's Municipal Code authorizing happy hours and musical entertainment at full service restaurants are desired. The Happy Hour Trial Program will not confer any vested rights on restaurant operators to continue to offer happy hour and musical entertainment at the conclusion of the trial period, and the trial program can be revoked at any time should the Council determine that the program is having a negative impact on public safety resources and the community at large.

It is difficult for staff to specifically identify potential issues that may arise associated with these recommendations, but Hayward Police Department (HPD) staff has indicated that full-service restaurants typically have few calls for service. Some restaurants in Hayward, like Applebee's at Southland Mall, offer happy hours pursuant to a use permit, generally and historically without incident. In summary, staff is recommending action that will respond to requests from the restaurant community and the Hayward Chamber of Commerce for the allowance of happy hours, and which will allow equity among competing businesses, while minimizing the potential impacts on public safety resources of such action.

City staff has responded to Hayward resident Doug Ligibel's eight questions submitted on January 24, 2012 (see Attachment III). Mr. Ligibel also references in his questions a 2005 Highway Traffic Safety Administration report. Staff reviewed the report, which discusses the effectiveness of good education and training for alcohol servers, enforcement of alcohol laws, and controls on reduced price alcohol sales (happy hours) in reducing alcohol-related traffic accidents. There are also some programs identified in the report as models for reducing alcohol-related accidents. However, the article/study does not distinguish between happy hours at restaurants and happy hours at bars/nightclubs, nor does it distinguish between early and late happy hours. As the attached responses to Mr. Ligibel's questions indicate, HPD staff is supportive of the recommendations on an initial, trial basis, and does not believe there will be an increase in calls for service as a result of allowing restricted (early) happy hours at full-service restaurants.

Also, related to concerns with proper training of personnel working in alcohol establishments, the HPD has submitted an ABC grant application for the Countywide vice enforcement team that HPD administers. Part of that grant will support conducting three licensee education classes (LEADS) in the County; and HPD staff plans to work with ABC to have one of those classes in Hayward. All ABC establishments will be invited to attend the classes/training sessions, and an announcement on the City's website and newspaper announcement will also be done. Also, HPD staff will work with ABC staff to market and publicize the training sessions. HPD staff foresees hosting the LEADS training, regardless of whether or not the grant application is successful.

HPD staff has already arranged with ABC to conduct a large-scale training for all ABC licensees in Hayward. HPD is exploring multiple ways the classes might be marketed including working with the ABC Press Information staff. Staff is also considering making the class mandatory for any full-service restaurant that wants to participate in the trial program recommended in this report.

The City's current alcohol beverage outlet regulations are included as Attachment IV, which include the operating requirements for full-service restaurants. Those standards prohibit reduced price alcohol sales (happy hours) for full-service restaurants and prohibit live or recorded entertainment of any kind, except for background music complementary to the dining experience as approved by the Chief of Police.

ECONOMIC IMPACT

Both early happy hours and live or recorded music without dancing are responsive to requests from business representatives such as the Chamber, business owners and managers (particularly of our full-service restaurants), and current and potential patrons of these establishments. Allowing happy hours from 4:00 pm to 9:00 pm and music without dancing until 10:00 pm in full-service restaurants would help promote the economic viability of such restaurants, allow them to be more competitive with restaurants in surrounding cities, and would help attract customers to such restaurants.

FISCAL IMPACT

As indicated in the January 24, 2012 joint work session staff report, conducting further research and developing recommendations for comprehensive revisions could result in more streamlined ways to address problematic alcohol-serving uses, and a new funding source to help defray General Fund

support for administering and overseeing certain alcohol serving establishments. Costs associated with such research and additional staff work would be expected to be borne by the General Fund, as part of the functions of the Development Services Department, Police Department, and Finance Department.

PUBLIC CONTACT

Staff provided notice of this meeting to the Hayward Chamber of Commerce, downtown homeowners' associations, Community Prevention of Alcohol-Related Problems (CommPre), all approximately 120 restaurants in Hayward that have an alcohol license from the California Department of Alcohol Beverage Control (ABC), and other interested parties, including those who spoke on the topic at the January 24, 2012 joint work session.

NEXT STEPS

If the resolution is adopted, staff will monitor HPD calls for service at full-service restaurants during the next several months, will report back to City Council within the six-month trial period via a report if there is an increase in calls for service associated with full-service restaurants to allow the City Council the option of rescinding the Happy Hour Trial Program, and will provide, within six months, a preliminary comprehensive set of recommendations regarding revisions to the City's alcohol beverage outlet regulations. Such recommendations will focus on establishing more effective measures to address problematic alcohol-serving businesses and establishing new funding mechanisms to support the administration and enforcement of those regulations.

Prepared and Recommended by: David Rizk, Director of Development Services
Diane Urban, Chief of Police

Approved by:



Fran David, City Manager

Attachments

- Attachment I: Draft Resolution
- Attachment II: January 24, 2012 City Council Meeting Minutes (partial)
- Attachment III: Responses to Hayward Resident Doug Ligibel's Questions Presented at the January 24, 2012 Joint Work Session
- Attachment IV: Hayward Municipal Code Section 10-1.2735(b) et al (Alcohol Beverage Outlet Regulations)

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-_____

Introduced by Council Member _____

RESOLUTION ALLOWING REDUCED PRICE ALCOHOL
SALES FROM 4:00 P.M. TO 9:00 P.M. AND MUSICAL
ENTERTAINMENT WITHOUT DANCING UNTIL 10:00 P.M.
AT FULL SERVICE RESTAURANTS DURING A SIX-MONTH
TRIAL PERIOD

WHEREAS, the Hayward City Council and Hayward Planning Commission held a joint work session on January 24, 2012, to discuss possible revisions to the City of Hayward's Alcohol Beverage Outlet regulations; and

WHEREAS, local restaurants and the Hayward Chamber of Commerce have requested authorization to offer happy hours and musical entertainment at full-service restaurants, which activities are currently permitted under the City's Zoning Ordinance only with a conditional use permit, in order to allow Hayward's full service restaurants the opportunity to compete favorably with restaurants in surrounding communities; and

WHEREAS, direction was provided at the joint work session for staff to develop options for the City Council to consider, including a requirement that full-service restaurants offer reduced price appetizers and reduced price non-alcoholic drinks during happy hours, and for staff to develop a comprehensive set of revisions in the near future to address problem establishments and fiscal impacts to the City.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Hayward hereby authorizes, on a temporary, trial basis for a period of up to six months (to expire not later than December 26, 2012), a Happy Hour Trial Program, permitting the following activities without the need to obtain a conditional use permit:

- a) Reduced price alcohol sales (also referred to as "Happy Hour") from 4:00 p.m. to 9:00 p.m. at full-service restaurants as defined in Hayward Municipal Code Section 10-1.2700(b)(2)(c); provided, however, that each full-service restaurant offering reduced price alcohol beverages also offer reduced prices for appetizer food items and non-alcoholic drinks during Happy Hour; and
- b) Live or recorded music until 10:00 p.m. at full-service restaurants as defined in Hayward Municipal Code Section 10-1.2700(b)(2)(c); provided, however, that dancing is not allowed with such music and such musical entertainment does not violate provisions of the City's Noise Ordinance.

BE IT FURTHER RESOLVED, that full-service restaurants may participate in the Happy Hour Trial Program only if the restaurant operator has an ABC license in good standing and is in compliance with all applicable requirements of the City's Municipal Code. This Happy Hour Trial Program does not confer a vested right on operators, owners and/or licensees of full-service restaurants to continue to offer happy hours and/or music after the conclusion of the Happy Hour Trial Program.

BE IT FURTHER RESOLVED, that staff is directed to return to Council with a report should an increase in incidents associated with alcohol sales at restaurants occur during the Happy Hour Trial Program, at which time the City Council may unilaterally terminate the Happy Hour Trial Program without further notice.

BE IT FURTHER RESOLVED, that City staff is directed to return to City Council prior to December 26, 2012, with recommended comprehensive revisions to the City's alcohol beverage outlet regulations, to include identification of processes to regulate more effectively and/or eliminate problem establishments and to recover costs for administering and enforcing the alcohol regulations of the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



**MINUTES OF THE SPECIAL JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY/HOUSING
AUTHORITY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 24, 2012, 7:00 p.m.**

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that the Council met concerning four items: Public Employment regarding City Attorney; Conference with Labor Negotiators regarding all bargaining units; Conference with Legal Counsel regarding California Redevelopment Association, et al v. Matosantos, California Supreme Court Case No. S194861; and Conference with Legal Counsel regarding Nanette Dillard v. Alameda County Associated Community Action Program Governing Board Alameda County Superior Court No. RG11572661. There were no reportable items.

PUBLIC COMMENTS

Mr. Ron Teague, General Manager at Mimi's Cafe in Hayward, expressed support for removing the prohibition of reduced price alcohol sales "happy hour." Mr. Teague noted that Mimi's Cafe has 57 locations in California and the ban in Hayward does not allow them to participate in company-wide alcoholic beverage programs and also places them at a disadvantage with competitors in neighboring cities. He added that the sales generated from a happy hour program would increase tax revenue and potentially increase employment opportunities for local residents.

Mr. Jason Jago, District Manager of the Elephant Bar Restaurant in the Bay Area, noted that the ban on "happy hour" in Hayward places them at an economic disadvantage. Mr. Jago added that reduced prices on alcohol beverage coupons issued by Elephant Bar restaurants have a disclaimer that coupons are valid everywhere except Hayward. Mr. Jago mentioned that employees are cognizant that the restaurant is a full-service restaurant and are properly trained to handle situations related to alcoholic beverages. Mr. Jago favored instituting a "happy hour" from 3:00 p.m. to 7:00 p.m., similar to other locations.

Mr. Sassan Pirzaden, Shift Manager at the Elephant Bar Restaurant, favored a "happy hour" for his restaurant, noting that employees are properly trained about alcohol sales. Mr. Pirzaden noted that the Elephant Bar is at an economic disadvantage with Applebee's restaurant because the restaurant has reduced price alcohol sales.

Mr. Jesús Armas, with a business address on Main Street, invited all to the second annual "Fire and Salsa Game II," a basketball fundraising match between Los Chilonos de Hayward and Hayward Firefighters, Local 1909, on February 4, 2012, at noon at the Mateo Jimenez Gym. Mr. Armas noted that the proceeds would benefit the Hayward Youth Commission.

Mr. Doug Ligibel, Grand Terrace resident, relayed questions from Alcohol and Drugs Specialists (ADS) about the consideration of a "happy hour" at local restaurants. The questions related to happy hour and public safety, crime, nuisance, youth eating at restaurants, overconcentration of on-site alcohol outlets, and hours of service. Mr. Ligibel shared arrest records that reflected several driving under the influence offenses, and arrests that showed a problem with youth females drinking and driving. Mr. Ligibel was concerned about the 9:00 p.m. to close happy hour consideration and urged Council to pay attention to the 9:00 p.m. to 2:00 a.m., happy hour policies of some restaurants.

Mr. Kim Huggett, Chief Executive Officer of Hayward Chamber of Commerce, supported removing the prohibition against restaurants offering alcoholic beverages for a reduced price promotion because the prohibition placed Hayward restaurants at a competitive disadvantage, compared to neighboring communities, reduced restaurant income, impacted City sales tax, and jobs. He noted that the prohibition erroneously presumed that owners and managers of our restaurants did not know how to train their employees and how to responsibly serve alcoholic beverages. Lastly, on behalf of Buffalo Bills' owner, Geoff Harries, he relayed to Council Mr. Harries' support for removing the ban against restaurants offering discounted alcoholic beverages.

Ms. Julie McKillop, Neumanali Restaurant owner, stated that she was not aware of the City's ordinance banning discounted alcohol beverages. Ms. McKillop favored happy hour as a good marketing tool and not necessarily something that increased alcohol consumption. She disapproved seeing Hayward restaurants at a competitive disadvantage and asked for a compromise on this issue.

SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

1. Revisions to the Alcohol Beverage Outlet Regulations in the Zoning Ordinance

Staff report submitted by Development Services Director Rizk and Police Chief Urban, dated January 24, 2012, was filed.

Mayor Sweeney invited Planning Commissioners to join Council at the dais. Development Services Director Rizk provided a synopsis of the report.

Mayor Sweeney said it seemed inappropriate to modify regulations for alcohol-serving establishments without having a tangible plan for enforcing the regulation of any undesirable uses that might drain limited City resources.

Council Member Henson noted that the purpose of revising the City's regulations on alcoholic beverage sales at full-service restaurants was an attempt to balance the economic needs of such restaurants with the need to eradicate problematic establishments.



**MINUTES OF THE SPECIAL JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY/HOUSING
AUTHORITY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 24, 2012, 7:00 p.m.**

Mr. Henson shared that other cities offered cabaret licenses and/or entertainment permits. Development Services Director Rizk noted that upon receiving direction from Council, staff could conduct research on the topic. In response to Council Member Henson's request to address the concerns raised by Mr. Ligibel, Director Rizk commented that full-service restaurants would have to adhere to regulations that required that 60% of restaurant sales come from food, and noted that, according to the Police Department, full-service restaurants were typically not a large source of calls for service. Council Member Henson pointed out there should be a clause in the City's ordinance addressing the actions that could be taken if things got out of hand.

Council Member Peixoto supported a compromise on the timing of happy hours, noting that the ordinance could be revised to restrict happy hours during the late night period.

Council Member Peixoto commented that the City's priorities were in place to develop a thriving downtown and believed that happy hours would encourage customers to stay at the full-service restaurant and have a meal. He agreed with Mayor Sweeney's concerns about potential safety issues that may arise from permitting happy hours after 9:00 p.m.

Planning Commissioner Lamnin favored instituting happy hours for full-service restaurants and suggested the following: that the revised ordinance require full-service restaurants to also offer low priced appetizers in addition to the discounted drinks; that the training provided to restaurant personnel be consistent for all of the full-service restaurants offering a happy hour; that the ordinance contain language for violations of the happy hour provision; and that full-service restaurants participate in crime prevention through environmental design standards. Commissioner Lamnin asked staff to look into whether or not dancing could be permissible at certain establishments. Due to concerns regarding the added costs resulting from the institution of a happy hour, Commissioner Lamnin shared that some cities had implemented an alcohol and tobacco retailer's license to assist in offsetting the cost of enforcement. She further stated that as a reward for businesses that were compliant with the City's regulations, a business might receive a discount in their permit fee.

Planning Commissioner Lavelle favored lifting the restriction on happy hours because it would allow local full-service restaurants to compete with other restaurants in the Bay Area. Commissioner Lavelle noted that the Elephant Bar in Hayward was the only Elephant Bar restaurant in Northern California lacking a happy hour. She expressed that having one early happy hour time would be adequate for restaurants and customers and added that discounted drinks being available late at night could contribute to driving under the influence. Ms. Lavelle supported Commissioner Lamnin's suggestion of discounted appetizers. Ms. Lavelle asked staff to explore the possibility of permitting music of a variety of sources at the full-service restaurants, and when permitted, would be in concurrence with the City's noise regulations. Ms. Lavelle noted that she did not read any references to Community Prevention of Alcohol-Related Problems (COMMPRE) and hoped that a representative would share their views regarding the proposed happy hour regulations.

In response to Planning Commissioner Mendall's question regarding situations that would necessitate changing back to the former regulation such as due to an increase in the number of service calls, Assistant City Attorney Conneely stated that staff could propose a trial period during which to test the revised regulation. Mr. Mendall asked if the City could place restrictions on problematic establishment. Development Services Director Rizk noted that the establishment would not be in compliance with the criteria of full-service restaurant and, therefore, would need to obtain a conditional use permit. Commissioner Mendall was supportive of revising the ordinance to allow happy hour for full-service restaurants, but only if regulating mechanisms were in place. He was amenable to a 3:00 p.m. to 7:00 p.m. happy hour timeframe, but was not comfortable with the late night happy hour. He added that the funding mechanism would need to be proportional to the size of the establishment or the amount of alcohol being served.

Planning Commissioner Faria pointed out that Applebee's restaurant had a conditional use permit, but was not on the list provided. Ms. Faria noted that in an effort to promote growth and business in the City, she would support lifting the prohibition of happy hour for full-service restaurants. She supported a funding mechanism for the oversight of the ordinance.

Planning Commissioner Márquez stated support of loosening the restrictions placed on full-service restaurants; however, she also believed that there needed to be additional research in terms of handling problematic businesses and maintaining compliance. In response to Commissioner Márquez' question of what intervening agency would respond to a problematic business, Police Chief Urban responded that it would be a shared responsibility between the Police Department and Alcohol and Beverage Control (ABC). Commissioner Márquez noted that the City needed to have fees associated with a revised ordinance and noted that a trial period made sense. She was in support of restricting happy hour from 3:00 p.m. to 7:00 p.m.

Planning Commission Chair Loché concurred with the comments made. Chair Loché noted that businesses that were poorly managed, whether they served alcohol or not, were the businesses that drained City services and he noted the importance of addressing that issue. In terms of a funding structure, he suggested cabaret fees. He added that a funding structure could help eliminate poorly run businesses and, on the same token, could help incentivize well run businesses.

Council Member Zermefio agreed with Planning Commission Chair Loché's comments regarding problematic businesses. Mr. Zermefio noted that he had been a proponent of eliminating the provision that prohibited happy hours, but disagreed that there needed to be more research for a funding structure to enforce regulations. He mentioned that the City was in need of economic vitality. For the time being, he agreed with the 3:00 p.m. to 7:00 p.m. happy hour timeframe. Furthermore, he mentioned that he wanted to see no limit to the number of restaurants that could be next to each other on a particular block.

Council Member Salinas stated that he was in agreement with the comments expressed by Council and Planning Commissioners. Mr. Salinas mentioned model businesses that were doing well. He liked the fact that bartenders were educated and skilled to identify and take care of problem customers. He added that full-service restaurants had a good opportunity to work with cab companies. He was supportive of lifting the provision that prohibits happy hour for full-service



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restaurants, allows music in those restaurants up until 10:00 p.m., and allows staff to conduct further research on alcohol sales.

Council Member Halliday mentioned that the Elephant Bar, Mimi's Cafe, Olive Garden, and Applebee's restaurants were relatively new to the Southland Mall area and appreciated staff's efforts to bring them into conformity with other cities in the area. In response to Council Member Halliday's question, Director Rizk explained that the State Board of Equalization would notify the Department of Alcohol Beverage Control (ABC) if a full-service restaurant had exceeded 40% of alcohol sales, and ABC would then work with the Hayward Police Department to address the issue. She agreed that having happy hour extended later into the night could prove problematic and therefore she favored allowing the earlier times for happy hours at full-service restaurants and allowing music and use permits for dancing. She was supportive of proper training for employees and researching a funding structure to regulate uses.

Council Member Quirk agreed with his fellow Council Members and, in particular, with Council Member Zermeño about getting the happy hour started right away. Mr. Quirk asked staff to poll participants of the restaurant tour about the importance of late night happy hours. He mentioned that if there was no evidence of problems, then he would not have a reason to be concerned about late night happy hours.

Council Member Henson said he was in favor of going forward and exploring the funding to support public safety oversight of alcohol-serving establishments. Mr. Henson noted that during this economic environment it was appropriate to give restaurants the opportunity to be competitive.

Mayor Sweeney stated there was general consensus among the two bodies and asked staff to provide options when the item comes back to Council. Mayor Sweeney noted that there was consensus to restrict the hours of the happy hour, with the exception of Council Member Quirk's request that staff poll restaurants and conduct a survey of late night happy hours, and bring back findings. Mayor Sweeney mentioned the suggestion offered by Commissioner Mendall to have a trial period with restrictions and at the end of the trial there would be a recommendation to establish a happy hour or leave the ordinance as is. Mayor Sweeney brought up Commissioner Lamnin's suggestion to consider adding discounted appetizers to the happy hour of full-service restaurants. He also pointed out that an effective strategy needed to be developed to address problem businesses that drain Police resources. Lastly, Mayor Sweeney commented that a stronger strategy needed to be developed to improve Hayward's economy.

2. Presentation of the Alternative Scenarios for the Regional Sustainable Communities Strategy

Staff report submitted by Development Services Director Rizk, dated January 24, 2012, was filed.

Staff Response to Doug Ligibel's Eight Questions Presented During the January 24, 2012 City Council Meeting

1.) How will happy hour at full-service restaurants improve public safety?

The Hayward Police Department does not foresee that a trial program allowing happy hour activity at full-service restaurants will impact public safety. Historically, calls for service are very low, if existing at all, at full-service restaurants. Also, we would ask that the proposed trial program require happy hour items to include non-alcoholic beverages and a happy hour food menu.

2.) If the Police Department already has limited resources, how will it handle additional calls for service that may come about due to happy hour at full-service restaurants?

The Hayward Police Department is optimistic that calls for service will not increase as a result of full-service restaurants being able to conduct happy hour activities. However, staff recommends that the City Council consider allowing the proposed temporary trial program (6 months) to see if it has any impact on calls for service. The Hayward Police Department would then make recommendations on continuing with the happy hour program or make any needed changes.

3.) How will an increase in happy hours in the City affect public health, crime and nuisance?

The Hayward Police Department would evaluate possible impacts to public health, crime and nuisance during the temporary trial program.

4.) How will happy hour at full-service restaurants affect youth who eat at the restaurants?

All ABC licensed establishments are subject to all laws associated with the service of alcoholic beverages to minors. The Hayward Police Department does not foresee any effect on the minors who may eat at these restaurants as the owners/operators of these businesses would continue to be accountable and responsible for not serving alcoholic beverages to minors.

5.) If full-service restaurants who currently do not sell alcohol were allowed to have happy hours, would there be potential for over-concentration of on-sale alcohol outlets?

In order to sell alcohol, any establishment must possess a license from ABC. Full-service restaurants that do not sell alcohol would not have an ABC license, and those restaurants that would offer happy hours would be required to obtain ABC licenses. Given the cost and process for obtaining an ABC license, it is not anticipated that allowing happy hours in full-service restaurants would generate a demand for new ABC licenses. However, any full-service restaurant applying for an ABC license would be subject to Hayward Police Department review as part of the ABC licensing process. The Police Department's Review includes recommending to ABC certain conditions to the applications license. These conditions are based upon, but not limited to, the nature of the business, location and previous history of incidents with the owner/location.

6.) Will the types of alcohol offered during happy hour be limited (for example – no hard liquor)?

Staff Response to Doug Ligibel's Eight Questions Presented During the January 24, 2012 City Council Meeting
Staff is not proposing such restrictions.

7.) Will customers be required to purchase food when purchasing alcohol beverages during happy hour? Researchers have found that drinking alcohol without eating raises the chance of developing high blood pressure.

Staff is recommending that reduced price appetizer food menus and reduced prices for non-alcohol drinks be offered during happy hours, but is not recommending that food be required to be purchased during happy hours.

8.) Will happy hour be limited to certain hours?

Yes; staff is proposing that happy hours in full-service restaurants only be allowed from 4:00 pm to 9:00 pm.

- (c) Within 500 feet of any other adult entertainment activity as herein defined.
- (4) Public Display of Certain Matter Prohibited.
No person shall place, maintain, display or exhibit any material in a manner which exposes to public view photographs or illustrations of "specified sexual activities" or of poses which emphasize or direct the viewer's attention to "specified anatomical areas." As used herein, "exposes to public view" means exposes to the view of persons outside the building in which said material is placed, maintained or displayed.
- (5) Discontinuance of Nonconforming Activities.
No later than September 19, 1980, all adult entertainment activities made nonconforming by reason of the provisions hereof, except those activities rendered nonconforming because of being within 500 feet of any other adult entertainment activity, shall be discontinued or shall be brought into full conformance with the provisions hereof, except that such activities may be allowed to continue for an additional period upon the approval of a variance with the finding that the activity is obligated by written lease entered into before the effective date of this section for a period exceeding two years from such effective date, or that the activity involves investment of money in leasehold or improvements of such that a longer period is necessary to prevent undue financial hardship.

b. Alcoholic Beverage Outlet Regulations.

- (1) Purpose.
In addition to the general purposes listed in Section 10-1.110: General Provisions, the specific purpose of the Alcoholic Beverage Outlet Regulations is to provide for the orderly integration of alcohol-related uses, including the sale of wine and beer.
- (a) In adopting these regulations, it is recognized that the proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems that affect residents, businesses, property owners, visitors, and workers of Hayward.
- (b) Problems which can result include, but are not limited to, crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on or off the premises.
- (c) It is also recognized that existence of such problems creates a serious impact on the peace, health, safety and welfare of residents of nearby areas including fear for the safety of children and visitors to the area, as well as contributing to the deterioration of neighborhoods and concomitant devaluation of property and destruction of community values and quality of life.
- (d) These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to one another and their proximity to facilities primarily devoted to use by children and families with children.
- (e) The use permit process is a means to review the effects of establishments selling alcoholic beverages on neighboring uses on a case by case basis, and to prevent the undue concentration of and undesirable impacts on the community stemming

from such uses by the imposition of reasonable conditions upon the operation of such uses.

(2) Definitions.

For the purpose of these regulations, certain terms and words shall have the following meanings:

- (a) **Alcoholic Beverage Sales Commercial Activity.** “Alcoholic Beverage Sales Commercial Activity” means the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages, excluding full-service restaurants that comply with the below-listed definition of full-service restaurant.
 - (i) “On-sale Alcohol-related Commercial Activity” shall mean any business wherein alcoholic beverages are sold on the premises and are to be consumed on the premises including all related buildings, structures, open spaces and parking areas. This shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises. This section shall be interpreted to include bars, exclusive of night clubs.
 - (ii) “Off-sale Alcohol-related Commercial Activity” shall mean any business that sells alcoholic beverages in original, unopened packages for consumption off of the premises where sold.
 - (iii) “Liquor store” shall mean any business of less than 10,000 square feet (gross) where beer, wine or distilled spirits are sold for off-sale consumption.
- (b) **Downtown Entertainment Area.** The “Downtown Entertainment Area” shall mean that area generally between A and D Streets and between Second Street and Grand Street.
- (c) **Restaurant – Full Service.** A “full service restaurant” shall mean a sit-down commercial activity which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals, and which may include an incidental bar, cocktail lounge, or other area designated primarily for the service of alcohol on the premises, which operates as part of the restaurant and is subservient to the primary function of the establishment, and which maintains a minimum of 60 percent of its gross receipts from the sale of meals. For purposes of these regulations, a full-service restaurant does not include fast food restaurants or delicatessens. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Chief of Police or his or her designee during regular business hours of the restaurant upon 72 hours’ prior written notice. To be considered a full service restaurant, the commercial activity must meet the criteria listed below. Restaurants that fail to meet these criteria must apply for a conditional use permit. In the event that the establishment fails to obtain a conditional use permit, the establishment shall be in violation of these regulations and subject to the penalties and enforcement provisions set forth in Section 10-1.2850 of the Zoning Ordinance.

- (i) A full service restaurant shall serve meals to guests at all times the commercial activity is open for business. An establishment shall not be considered a full-service restaurant if it serves alcohol without meal service being provided.
- (ii) Any bar/lounge area cannot remain open when the dining area is closed. However, the dining area may be open while the bar/lounge area is closed.
- (iii) A full service restaurant shall not offer or permit any form of live or recorded entertainment; including by way of example and not limited to, the playing of recorded music by a disc jockey, karaoke, dancing, video or mechanical games. Background music complementary to a dining experience may be provided as determined by the Chief of Police.
- (iv) A full service restaurant shall not offer any type of reduced price promotion for alcoholic beverages served on the premises.
- (v) A full service restaurant is one that abides by all of the following performance standards:
 - (a) That it does not result in jeopardizing or endangering the public health or safety of persons residing, visiting, or working in the surrounding area; and
 - (b) That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests; and
 - (c) That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute; and
 - (d) That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and
 - (e) That all its employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service within 90 days of being employed; and
 - (f) That it complies with all of the Retail Operating Standards of the California Department of Alcoholic Beverage Control; and
 - (g) That it does not sell alcoholic beverages to minors.
- (d) Night Club. “Night club” shall mean any alcoholic beverage sales commercial activity which engages in the sale of alcoholic beverages in conjunction with providing live entertainment (including the playing of recorded music by a disc jockey) or dancing between the hours of 6:00 p.m. to 2:00 a.m. regardless of whether such establishment is simultaneously offering full restaurant meal service or charges an entry fee or increases the sale price of beverages.

(3) Conditional Use Permit for New Establishments.

Except as otherwise provided herein, no new alcoholic beverage sales commercial activity may sell alcoholic beverages for either on-site or off-site consumption unless a conditional use permit has been approved for such establishment. A conditional use permit shall not be required if the establishment is one of the following:

- (a) Retail stores having 10,000 square feet or more of floor area and which devote not more than 5 percent of such floor area to the sale, display, and storage of alcoholic beverages;
- (b) Full-service restaurants; or
- (c) Special event functions such as neighborhood or community festivals, provided all of the following criteria are met:
 - (i) The person, group, business, or organization sponsoring the event secures all applicable permits from the City of Hayward;
 - (ii) The person, group, business, or organization sponsoring the event obtains a temporary on-sale license from the State of California Department of Alcohol Beverage Control for each of the dates the event will be held; and
 - (iii) The duration of the event does not exceed three consecutive days or five days in any single calendar year.

(4) Posting of Conditions of Approval.

A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.

(5) Findings.

- (a) In making the findings required by Section 10-1.3225 governing conditional use permits, the Planning Director, or the Planning Commission on referral or appeal, shall consider whether the proposed use will result in an undue concentration in the area of establishments dispensing alcoholic beverages.
- (b) The Planning Commission, or City Council on referral or appeal, shall also consider whether the proposed use will detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following: Residential structures, churches, schools, public playgrounds and parks, recreation centers, and other similar uses.

(6) Application For Conditional Use Permit.

In addition to the requirements set forth in Section 10-1.2815 and any other applicable City regulation, an application for a conditional use permit shall set forth and include the following:

- (a) The type of Alcoholic Beverage Control license the applicant is seeking for the establishment; and
- (b) The true and complete name and address of each lender or share holder with a 5 percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and
- (c) A statement by the applicant indicating whether or not such applicant has at any time been convicted of any crime other than minor traffic offenses and, if so, the nature of the crime for which the applicant was convicted and the date and jurisdiction of the conviction.

(7) Requirements For New On-Sale Alcohol-Related Commercial Activities.

(a) With the exception of the downtown entertainment area, no new on-sale alcohol-related commercial activity shall be permitted within a radius of 500 feet of any other on-sale or off-sale alcohol-related commercial activity (with the exception of new or existing establishments which are exempted by subsection (3) above), or within 500 feet of any school, public park, library, playground, recreational center, day care center, or other similar use.

(b) Notwithstanding the above:

(i) Outside the downtown entertainment area, the Planning Commission may recommend to the City Council a lesser alternative distance requirement in a particular instance, if it is found that the public convenience and necessity will be served by an alternate space requirement and that alternative measures to assure public health and safety are provided with respect to sale and use of alcoholic beverages.

(ii) Within the downtown entertainment area, no on-sale alcohol-related commercial activity shall be established or maintained within a radius of 100 feet of any off-sale alcohol-related commercial activity (with the exception of new or existing establishments which are exempted by subsection (3) above), or of any school, public park, library, playground, recreational center, day care center, or other similar use. However, on-sale alcohol related commercial activities which front B Street between Watkins Street and Foothill Boulevard, or Main Street between A and C Streets, shall not be restricted with respect to proximity to any school, public park, library, playground, recreational center, day care center, or other similar use.

(iii) Within the downtown entertainment area, no more than two on-sale alcohol-related commercial activities shall be permitted per block side or face, with the exception of new or existing establishments that are exempted by subsection (3) above. Determination of location on a block side or block face shall be made by referring to the street address of the on-sale alcohol-related commercial activity on a block between the two immediate cross streets.

(8) Requirements For New Off-Sale Alcohol-Related Commercial Activities.

With the exception of the downtown entertainment area, no new off-sale alcohol-related commercial activity will be permitted within a radius of 500 feet of any other on-sale or off-sale alcohol-related commercial activity (with the exception of new or existing establishments which are exempted by subsection (3) above), or within 500 feet of any school, public park, library, playground, recreation center, day care center, or other similar use.

(9) Conditions.

To implement official City policy and to attain the purpose for requiring use permit approval, as stated in Section 10-1.3205 and in subsection (1) above, as well as the findings listed in Section 10-1.3225, the Planning Commission, or the City Council on referral or appeal, may attach to approvals such conditions as it deems necessary. Violations of any of these conditions unless explicitly stated otherwise shall be independent grounds for permit revocation. These conditions may include, but are not limited to:

- (a) Commission by the permittee or any employee of the permittee of a criminal offense for which 1) the permitted establishment was the location where the offense was committed or where there is a direct correlation between the permittee's establishment and the criminal offense; and 2) Such criminal offense is found to be detrimental to the public health, safety, or general welfare.
 - (b) Alcoholic beverage sales commercial activities shall provide exterior lighting that is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent residential properties.
 - (c) Alcoholic beverage sales commercial activities with off-sale privileges shall prominently post a sign on the exterior of the premises stating that consumption of alcoholic beverages in public is prohibited by law pursuant Chapter 4 of the Hayward Municipal Code.
 - (d) Alcoholic beverage sales commercial activities shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.
 - (e) No beer or malt liquor shall be sold in bottles or containers larger than 12 ounces for off-site consumption;
 - (f) Beer and malt liquor in containers of 12 ounces or less shall not be sold in units of less than one six-pack for off-site consumption;
 - (g) Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers shall not be sold in containers smaller than 12 ounces and in units of less than one four-pack for off-site consumption;
 - (h) Distilled spirits shall not be sold in bottles or containers smaller than 750 ml for off-site consumption; and
 - (i) Consumption of alcoholic beverages shall not be permitted on any property adjacent to the licensed premises which is also under the control of the owner of the liquor establishment;
 - (j) Alcoholic beverage sales commercial activities shall maintain trash and garbage storage areas that are enclosed by a solid fence or wall and screened from the view of abutting properties or the public right-of-way.
- (10) Existing Establishments Selling Alcoholic Beverages.

Any alcoholic beverage sales commercial activity lawfully operating prior to the effective date of these regulations and licensed by the State of California for the retail sale of alcoholic beverages for on-site or off-site consumption may continue such operations after the effective date of these regulations. Upon the occurrence of either of the following, however, operation of the establishment shall require approval of a conditional use permit:

- (a) The alcoholic beverage sales commercial activity changes its type of liquor license within a license classification; or
- (b) There is a substantial change in the mode or character of operation. As used herein, the phrase "substantial change of mode or character of operation" shall include, but not be limited to, expansion in the amount of area devoted to the sales or consumption of alcoholic beverages, a pattern of conduct in violation of other laws or regulations, or a cessation of use for a period of six months or more.

- (11) Modifications in Permitted Alcoholic Beverage Sales Commercial Activities.
 Any permitted alcoholic beverage sales commercial activity operating under either a conditional or an administrative use permit after the effective date of these regulations shall apply for a modification of its use permit pursuant to Section 10-1.3260 of the Hayward Municipal Code when either of the following occurs:
- (a) The alcoholic beverage sales commercial activity changes its type of liquor license within a classification; or
 - (b) There is a substantial change in the mode or character of operations of the alcoholic beverage sales commercial activity as defined in subsection (11) above.
- (12) Notice.
 In addition to the notice required by Section 10-1.2820, in the case of applications for conditional use permits or appeals of administrative use permits pursuant to these regulations, notice shall also be provided to occupants of buildings located on parcels within 300 feet of the perimeter of the subject property for which use permit approval is sought.
- (13) Letter of Public Convenience or Necessity.
 The Planning Director is authorized to issue letters of public convenience or necessity to the State Department of Alcoholic Beverage Control for alcoholic beverage sales commercial activities that have approved conditional or administrative use permits or where the establishment engaged in the sale of alcoholic beverages is exempt from a conditional use permit.

c. Catering Truck Standards.

All catering truck operations shall comply with the following standards:

- (1) Catering trucks shall only park on private property with the permission of said property owner(s).
- (2) Catering trucks shall not park on any City streets, rights-of-way or property.
- (3) Catering trucks shall not be located on a single parcel more than 20 minutes at a time.
- (4) Catering trucks shall not be located within 300 yards of a food vendor as defined in this Ordinance.
- (5) Catering trucks shall not return to the same location within less than two hours.
- (6) Catering trucks shall obtain all necessary approvals for the County Health Department and City of Hayward Police Department.

d. Christmas Tree and Pumpkin Patch Lot Regulations.

All Christmas tree and pumpkin patch lots shall comply with the following standards:

- (1) Pumpkin Patch lots shall not be established before October 1 of each year and Christmas tree lots shall not be established before November 22 of each year. Annual permits must be obtained from the Fire Department and the Building Division.
- (2) Prior to opening for business, all Fire Department and the Building Division permits shall be obtained. The lot shall be maintained and operated in compliance with all Fire Department and the Building Division requirements.
- (3) No merchandise, equipment, vehicles, refuse, or other material associated with the proposed lot shall block circulation or parking aisles outside fenced areas .

DATE: June 19, 2012

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Revised Community Promotions / Neighborhoods Arts Events Funding Recommendations - FY 2013

RECOMMENDATION

That Council reviews this report, and establishes final FY 2013 community agency funding allocations in the Community Promotions and Neighborhoods Arts Events funding categories for inclusion in the City's FY 2013 General Fund Operating Budget, to be adopted June 26, 2012.

DISCUSSION

In accordance with the direction Council provided to staff during the work session on June 12, 2012, a draft revised FY 2013 Funding Recommendations Chart has been prepared and is provided as Attachment I. The revised chart entails a total of \$102,000 in FY 2013 funding to support community programs and activities in the Community Promotions and Neighborhoods Arts Events category areas. This revised total reflects an overall \$27,000 increase to the total funding in these categories as compared to the total previously presented to Council during the Work Session on June 12, 2012.

Neighborhoods, Arts, and Events: In accordance with direction received from Council during the June 12 Work Session, the draft revised recommendations build on the work completed by the Community Services Commission (CSC) during their application review process while taking into account comments and direction from Council. The overall pool of available funding in the Neighborhoods Arts and Events category was increased from a total of \$51,500 to a total of \$76,500, per Council direction. Using the CSC policy that no agency would be receiving more than what they requested, three agencies would be awarded 100% of their requested allocation due to the increased available funding and based on the percentage allocations previously determined by the CSC:

1. Hayward Arts Council – Band Festival - \$7,400
2. Imperial Star Empire, Inc. - \$500
3. Lighthouse Community Center - \$1,500

The remaining applicants are recommended at approximately 78% of their FY 2013 requested amount, which reflects a 22% reduction. (Please refer to Attachment I). This approach brings the Hayward Arts Council – Operations up to \$16,485, which is approximately 68% of what they received in FY 2012. It brings the Hayward Municipal Band up to \$14,695, which is approximately 88% of what they received in

FY 2012; and Sun Gallery would receive \$27,450, or 82% of their FY 2012 funding. Pacific Chamber is recommended at \$4,705, or approximately 84% of their FY 2012 funding. The Youth Orchestra is recommended at \$3,765, or 79% of their FY 2012 level.

Community Promotions: In the Community Promotions funding category, the funding recommendation for the Zucchini Festival application was increased from \$2,000 to \$4,000, per Council direction. The current recommendation would provide the Russell City Blues Festival approximately the same amount as FY 2012, but slightly less than they requested in FY 2013; and the Zucchini Festival approximately \$2,700 more than they received in FY 2012.

FISCAL IMPACT

The Community Promotions / Neighborhood Arts Events funding recommendations are affected by Council's overall budget deliberations as they relate to overall General Fund obligations. Because these grants are made using General Funds, reducing or eliminating the grants would have a beneficial impact on the City's General Fund budget. However, reducing or eliminating grants would have a negative fiscal impact on arts and music in the community.

If Council chooses to adopt the revised draft funding recommendations as presented in Attachment I, the budgeted use of General Fund reserve balance would be increased by \$27,000 in FY 2013.

PUBLIC CONTACT

A complete description of the Public Contact conducted during the Community Promotions / Neighborhoods Arts Events funding processes is provided in the [June 12, 2012 Work Session Staff Report](#) (see page 10 of the packet).

NEXT STEPS

Council will review and adopt the FY 2013 & FY 2014 Biennial Budget on June 26, 2012. The final budget document will include the FY 2013 community agency funding allocations that were established by Council in all funds and funding categories, including: Community Promotions; Neighborhoods, Arts & Events; Social Services; Community Development Block Grant (CDBG); and Measure B - Paratransit.

Prepared and Recommended by:



Fran David, City Manager

Attachments:

Attachment I: Draft Revised Community Promotions / Neighborhoods Arts Events Funding Recommendations - FY 2013

****DRAFT REVISED****

ATTACHMENT I

**COMMUNITY PROMOTIONS / NEIGHBORHOODS ARTS EVENTS
FUNDING RECOMMENDATIONS - FY 2013**

CATEGORY: NEIGHBORHOODS, ARTS & EVENTS						FY 13 Revised		
App. #:	AGENCY NAME	FY12 Grant	FY13 Request	Committee Recommendation	% of Total Available	Adjusted per 6/12 Work Session	% of Total Available	% of Request
1	Hayward Arts Council - Operations	\$ 24,317	\$ 21,015	\$ 3,136	6.1%	\$ 16,485	21.5%	78.4%
2	Hayward Arts Council - Band Festival	\$ 7,394	\$ 7,400	\$ 7,400	14.4%	\$ 7,400	9.7%	100.0%
3	Hayward Municipal Band	\$ 16,533	\$ 18,746	\$ 9,287	18.0%	\$ 14,695	19.2%	78.4%
4	Imperial Star Empire, Inc.	-	\$ 500	\$ 500	1.0%	\$ 500	0.7%	100.0%
5	Lighthouse Community Center	\$ 500	\$ 1,500	\$ 1,500	2.9%	\$ 1,500	2.0%	100.0%
6	Pacific Chamber Symphony	\$ 5,627	\$ 6,000	\$ 3,015	5.9%	\$ 4,705	6.2%	78.4%
7	Sun Gallery	\$ 33,300	\$ 35,000	\$ 19,238	37.4%	\$ 27,450	35.9%	78.4%
8	Youth Orchestra	\$ 4,780	\$ 4,800	\$ 2,262	4.4%	\$ 3,765	4.9%	78.4%
Unallocated*				\$ 5,162	10.0%	-	-	-
SUBTOTAL:		\$ 92,451	\$ 94,961	\$ 51,500	100.0%	\$ 76,500	100.0%	80.6%

CATEGORY: COMMUNITY PROMOTIONS						FY 13 Revised		
App. #:	AGENCY NAME	FY12 Grant	FY13 Request	Committee Recommendation	% of Total Available	Adjusted per 6/12 Work Session	% of Total Available	% of Request
9	Russell City Blues Festival	\$ 24,300	\$ 24,300	\$ 21,500	91.5%	\$ 21,500	84.3%	88.5%
10	Zucchini Festival	\$ 1,300	\$ 20,000	\$ 2,000	8.5%	\$ 4,000	15.7%	20.0%
SUBTOTAL:		\$ 25,600	\$ 44,300	\$ 23,500	100.0%	\$ 25,500	100.0%	57.6%

GRAND TOTAL:		\$ 118,051	\$ 139,261	\$ 75,000	100.0%	\$ 102,000	100.0%	73.2%
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DATE: June 19, 2012

TO: Mayor and City Council
Redevelopment Successor Agency Board
Housing Authority Board

FROM: Director of Finance

SUBJECT: Public Hearing for the FY 2013 & FY 2014 Biennial Operating Budget for the City of Hayward, Hayward Successor Redevelopment Agency, and Hayward Housing Authority; and the Proposed Capital Improvement Program Budget for Fiscal Years 2013 through 2022

RECOMMENDATION

That the City Council considers proposed changes to the Recommended FY 2013 & FY 2014 Biennial Operating Budget, and the proposed Capital Improvement Program(CIP) budget for Fiscal Years 2013 through 2022; conducts a Public Hearing on each; and that following public testimony, the Council and Agency Board Members review and comment on:

- ❑ FY 2013 & FY 2014 Recommended Biennial Operating Budget (City of Hayward, Hayward Successor Redevelopment Agency, and Hayward Housing Authority); and
- ❑ Proposed Capital Improvement Program Budget for FY 2013 through FY 2022

BACKGROUND

The City Manager presented the Recommended FY 2013 & FY 2014 Biennial Operating Budget to City Council on May 8, 2012. Since that time, Council has held four budget work sessions (May 15, May 22, May 29, and June 12, 2012). These work sessions included formal presentations of both the recommended operating and CIP budgets, a time for public input, Council discussion, and responses by Department Directors to specific budget and program questions. Tonight's meeting has been advertised as a public hearing on the recommended budget and is a time to receive further public input. Upon closure of the public hearing, Council will provide any further comments and direction to staff in preparation for adopting the budget on June 26, 2012.

The City's recommended budget is a direct reflection of City Council priorities, and the spending plan for the biennial budget is designed to support and implement those priorities. The final budget document will assure that the relationship between the priorities established by Council and staff's responsibility to manage resources to implement those priorities is clearly reflected in the document.

DISCUSSION

The budget process is very dynamic and is grounded in the City Manager's Recommended Budget. As the budget process has progressed, both City Council and staff have identified several changes to be made to the recommended budget document. This report contains a summary of the changes to date, and the resultant impacts to both the General Fund and other revenue funds for FY 2013 and FY 2014. The tables below summarize the net impacts from the recommended budget changes.

Table 1: Citywide Expenditure Budget Changes

Budget Summary <i>(in thousands)</i>	FY 2013 Proposed 5/8/12	FY 2013 Proposed 6/19/12	FY 2014 Proposed 5/8/12	FY 2014 Proposed 6/19/12
General Fund	122,445	122,423	125,859	125,990
All Other Operating Funds*	115,103	115,889	118,434	121,866
Total Operating Budget	237,548	238,312	244,293	247,856
Total CIP Budget	106,075	106,075	46,407	46,407
Total City Budget	\$ 343,623	\$ 344,387	\$ 290,700	\$ 294,263

*Enterprise, Internal Service, grants, etc.

Table 2: Citywide Position Changes

FTE Summary	FY 2013 Proposed 5/8/12	FY 2013 Proposed 6/19/12	FY 2014 Proposed 5/8/12	FY 2014 Proposed 6/19/12
General Fund	619.6	621.6	619.6	621.6
All Other Funds	169.4	168.9	169.4	168.9
Total City Postions	788.95	790.50	788.95	790.45

General Fund Expenditures

Total changes to the General Fund result in a net decrease in the use of reserves of \$21,860 for FY 2013 and a net increase in the use of reserves of \$131,061 for FY 2014. The Key changes include:

Library & Community Services (page 188): + \$140,131 in FY 2013 and FY 2014

- The amount of funding included for Books & Materials for FY 2013 and FY 2014 erroneously reflected a severe reduction of 65% over the previous year's expenditures. The corrected reduction reflects a 30% reduction from FY 2012, and results in an increase to the FY 2013 and FY 2014 expenditure allocations.

City Clerk's Office (page 86): - \$180,000 in FY 2013

- Since there are no elections in FY 2013, the \$180,000 elections budget will be eliminated in that year. Currently, FY 2014 reflects an elections budget of \$180,000. Since it is unknown what the Registrar of Voters will charge for the 2014 election, staff recommends maintaining a baseline budget of \$180,000 in FY 2014, which reflects an

approximate cost of \$3.25 per voter. Staff can revisit the FY 2014 elections budget at the mid-biennial update if needed.

Community Agency (Arts and Events) Funding: +\$27,000 in FY 2013

- Pursuant to City Council discussion at its Work Session on June 12, staff is recommending an increase in funding to several agencies. Details of this recommendation are discussed in a separate report on tonight's Council agenda.

Public Works Engineering & Transportation (pages 237-248): \$0; +2.0 FTE

Following budget discussions with City Council, staff is recommending some staffing changes to better address key Council priorities related to improved lighting and traffic synchronization throughout the City as well as noise abatement at the airport.

- Although there is no net impact to the General Fund, staff is recommending the addition of two new positions: 1.0 FTE Senior Transportation Engineer (two-year project position) and 1.0 FTE Traffic Signal Technician.
- The annual cost of these two new positions is \$271,490 in FY 2013 and \$278,533 in FY 2014. The cost of these positions is entirely offset through charges to other revenue funds such as Gas Tax and the Citywide Intersection Improvement Study (funded in the CIP budget).

Special Revenue Funds Expenditures

Following the issuance of the recommended budget document, staff identified a number of corrections related to several special revenue funds. Many of these adjustments are due to the elimination of the Hayward Redevelopment Agency and are adjustments that were not made in time for the initial budget document.*

Successor Agency RDA – Operating Fund (page 115): - \$250,000 in FY 2014*

- Both fiscal years budgeted \$250,000 for the Burbank Environmental Evaluation. Since this will be completed in FY 2013, it is not required in FY 2014. The budget allocated is eliminated for FY 2014. This is consistent with the Agency's anticipated enforceable obligations schedules.

Housing Authority (page 116): - \$319,153 for both FY 2013 and FY 2014*

- Eliminate Supplies & Services Budget for Homeownership Program.
- Eliminate Grant Expenditure Budget for Housing Rehabilitation Program.

Housing Authority – Home Ownership Loans (page 117): -\$600,000 for FY 2013 and FY 2014*

- Eliminate Grant Expenditure Budget.

Housing Rehabilitation Loan Program (CDBG funds): +\$22,415 for FY 2013 and \$23,547 for FY 2014

- Increase Housing Rehabilitation Loan Program Administration grant budget; adjust transfer amounts between Housing Rehabilitation Loan Program Administration and Revolving Loan

Paratransit Program (page 193): -\$153,145 for FY 2013 and -\$157,325 for FY 2014; - 1.0 FTE
During budget discussions with City Council, Council noted that the Paratransit program was running a deficit. This was due to some staffing changes initiated during the budget process. Given the negative impact to the fund, staff is modifying the recommendation to rebalance the fund.

- Transfer 1.0 FTE Secretary position from Paratransit Program to Housing Rehabilitation Loan Program Administration; eliminate 1.0 FTE Paratransit Coordinator (vacant position).

Enterprise Funds

Public Works Engineering & Transportation (page 247): \$0; +.5 FTE

- Again, in response to Council priorities, staff is recommending an increase of .5 FTE for the Noise Abatement Analyst, bringing the position to a 1.0 FTE, at the Hayward Executive Airport. The increase in staffing costs (\$32,000) will be entirely offset by other non-personnel expenditure reductions in the Airport Operating Fund. No funding changes are recommended. The incumbent has been instrumental in maintaining positive, cooperative relationships with the surrounding homeowner groups; however, the number of complaints warrants a full-time staff member in order to properly evaluate, communicate, and follow-through on all items in a timely manner. In addition, this position administers the Storm Water Inlet Protection Program and would assist in the implementation of a driver safety training and certification program for Airport employees.

Wastewater Fund Expenditures (page 263): + \$2M in FY 2013 and \$5M in FY 2014

- The recommended budget failed to include the annual transfer of the Connection Fee revenue to the Sewer Improvement Fund. This transfer reflects the Sewer Connection Charge Revenue, which is then transferred from the Wastewater Operating Fund to the Sewer Improvement Fund.

Wastewater Fund Revenue (page 263): +\$1.36M in FY 2013 and FY 2014

- Staff is adjusting the debt service entry to correct omission of the revenue transfer from the Wastewater Fund for repayment of the State Water Resources Control Board (SWRCB) Loan.

Capital Improvement Program (CIP) Budget

There are no significant changes to the recommended CIP budget as presented to Council on May 15th. The only area that staff wishes to highlight to Council is that the Capital Improvement Fund 410 reflects a negative ending fund balance for FY 2013 – FY 2020 due to the inclusion of the Comprehensive General Plan Update.

Proposed new fees to fund the plan update gradually offset this cost; however, the cost is not fully covered until FY 2021. Until that time, the negative balance represents a General Fund liability of \$661,000 in FY 2013 that grows to \$1.6M in FY 2014.

Council is considering the General Plan update through a separate item on tonight's agenda.

FISCAL IMPACT

The above items reflect the major proposed changes received to date for the City of Hayward's Recommended Operating Budget for Fiscal Year 2013 and Fiscal Year 2014. Table 3 below summarizes the financial impact to the City's General, Special Revenue, and Enterprise Funds should all proposed changes be approved.

Table 3: Budget Changes Summary

<i>in millions</i>	FY 2013	FY 2014
General Fund Expenditures		
Total Expense	122.44	125.86
Net Staffing Expense	(0.01)	(0.01)
Adjustments to Supplies & Services	(0.01)	0.14
Adjusted Total Expense	\$ 122.42	\$ 125.99
Impact on (Use)/Add to Fund Balance		
Recommended Budget	4.48	5.55
Impact of Adjusted Total Expense	(0.02)	0.13
Adjusted Use of General Fund Reserves	\$ 4.46	\$ 5.68
Special Revenue Funds Expenditures		
Recommended Budget Total Expenditures	6.95	5.72
Impact of Adjusted Expenditures	(1.20)	(1.43)
Adjusted Total Expenditures	\$ 5.75	\$ 4.28
Enterprise Funds		
Recommended Budget Total Expenditures	70.04	72.70
Impact of Adjusted Expenditures	1.92	4.96
Adjusted Total Expenditures	\$ 71.96	\$ 77.66
Recommended Budget Total Revenues		
Recommended Budget Total Revenues	65.35	74.37
Impact of Adjusted Revenues	1.30	1.30
Adjusted Total Revenues	\$ 66.66	\$ 75.67

PUBLIC CONTACT

A notice was published in the *Daily Review* on June 9 and June 14, 2012 announcing the date, time, location, and subject matter of this public hearing. A notice advising residents about the Planning Commission's public hearing on the CIP was published in the *Daily Review* newspaper more than the requisite 10 days in advance. Furthermore, staff members from Alameda County Transportation Commission (ACTC) were contacted in the event that any members from the organization's Measure B Citizen Watchdog Committee were interested in learning more about City projects funded through Measure B.

The FY 2013 & FY 2014 Recommended Operating Budget is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Branch, and on the City's website at:

http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/FY_2013-2014_ROB.pdf

A schedule of the FY 2013 & FY 2014 Recommended Operating Budget work sessions is available for public information on the City's website at:

<http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/>

The Recommended Capital Improvement Program FY 2013 Update is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Branch, and on the City's website at:

http://www.hayward-ca.gov/blogdocs/cityclerk/2012/FULL_VERSION_OF_APRIL_CIP.pdf

NEXT STEPS

Council's direction from previous discussions and this Public Hearing will be incorporated into the budget and will be reflected in the resolutions prepared for formal budget adoption at the City Council meeting of June 26, 2012.

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager