



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL AGENDA**  
**MARCH 5, 2013**

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**MAYOR MICHAEL SWEENEY**  
**MAYOR PRO TEMPORE MARVIN PEIXOTO**  
**COUNCIL MEMBER BARBARA HALLIDAY**  
**COUNCIL MEMBER FRANCISCO ZERMEÑO**  
**COUNCIL MEMBER MARK SALINAS**  
**COUNCIL MEMBER GREG JONES**  
**COUNCIL MEMBER AL MENDALL**

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CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL MEETING FOR MARCH 5, 2013**  
777 B STREET, HAYWARD, CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

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

1. **PUBLIC COMMENTS**
  2. Conference with Labor Negotiators  
Pursuant to Government Code 54957.6
    - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager McAdoo, Human Resources Director Robustelli, Finance Director Vesely, Deputy City Attorney Vashi, Director of Maintenance Services McGrathUnder Negotiation: All Groups
  3. Conference with Legal Counsel  
Pursuant to Government Code 54956.9
    - Pending Litigation  
McKay, et al v. City of Hayward, et al., U.S.D.C. CV12-1613 NC
  4. Adjourn to City Council Meeting
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**CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

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

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PRESENTATION** Business Recognition Award - Manada Roofing, Inc.

**PROCLAMATION** Women Veterans' Day

**PUBLIC COMMENTS**

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

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**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.)*

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

1. Strategies to Improve the Delivery of Food and Support Services to People in Need (Report from Assistant City Manager McAdoo)  
[Staff Report](#)
- 

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

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**CONSENT**

2. Approval of Minutes of the City Council Meeting on February 19, 2013  
[Draft Minutes](#)
  3. South Hayward BART Transit Oriented Development: Approval of Amendment to Owner Participation Agreement – Extension of Construction Timelines  
\*\*\* Report will be available on Monday, March 4, 2013 \*\*\*
  4. South Hayward BART Transit Oriented Development: Approval of Amendment to JPA Agreement; Appointment of Alternate Director to the JPA Board  
[Staff Report](#)  
[Attachment I Resolution](#)
- 

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

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



## LEGISLATIVE BUSINESS

5. Approval of Phase-Out of the City's Red Light Camera Program (Report from Police Chief Urban)  
[Staff Report](#)  
[Attachment I Draft Resolution](#)
6. Fiscal Year 2013 Mid-Year Budget Review & General Fund Ten-Year Plan Update (**Report from Director of Finance Vesely**)  
**\*\*\* Report will be available on Monday, March 4, 2013 \*\*\***
7. Water Supply Agreement with San Francisco - Approval of an Amendment (Report from Director of Public Works - Utilities & Environmental Services Ameri)  
[Staff Report](#)  
[Attachment I Resolution](#)  
[Attachment II Amendment](#)

## 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, MARCH 19, 2013**

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

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

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**\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. 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. \*\*\***

March 5, 2013



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

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March 5, 2013



**DATE:** March 5, 2013  
**TO:** Mayor and City Council  
**FROM:** Assistant City Manager  
**SUBJECT:** Strategies to Improve the Delivery of Food and Support Services to People in Need (Report from Assistant City Manager McAdoo)

## **RECOMMENDATION**

That the City Council reviews and comments on this report.

## **SUMMARY**

Regularly scheduled outdoor free food-sharing operations<sup>2</sup> currently take place in Downtown Hayward several times a week. Many of the people conducting these activities have been doing so for many years, while others have come and gone over time. It is estimated that between six and twelve unrelated food providers currently deliver food to those in need in the downtown area. While some are from Hayward, others are based in other jurisdictions and come to Hayward to share food with those in need. Frequently, a hundred people or more can be found at these free food sharing gatherings. A number of the people served are homeless, but many are also people with very limited economic resources, who are housed and able to avoid homelessness in part by accessing free food. The outdoor food sharing activities in Downtown Hayward typically take place on City property, and currently do so without benefit of a City permit, which at this time is not required.

The City has received many reports describing the negative impact that the outdoor food-sharing activities described above have had on the quality of life and economic well-being of nearby residents, local businesses, and residential and commercial property owners. There have been numerous calls for service to the Hayward Police Department and the City's Maintenance Services Department to address illegal and/or socially disruptive behavior and to clean-up human waste, litter, trash, and other debris associated with the food sharing operations. Community members have also expressed concern about the health and safety (from potentially contaminated food). Constituents have also conveyed that simply providing food to those who are homeless, or at risk of becoming homeless, does not sufficiently address or resolve their difficult situations; sharing that a

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<sup>2</sup> The designation "free, food sharing operations" is used to generally refer to those situations where food is delivered and/or dispensed from vehicles or other places that are not associated with a commercially approved and permitted preparation area; and which delivery takes place at no cost to the recipients in the out of doors not associated with any physical facility to which the person or agency dispensing the food is formally affiliated or permitted to use; and which food or food preparation sites have not been inspected or licensed by any public authority responsible for such inspection or licensing.

more constructive approach would be to ensure access to affordable housing, living wage jobs, healthcare, and other social services, in addition to fostering food access.

## **BACKGROUND**

Congregate outdoor food-sharing in Downtown Hayward typically takes place at Portuguese Park, and occasionally at other locations including the Library Plaza surrounding the Main Branch of the Hayward Public Library, Newman Park, City Hall Plaza and in some downtown municipal parking lots. Concerns are increasingly being reported to the City about these activities. Residents living near these outdoor food-sharing venues have reported that these activities negatively impact their quality of life.

Specific complaints reported to the City include: frequent overflowing City trash cans as well as litter and debris left on and around the food-sharing sites (which have also attracted illegal dumping and litter by other people not associated with the outdoor food-sharing activities); trespassing by food recipients on nearby private properties before and after outdoor food-sharing takes place; human waste (i.e., feces, urine, and vomit) left on nearby public and private properties; periodic altercations and other unruly or aggressive behavior occurring among food-sharing participants before, during, and after food has been served; and people camping on the food-distribution sites, in nearby San Lorenzo Creek, in large garbage bins behind Downtown stores, and in store fronts and other building alcoves in and around Downtown Hayward.

Concerns about the safety of those being served have also been reported. Specifically, there is concern about the potential of food recipients becoming ill from the provision of unregulated food. Additionally, outdoor food-sharing can be problematic for both those serving and receiving food during inclement weather without the proper facility or shelter. It is also noted that the City may be exposed to legal claims stemming from injuries to individuals, or damage to personal property, associated with the outdoor food-sharing operations occurring on City property.

While some of the community problems described above may not be directly associated with the outdoor food-sharing operations, many complainants perceive – and in some instances there is evidence - that there is a correlation between them. Attempts to address these and other related concerns via self-regulation (by outdoor food providers and recipients) have helped to some degree. However, these efforts have not been consistent, and they have not adequately prevented or addressed the concerns that continue to be reported to the City.

City representatives have been working with community stakeholders over the last six years to address the above noted issues, with mixed results. Some of the food providers now coordinate their efforts and have voluntarily moved their operations away from the Library Plaza in order to reduce the negative impact that their activities were having on library patrons. Additionally, a few partnerships have been created between church groups resulting in a reduction in the number of groups that offer food outdoors. Also, in an attempt to address the previously described behavioral and environmental concerns, the food providers – along with food recipient representatives – developed a Code of Conduct (Attachment I). While many of the food providers indicated that they would enforce this Code of Conduct by withholding their food from those who do not comply, not all of the food providers consistently follow this plan. Consequently, the attempt at self-regulation

has not effectively addressed the noted community problems, and has not precluded the need for City response or intervention.

Other jurisdictions grappling with similar issues have attempted to address them by implementing ordinances and regulations prohibiting food sharing activities in public areas. Such ordinances invariably become the subject of legal challenges. Some recent examples include:

- In 2006, the City of Las Vegas passed an ordinance prohibiting “the providing of food or meals to the indigent for free or for a nominal fee.” The American Civil Liberties Union filed suit in Federal court challenging the ordinance. The Court issued a permanent injunction against enforcement of the ordinance in August 2007. In September 2010, the City of Las Vegas and the ACLU reached a settlement that included repealing the challenged ordinance.
- In 2006, the City of Orlando, Florida enacted an ordinance prohibiting large group food distribution operations (i.e., involving 25 or more people) in downtown parks without a permit. A legal challenge was filed in Federal Court. In April 2011, the 11<sup>th</sup> Circuit Federal Court of Appeals upheld the permit requirement as not violating the First Amendment rights of groups engaged in outdoor feeding activities.
- In June 2012, the City of Philadelphia issued regulations banning public feedings involving three or more people at a specific park in downtown Philadelphia. A legal challenge was filed in Federal court. On August 9, 2012, a preliminary injunction was issued against enforcement of the regulations on the basis that the regulations violated state freedom of religion statutes.

Reports from the National Coalition for the Homeless and The National Law Center on Homelessness and Poverty describe other efforts and the legal challenges that resulted; in some instances, the legal challenges prevailed against the jurisdictions involved based on the freedom of speech and freedom of religion rights protected under the United States Constitution.

The premise that food access is a human right has also been used legally and politically to challenge jurisdictional efforts to ban outright certain food sharing activities.<sup>1</sup> However, lawsuits challenging local ordinances that do not prohibit - but which simply regulate the time, place, and manner of food distribution - have been upheld against free speech challenges. Specifically, local ordinances that establish a reasonable permitting requirement for food distribution have been deemed to be constitutionally valid by the courts. Consequently, staff recommends that the Hayward Zoning Ordinance be amended so as to strengthen the City’s ability to manage and control how and when its property is used in order to ensure that such activities provide a community benefit and do not present a negative impact to others in the surrounding area.

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<sup>1</sup> A: [http://www.nlchp.org/content/pubs/A\\_Place\\_at\\_the\\_Table.pdf](http://www.nlchp.org/content/pubs/A_Place_at_the_Table.pdf); and

B: [http://www.nationalhomeless.org/publications/foodsharing/Food\\_Sharing.pdf](http://www.nationalhomeless.org/publications/foodsharing/Food_Sharing.pdf)

## DISCUSSION

### Regulations Governing the Use of Outdoor City Properties

The Hayward Zoning Ordinance currently requires that an Administrative Use Permit (AUP) be issued for outdoor events involving more than 275 people. However this may not be the best vehicle to utilize in this situation. Staff is currently reviewing possible revisions to the Hayward Zoning Ordinance that might, if approved, require AUPs for outdoor food distribution activities on City property in the Downtown area regardless of the number of recipients served. Staff is also reviewing other possible vehicles other than the AUP to assure that whatever is used provides the greatest flexibility to appropriately control the time, place, and manner of any allowed free food-sharing in the community.

An Encroachment Permit, which is also currently required when activities involve street closures, might also be applicable as part of the revised regulatory process. Whatever method ultimately chosen must provide for a clear enforcement mechanism that would allow the Hayward Police Department to shut down unauthorized outdoor food activities..

Currently, there are many locations in north and south Hayward that provide indoor emergency grocery and hot meal services that assist people who are homeless, as well as those who are at-risk for homelessness. Most of these programs also provide support services to address and alleviate some of the most common causes of hunger and homelessness – i.e., housing instability, under and unemployment, health problems, and addiction issues. These programs seek to stabilize lives, end homelessness and hunger, and are consistent with the County-wide *Everyone Home Plan*<sup>3</sup> adopted by the Hayward City Council in October 2006. They are distinguished from the outdoor food distribution activities under discussion in this report. These activities do not propose or seek to resolve the causal factors of homelessness, and may, albeit unintentionally, prolong their clients' uncomfortable and sometimes dangerous living circumstances.

Food distribution is an important tool used to resolve hunger; however, if it is not provided within the context of a coordinated and comprehensive system of services, it is not a viable strategy for effectively helping people to overcome their problems and improve their life circumstances. The outdoor food distribution providers who are willing to meaningfully partner with other service groups and organizations to coordinate the delivery of services that alleviate hunger and homelessness and their causes could play an important role in the creation of a broader continuum of services for Hayward residents.

If directed by City Council to do so, staff will continue to work with each of the organizations that currently engage in outdoor food distribution activities to identify service gaps, minimize redundancies in service delivery, as well as explore potential partnerships to implement new, more comprehensive, service delivery strategies that are consistent with the *County-wide Everyone Home Plan*. This includes the newly forming Task Force to End Hunger and Homelessness in Hayward as well as CAN and other dedicated interest groups.

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<sup>3</sup> [http://www.everyonehome.org/media/resources\\_EveryOneHome\\_plan.pdf](http://www.everyonehome.org/media/resources_EveryOneHome_plan.pdf)

The City and the Hayward Area Recreation and Park District (HARD) recently lead an Urban Agriculture Community Visioning process that involves the Hayward Unified School District (HUSD), a number of community organizations, and many residents from various Hayward neighborhoods. A number of ideas and strategies related to community gardening, urban farming, local food production and distribution, environmental sustainability, land use, healthy food access, nutrition education, and other public policies and practices have been generated by this effort which will be incorporated into the overall long-term strategy as appropriate.

## **ECONOMIC IMPACT**

The negative economic impact currently caused by outdoor food sharing activities that occur in Downtown Hayward will be greatly reduced and hopefully eliminated when these activities are moved to other indoor locations, and when the future use of outdoor City properties are regulated and enforced by the City. This will improve the overall Downtown experience for all parties.

## **FISCAL IMPACT**

No *additional* expenses related to staff time or supplies are anticipated with the development of proposed amendments to the Hayward Zoning Ordinance. These costs will be covered within the budget already allocated to the Development Services Department, City Attorney's Office, and City Manager's Office. Until the correct regulatory and enforcement structure is identified, it is unclear what fees, if any, may be collected around the licensing, permitting, or enforcement of free food-sharing operations.

## **PUBLIC CONTACT**

On March 12, 2012, City representatives met with approximately twenty community members representing recipients of the current outdoor food sharing activities, and various faith-based representatives that are concerned about this issue. The key principles described in this report were shared, and feedback received. In general, there was significant support from all involved for identifying an indoor location, out of which comprehensive services can be delivered to those in need. These representatives emphasized that, in their view, a single location that is in or near the downtown area would be ideal.

City staff, accompanied by several agency representatives, also conducted four separate "walkabouts" through homeless areas around the Downtown: one in November, two in December, and one in January. During those events, participants reviewed living conditions among the homeless and received feedback from recipients of the free food-sharing operations. This information was then discussed and the outcomes will be used to help shape the next steps in this process as well as the final outcomes.

The following community representatives have also been contacted about, and many have provided information related to, this report: Downtown resident and business group representatives; faith and community-based nonprofit service organization representatives; food service recipients; and representatives from HARD, HUSD, and Alameda County; and including cross-departmental City staff. .

## **NEXT STEPS**

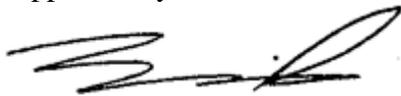
Based on Council's comments, staff is prepared to present the recommended Zoning Ordinance amendments to the Hayward Planning Commission on April 26, 2012. Subsequently, the recommended Zoning Ordinance amendments will be submitted to the City Council, along with the Planning Commission's input, on May 22, 2012, and presented for adoption on May 29, 2012.

Meanwhile staff will continue to work with the various community stakeholders concerned about this issue to identify one or more indoor locations where food and other social services can be provided indoors, in a more dignified, comprehensive, safe, and effective manner.

*Prepared by:* David Korth, Neighborhood Services Manager

*Recommended by:* Kelly McAdoo, Assistant City Manager

Approved by:



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Fran David, City Manager

Attachment I: Hayward CAN Code of Conduct



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, February 19, 2013, 7:00 p.m.**

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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 Mendall.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas,  
Mendall  
MAYOR Sweeney  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that Council met with labor negotiators pursuant to Government Code 54957.6, concerning all groups; and with property negotiators pursuant to Government Code 54956.8, concerning property transaction of approximately 400 Parcels owned by the California Department of Transportation in the Route 238 Corridor. There was no reportable action.

**PUBLIC COMMENTS**

Ms. Wynn Grich, Industrial Parkway SW resident, submitted documents for the record concerning health risks from the widespread use of fluoride and encouraged everyone to read the book "The Fluoride Deception," by Christopher Bryson.

Mr. Don Biles, Alice Street resident, noted that while driving on Maple Court and Foothill Boulevard his car was damaged by overspray paint used for crosswalks and lane markers and filed a claim against the City, but his claim was rejected. Mr. Biles noted that the damage will continue to occur until spray painting methods were improved.

Mr. Gilbert Heslia, Vice President of SEIU Local 1021 Maintenance Unit and Stockton resident, spoke about a non-economic proposal that was presented by the City's negotiating team and noted it was economically harmful and endangered employees' rights.

Ms. Linda Reid, SEIU Local 1021 representative and San Leandro resident, noted the union was in negotiations with the City and referred to a salary survey the City had provided that had flaws. Ms. Reid pointed out that the union membership had agreed to concessions for years and could not afford any more.

Ms. Gail Eakin, Jail Supervisor for the City and Tracy resident, spoke about her employment with the City and the sacrifices her family has made over the years due to pay and staff reductions.

Mr. Francisco Abrantes, Alice Street resident, shared seeing street sweeping activity only three times

during the year and referred to a discrepancy with an unpaid parking citation. Mayor Sweeney asked City Manager David to follow up on the complaint.

## **JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION (60-Minute Limit)**

### **1. General Plan Update: Overview of Initial Community Outreach Efforts and Presentation of the Draft Vision and Guiding Principles**

Staff report submitted by Senior Planner Pearson, dated February 19, 2013, was filed.

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

Planning Commissioner Lamnin offered the following suggestions: use electronic boards to post questions about the General Plan Update; define “General Plan” on “What Hayward Will Look Like in 2040” website; expand the outreach to include Mt. Eden High School, Winton Middle School, Burbank Elementary School and use the Parent Teacher Association program; partner with community groups that do door knocking; and solicit information at the downtown street parties. For Guiding Principle 1: partner with the Hayward Unified School District and the Police Department; for Guiding Principle 2: include universal design policies in connection with senior services and utilize non-profit agencies for the disaster preparedness plan; for Guiding Principle 5: balance the goal to have a vibrant Downtown to include other parts of the city, and create “complete neighborhoods” and develop standards for entertainment; and Guiding Principle 8: partner with the East Bay Regional Park District and Hayward Area Recreation and Park District.

Planning Commissioner McDermott noted that while the results of the Community Survey were not a total representation of Hayward’s citizenry, the senior population seemed well represented in the areas of Fairway Park and Woodland Estates. Ms. McDermott was concerned that there was not sufficient representation for the Spanish speaking population and suggested adding an insert in Spanish to the outreach materials in order to capture accurate community feedback.

Planning Commissioner Faria mentioned attending a workshop that had accommodations for Spanish speaking attendees, and noted that the city could get a better outcome if discussions included Hayward’s non-English speaking populations. Ms. Faria commended staff for the excellent presentations delivered to the community. She agreed with the guiding principles and added that there was opportunity to include how to promote a healthy community.

Planning Commissioner Loché expressed the importance of outreach to youth and obtaining input from the Hayward Youth Commission. Mr. Loché recommended adding creating a partnership between Hayward Unified School District, Chabot College and Cal State University East Bay to Guiding Principle 1. He was glad that sea-level rise would be discussed at the next General Plan Update Task Force meeting.

Planning Commissioner Trivedi appreciated the completeness of the Draft 2040 Vision and Guiding Principles document. Mr. Trivedi was glad one of the community meetings was held at Chabot



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College and encouraged participation from Hayward schools at future visioning meetings. He also encouraged outreach to outlying communities and businesses in industrial areas.

Council Member Peixoto questioned whether the Community Survey was a true representative of Hayward's overall demographics; especially in areas of housing and entertainment (live music). Mr. Peixoto noted that active outreach could produce a better outcome. Mr. Peixoto noted the survey results for schools and safety confirmed those areas needed attention.

Council Member Salinas suggested engaging with the Hayward Unified School District, its principals, and Chabot College and Cal State University East Bay students in order to obtain greater participation. Mr. Salinas appreciated that education was included as an element throughout the 2040 Vision statement and the Guiding Principles, especially in Guiding Principle 6: "Hayward should have a reputation as one of the best college towns in the West." He offered the following suggestions: include language about economic development to Guiding Principle 1 as it relates to improving schools; include language to Guiding Principle 2 about youth; and include language to Guiding Principle 4 that Hayward values hiring local workers first.

Council Member Zermeño praised the 2040 Vision statement. Mr. Zermeño suggested staff meet with the Hayward Promise Neighborhood, Cal State University East Bay, and private schools in an effort to increase participation from non-English speakers. Mr. Zermeño offered the following suggestions: add A Street, Tennyson Road, and Foothill Boulevard to Guiding Principle 4, and consider including language for project labor agreement, support for small businesses and hiring local; include language about the homeless population and hunger to Guiding Principle 2; and include emphasis on youth and bicycle paths to Guiding Principle 7.

Council Member Mendall liked the 2040 Vision statement and recommended revising the second to last sentence to read, "It will be a destination for learning, entertainment, arts, and culture, recreation, and commerce." Mr. Mendall offered the following suggestions: he agreed with Council Member Zermeño that Guiding Principle 4 should include Tennyson Road in the list of commercial corridors; and include neighborhood parks in the summary sentence of Guiding Principle 8. Mr. Mendall pointed out that the Community Survey question No. 23 about transportation did not mention more and wider roads. Mr. Mendall echoed Planning Commissioner Loché's comments and stressed the need for more recreational opportunities, especially the youth.

Council Member Jones appreciated the outreach efforts, but noted there needed to be more community participation and suggested utilizing the biannual telephone survey results from the previous survey and/or investing in a telephone survey to obtain more community input. Mr. Jones offered the following suggestions: incorporate private educational institutions to the concept of excellent schools in Guiding Principle 1; for Guiding Principle 2 add stability in neighborhoods, encouraging homeownership and active civic engagement through neighborhood organizing; in Guiding Principle 4 include the need to attract private investment, develop policies to simplify the regulatory framework to encourage businesses to come to Hayward; and review the language of

creating policies in Guiding Principle 5.

Council Member Halliday acknowledged the outreach efforts, but noted the Community Survey was not a representation of Hayward, especially in the areas of home ownership and children in Hayward schools. Ms. Halliday was glad to confirm that schools emerged as strong points. Ms. Halliday suggested having a Guiding Principle devoted to promoting health that would incorporate topics like parks, urban agriculture and access to food. She liked the marketing image for the city, liked the idea of renaming the industrial area, and appreciated the inclusion of youth and seniors, especially the element of “aging in place.”

Mayor Sweeney commended staff and the General Plan Update Task Force for the outreach efforts, recommended to those who found deficiencies to get involved, and urged everyone to get involved to help improve outreach efforts and a better outcome. Mayor Sweeney noted that guiding principles were not meant to cover every issue, and the vision statement to be too long to lose meaning and purpose. He encouraged staff and the General Plan Update Task Force to keep that in mind. Mayor Sweeney thanked the Council and the Planning Commission for all comments.

## **CONSENT**

Consent item No. 4 was pulled and moved to March 5, 2013.

### **2. Approval of Minutes of the City Council Meeting on January 29, 2013**

It was moved by Council Member Zermeño, seconded by Council Member Salinas, and unanimously carried, to approve the minutes of the City Council Meeting of January 29, 2013.

### **3. Resignation of Monica Ruiz from the Keep Hayward Clean and Green Task Force**

Staff report submitted by City Clerk Lens, dated February 19, 2013, was filed.

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

Resolution 13-008, “Resolution Accepting the Written Resignation of Monica Ruiz from the Keep Hayward Clean and Green Task Force”

### **4. Hayward Executive Airport Administration Building: Approval of Plans and Specifications, Certification of Negative Declaration; and Call for Bids**

The item was rescheduled to March 5, 2013.

### **5. Park In-Lieu Fee Allocation for Greenwood Park Expansion Property Purchase**

Staff report submitted by Landscape Architect Koo, dated February 19, 2013, was filed.



**MINUTES OF THE CITY COUNCIL MEETING  
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It was moved by Council Member Zermeño, seconded by Council Member Salinas, and unanimously carried to adopt the following:

Resolution 13-009, “Resolution Approving Appropriation of Park Dedication In-Lieu Fees for the Purpose of Purchasing Greenwood Park Expansion Property”

6. Award of Contract for Completion of a Full Overhead Cost Allocation Plan/OMB A-87 and Comprehensive Master Fee Study

Staff report submitted by Purchasing Manager Gacusan, dated February 19, 2013, was filed.

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

Resolution 13-010, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement Between the City of Hayward and Willdan Financial Services For Comprehensive Master Fee Services and Full Overhead Cost Allocation Plan OMB-A-87”

## **PUBLIC HEARING**

7. South Hayward BART Transit Oriented Development: Approval of Action Plan for the South Hayward BART Joint Powers Authority, Establishment of Mixed-Use Preferential Parking District and Parking Permit Program for Residents and BART Commuters, Introduction of Ordinance Amending the Traffic Code and Related Actions

Staff report submitted by Assistant City Manager McAdoo, dated February 19, 2013, was filed.

City Manager David announced the item and introduced Assistant City Manager McAdoo who provided a synopsis of the report.

Council Member Salinas appreciated that every six months the program would be reviewed and modifications recommended. Mr. Salinas stressed that the pedestrian safety fence in the median on Tennyson Road needs to be pleasing to the eye. Mr. Salinas added it was important to educate the community and suggested using multi-language door hangers. Mr. Salinas emphasized the need for sufficient garbage cans in the BART parking areas to maintain cleanliness.

Council Member Mendall requested adding security, lighting, litter removal, and anti-graffiti removal for murals to the list of other improvements that the South Hayward BART Joint Powers Authority (JPA) Board would approve at a later date if funding allowed.

Council Member Zermeño noted the proposed program was a good plan; it had collaboration between the City and BART and was positive for the South Hayward neighborhood and residents. Mr. Zermeño concurred with Council Member Mendall's suggestions and encouraged all to support the staff report.

In response to Council Member Peixoto, Assistant City Manager McAdoo explained BART parking permit procedures and parking enforcement and clarified the JPA financial analysis.

Council Member Halliday questioned whether the "no parking – midnight to 9:00 am" in the business parking zone would work when late-arriving BART patrons had nowhere else to park. Ms. Halliday asked that a provision be in place to handle the anticipated increase of litter in designated parking areas.

Council Member Jones questioned whether two parking enforcement personnel would be adequate to cover enforcement 24/7 in the designated areas. Assistant City Manager McAdoo mentioned the enforcement would be a joint effort between the BART police, Hayward Police, and Maintenance Services.

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

Ms. Rosalie Woergoetter, O'Harron Drive resident, was concerned about BART patrons using O'Harron Drive as a thoroughfare to park on Cole Place. Assistant City Manager McAdoo clarified for Ms. Woergoetter that Cole Place was designated Residential Permit Parking (RPP) and said that, if necessary, the residents could ask the RPP be extended to include O'Harron Drive. Ms. Woergoetter suggested the City purchase an empty lot on O'Harron Drive and Whitman Street and build a parking lot.

Mr. Andy Wilson, Fairway Park resident, cited concerns with Dixon Street that included: trees that make the street dark, poor lighting, cars parked on lawns, litter on the street, narrow sidewalks, and not enough street parking spaces.

Mr. Gregory Foley, Dixon Street resident and manager of 63 units on Dixon Street, spoke about the impact of the new BART parking program on his tenants both on Dixon Street and Industrial Parkway. Mr. Foley asked staff to address his concern.

Mr. Rocky Fernandez, Culp Avenue resident, spoke favorably of the six-month review, the importance of using technology to implement the proposed plan, the generated revenue to improve the area, and the precedent of how the City was dealing with traffic and parking issues.

Mayor Sweeney closed the public hearing at 9:17 p.m.



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Discussion ensued regarding pending issues that needed to be resolved such as the cost of parking, police presence in the area, security, lighting, litter removal, anti-graffiti removal, the street sweeping schedule, and use of excess funding.

Council Member Zermeño offered a motion per staff recommendation with an amendment to address graffiti, litter, lighting, police enforcement, and revenue usage.

Council Member Mendall seconded the item and offered an amendment to Attachment I of the staff report – the South Hayward BART Parking & Access Study Report (Chapter 6, page 6-2: Implementation Schedule) to add the following to the list of projects that the Joint Powers Authority Board should prioritize for funding in Phase Two as revenues become available: safety and security improvements including but not limited to lighting, police patrols, and similar safety measures; anti-graffiti and beautification measures including but not limited to lighting, murals, utility box murals, and similar measures; anti-litter measures including but not limited to litter pick up, extra garbage cans, and similar measures.

Council Member Jones supported the motion and noted that Council would review the program in six months. Mr. Jones was concerned about parking enforcement and the security of vehicles. Mr. Jones encouraged the JPA Board and staff to evaluate increasing the parking fees to pay for additional improvements at the six month review period.

Council Member Halliday expressed support for the motion and offered a friendly amendment directing City staff and the JPA Board to clarify the reference to Cole Place and O'Harron Drive, and making O'Harron Drive part of the Residential Preferential Parking Program.

Council Members Zermeño and Mendall accepted the friendly amendment.

Council Member Salinas supported the motion with all the amendments.

Mayor Sweeney reluctantly supported the motion with the understanding that the issues affecting the South Hayward neighborhood would need to be addressed and resolved.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and unanimously carried to adopt the staff recommendation with an amendment to Attachment I of the staff report – the South Hayward BART Parking & Access Study Report (Chapter 6, page 6-2: Implementation Schedule) to add the following to the list of projects that the Joint Powers Authority Board should prioritize for funding in Phase Two as revenues become available: safety and security improvements including but not limited to lighting, police patrols, and similar safety measures; anti-graffiti and beautification measures including but not limited to lighting, murals, utility box murals, and similar measures; anti-litter measures including but not limited to litter pick up, extra garbage cans, and similar measures. The motion also included directing City staff and the JPA Board to

clarify the reference to Cole Place and O'Harron Drive, and making O'Harron Drive part of the Residential Preferential Parking Program.

Resolution 13-011, "A Resolution of the City Council of the City of Hayward Approving the First Amended and Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority and Authorizing Execution and Implementation of the Action Plan"

Resolution 13-012, "Resolution Amending Section 3.95 of the Traffic Regulations for the City of Hayward Relating to the Preferential Permit Parking Program Regulations for the South Hayward BART Transit Oriented Development"

Resolution 13-013, "Resolution Designating Certain Streets Surrounding the South Hayward BART Station as Transit Oriented Development Preferential Permit Parking Areas"

Resolution 13-014, "Resolution Approving Revisions to the City of Hayward Traffic Code Fine and Bail Schedule for Permit Parking Violations"

Resolution 13-015, "Resolution Amending Resolution 12-119, As Amended, the Operating Budget Resolution for Fiscal Year 2013 Relating to an Appropriation of Funds from the General Fund (Fund 100), to be Transferred to the South Hayward BART – Transit Oriented Development JPA Fund (Fund 295)"

Introduction of Ordinance 13-\_, "An Ordinance Adding a New Section 6.36(b) to the Hayward Traffic Code Relating to BART Commuter Permit Parking on Designated Streets"

## **LEGISLATIVE BUSINESS**

8. Transmittal of the Comprehensive Annual Financial Report for the Year Ended June 30, 2012; and of the Memorandum on Internal Control and Required Communications

Staff report submitted by Director of Finance Vesely, dated February 19, 2013, was filed.

Director of Finance Vesely and Mr. Corey Biggs, CEO of Maze and Associates, provided a synopsis of the report.

Council Member Zermeño asked if the City was being penalized for not having adequate funds to staff the finance department. Mr. Biggs said it was necessary to have a set of solid controls in place



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to protect the system and prevent fraud and that management was in the process of hiring qualified individuals to fill vacant positions.

Mr. Corey Biggs explained for Council Member Peixoto that the three deficiencies that were noted in the FY 2012 findings included timeliness of bank reconciliation, accurate cash balances, and timely removal of staff access to accounts payable software upon change of employee's responsibilities. In response to Mr. Peixoto's questions about Community Development Block Grant (CDBG) funds and the cost allocation plan, Finance Director Vesely said this was a finding from the 2011 Single Audit and the 2012 Single Audit should be completed in March.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:53 p.m.

Council Member Zermeño offered a motion per staff recommendation and Council Member Jones seconded the item.

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

Resolution 13-016, "Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2012; and the "Memorandum of Internal Controls and Required Communications""

9. Adoption of Interim Urgency Ordinance Imposing a Temporary Moratorium on the Development, Establishment and Operation of Computer Gaming and Internet Access Businesses in Hayward to Become Effective Immediately

Staff report submitted by Director of Development Services Rizk, dated February 19, 2013, was filed.

Director of Development Services Rizk and City Attorney Lawson provided a synopsis of the report. Mr. Rizk noted that Council had received a letter from Mr. Ron Doyle with Net Connection Hayward, LLC, in opposition to the adoption of a temporary moratorium.

Council Member Salinas noted that while the temporary moratorium was in place, the Planning Director should determine whether a use permit, variance, or other land use approval would be subject to the terms of the Ordinance.

Development Services Director Risk confirmed for Council Member Mendall that if internet cafes were listed as uses in the Form Based Code, then the Code would need to be reviewed and modified accordingly.

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

Mr. Elie Goldstein, business owner of Kraski's Nutrition on Foothill Boulevard, mentioned there was an internet gaming business next to Kraski's and he noted it had attracted a negative element which adversely affected the retail component and did not contribute to efforts to create a vibrant retail environment. He thanked the City for its efforts with business revitalization.

Mr. Ron Doyle, owner of Net Connection Hayward, LLC, on B Street, provided a document in opposition to the adoption of a temporary moratorium. Mr. Doyle noted he obtained a business license for internet/business center; invested in a legitimate business that did not break the law; and resented being grouped with other organizations that did break the law.

Council Member Halliday mentioned she visited the business and noticed signs inside the store that seemed to be offering gambling-type games.

Mr. Doyle responded to Council Member Salinas noting the security personnel and greeters were in place to deter any negative elements. Mr. Doyle mentioned that his software did not contain gambling enticing elements.

Mayor Sweeney closed the public hearing at 10:17 p.m.

Council Member Halliday offered a motion per staff recommendation and Council Member Zermeño seconded the item.

Council Member Halliday pointed out that internet gambling establishments were not the type of business that Hayward needed. Ms. Halliday noted there were complaints about the businesses and noted that the City did not allow card clubs except for the one on Mission Boulevard that was grandfathered-in.

Council Member Zermeño noted he had a family member in Mexico who owned an internet café where people would go to check email and visit social networking sites. Mr. Zermeño supported the motion.

Council Member Halliday mentioned that both libraries had computers for people with no access to computers.

Council Member Jones expressed support for the motion and offered a friendly amendment to the Ordinance, Section 3. Definition (1) and limit the "Computer Gaming and Internet Access" to one (1) or more computers or electronic devices for access to the World Wide Web, Internet, e-mail, video games or computer software programs that operate alone or are networked."

Council Members Halliday and Zermeño were amenable to the friendly amendment.

Council Member Salinas supported the motion with the addition of the friendly amendment.

It was moved by Council Member Halliday, seconded by Council Member Zermeño, and unanimously carried to adopt the following with a friendly amendment to the Ordinance, Section 3.



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Definition (1) and limit the “Computer Gaming and Internet Access” to one (1) or more computers or electronic devices for access to the World Wide Web, Internet, e-mail, video games or computer software programs that operate alone or are networked.”

Adoption of Ordinance 13-003, “An Urgency Measure Adopting an Interim Ordinance Pursuant to Government Code Section 65858 Imposing a Temporary Moratorium on the Development, Establishment and Operation of Computer Gaming and Internet Access Businesses Within the City of Hayward”

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

Council Member Zermeño announced four events: a luncheon with Ambassador Carlos Felix Corona, Consul General of Mexico, on February 21, 2013, at the Golden Peacock Banquet Hall; the Hayward Chamber of Commerce Latino Business Roundtable on February 22, 2013, at St. Rose Hospital; the Keep Hayward Clean and Green Task Force Clean-Up event on February 23, 2013, at the Tyrrell Glassbrook Neighborhood; and a friendly Hayward Basketball Fundraising Match on March 2, 2013, at the Mateo Jiménez Gym.

Council Member Salinas announced the second annual Hayward Honors Women - Teach-In on Technology, Science and Innovation on February 28, 2013, and invited all to attend. Mr. Salinas noted speakers included Dr. Stephanie Couch, Executive Director Institute for STEM Education, California State University East Bay; Dr. Maria Nieto, Professor of Biological Sciences, Department of Biological Sciences, California State University East Bay; and Dr. Chindi Peavey, District Manager, Alameda County Mosquito Abatement District.

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 10:30 p.m.

**APPROVED:**

Michael Sweeney  
Mayor, City of Hayward

**ATTEST:**

Miriam Lens  
City Clerk, City of Hayward



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** March 5, 2013

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** South Hayward BART Transit Oriented Development: Approval of Amendment to JPA Agreement; Appointment of Alternate Director to the JPA Board

### **RECOMMENDATION**

Staff recommends that:

- 1) the City Council adopts the attached resolution (Attachment I) authorizing the City Manager to negotiate and execute an amendment to the South Hayward BART Station Access Authority Agreement, dated September 1, 2011 (the “Original JPA Agreement”) that will provide for the appointment of Alternate Directors to the JPA Board of Directors (a City alternate to the two City Directors and a BART alternate to the two BART Directors).
- 2) the City Council appoints Councilmember Halliday to serve as the City- appointed Alternate Director.

### **BACKGROUND**

To facilitate the management of parking and access issues at the South Hayward BART Station as a result of the development of the South Hayward BART Transit Oriented Development Project, the City and BART formed the South Hayward BART Station Access Authority (“JPA”) pursuant to the Joint Exercise of Powers Act (California Government Code Section 65000 et seq.) and entered into the Original JPA Agreement on September 1, 2011. At its meeting on February 19, 2013<sup>1</sup>, the City Council approved an amendment to the Original JPA Agreement allowing for three of the four appointed Directors to approve administrative matters such as setting the agenda, approving minutes, and scheduling a meeting to another date. The City Council also approved the JPA Action Plan. The changes contemplated in this report are in addition to those previously approved by the City Council.

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<sup>1</sup> **February 19, 2013 City Council Meeting:** <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca022613full.pdf>

## **DISCUSSION**

The Original JPA Agreement requires consensus, or a unanimous vote, of all JPA Directors on all substantive matters. Accordingly, all four Directors must be present at every JPA Board meeting. To better ensure that substantive JPA business can be accomplished, staff recommends that the Original JPA Agreement be amended to provide for the appointment of one (1) Alternate Director to the JPA Board by the City and one (1) Alternate Director to the JPA Board by BART. Staff further recommends that the City Council appoint the City Alternate Director at this meeting. Currently, Councilmembers Zermeno and Mendall serve as the two City Directors on the JPA Board.

Many of the items being considered by the JPA Board are time sensitive in nature. Given that the Agreement requires a unanimous vote of the four Directors, the unexpected absences by any one of the Directors could adversely impact time-sensitive matters being considered by the Board. To avoid possible delays, it has been suggested that both the City Council and the BART Board each appoint an Alternate Director to serve in the absence of one of their respective Directors, allowing the business of the JPA to proceed without delay.

The Mayor recommends that Councilmember Halliday be appointed as an Alternate Director to the JPA Board.

## **ECONOMIC IMPACT**

The amendment of the Original JPA Agreement and the appointment of an Alternate Director will have no direct economic impact. As described in previous staff reports concerning the South Hayward BART TOD Project, the development of the South Hayward BART TOD Project will have an immense positive economic impact for the City.

## **FISCAL IMPACT**

The amendment of the Original JPA Agreement, as contemplated in this staff report, and the appointment of an Alternate Director will have no direct fiscal impact on the City General Fund. Revenues from BART parking permits and citations in the JPA area will be used to cover costs related to implementing and administering the JPA.

## **NEXT STEPS**

The City Manager will negotiate and execute an amendment to the JPA Agreement in a manner that is consistent with this staff report.

*Prepared by:* John DeClercq, Project Manager

*Recommended by:* Kelly McAdoo, Assistant City Manager

*Approved by:*



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Fran David, City Manager

*Attachments:*

Attachment I: Resolution

HAYWARD CITY COUNCIL

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROVING AN AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE SOUTH HAYWARD BART STATION ACCESS AUTHORITY TO (I) PROVIDE FOR THE APPOINTMENT OF ALTERNATE BOARD MEMBERS AND (II) APPOINT THE CITY APPOINTED JPA BOARD ALTERNATE

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

WHEREAS, in order to facilitate the management of parking and access issues at the South Hayward BART Station, the City and the San Francisco Bay Area Rapid Transit District (“BART”) formed the South Hayward BART Station Access Authority (the “Authority” or “JPA”) pursuant to the Joint Exercise of Powers Act (California Government Code Section 65000 *et seq.*) through the execution of that certain Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority, dated as of September 1, 2011 (the “Original JPA Agreement”); and

WHEREAS, the City Council approved a form of amendment to the Original JPA Agreement at its February 19, 2013 meeting to, among other modifications, incorporate and permit provisions of an “Action Plan” to address parking and access issues; and

WHEREAS, the Original JPA Agreement provides for a four person JPA Board of Directors consisting of two City appointed JPA Board members and two BART appointed JPA Board members;

WHEREAS, the City Council desires to further amend the Original JPA to provide for the appointment by the City Council of an alternate JPA Board member, who shall be a City Councilmember, to represent the City in the absence of a City appointed JPA Board member;

WHEREAS, the City Council desires to further amend the Original JPA to provide for the appointment by the governing board of BART of an alternate Board member, who shall be a member of BART’s governing board, to represent BART in the absence of a BART appointed JPA Board member;

WHEREAS, the approval of the Amendment is not a project pursuant to 14 California Code of Regulations 15378(b)(5) because it is an administrative activity of government that will not result in a direct or indirect physical change to the environment; and

NOW, THEREFORE, BE IT RESOLVED that the City Council finds the above recitals true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Manager may execute the Amendment and any and all other documents and take all reasonable steps which may be necessary to implement the Amendment, all in such forms as may be agreed to by the City Manager and BART and approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager and City staff to perform and complete any activities contemplated in this resolution, subject to any additional requirements which may be imposed by California law.

BE IT FURTHER RESOLVED, that the City Council hereby approves Councilmember Halliday to serve as the alternate JPA Board member (the "Alternate Director") and, in the absence of City Board member, allow the Alternate Director to exercise the powers of the absent City appointed JPA Board member.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, March 5, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**DATE:** March 5, 2013  
**TO:** Mayor and City Council  
**FROM:** Chief of Police  
**SUBJECT:** Approval of Phase-Out of the City's Red Light Camera Program

### **RECOMMENDATION**

That Council adopts the attached resolution approving a phase-out of the City's red light camera system over the next two years as the respective contract period for each of the various red light camera sites expires.

### **SUMMARY**

According to information from the U.S. Department of Transportation and the Insurance Institute for Highway Safety, more than 900 people are killed and over 200,000 injured in the United States each year by drivers running red lights. On July 17, 2007, the City Council adopted Resolution 07-110 authorizing staff to enter into an agreement with Redflex Traffic Systems, Inc. to install, support, and maintain a red light photo enforcement system at various intersections in Hayward; and the first of ten red light camera approaches was installed and operational at the intersection of Industrial Boulevard and Huntwood Avenue on June 30, 2008.

Various studies conducted over the past seven years present somewhat of a consensus that agencies using red light camera systems experience anything from negligible to substantial reductions of broadside accidents in light-controlled intersections with cameras. However, these same studies also revealed a concern regarding increases of rear-end collisions at camera-equipped intersections. To date, thirty-four California cities have decided to drop their red light camera programs citing a variety of concerns ranging from substandard evidence of traffic safety to the cost prohibitive burden of running an expensive system with little to no evidence of effectiveness.

In October 2011, the Hayward Police Department initiated a more interactive and reliable approach. Staff used data analysis to identify the top five intersections in Hayward where crashes of all types had been occurring. Led by this data, especially after the implementation of the new records management system, traffic officers were then deployed almost exclusively to in-person enforcement activities within each of the five intersections and also within a two-mile radius of each. These strategy considerations, combined with the added benefits of police officer visibility and human contact with motorists, made an early success of the pilot effort. Almost immediately, the City realized a near thirty-five percent plummet of reported accidents at each site. The in-person interaction between motorists and officers lends an advantage to officers' discretion as to the best way to correct driver behavior beforehand and actually prevent accidents from occurring. As a result, staff is recommending phasing out the red light camera program as described herein.

## BACKGROUND

Red light running is a significant public safety concern. According to information from the U.S. Department of Transportation and the Insurance Institute for Highway Safety, more than 900 people are killed and over 200,000 injured in the United States each year by this driver behavior. About half of the deaths are pedestrians and occupants in other vehicles who are hit by the red light runners. In an effort to reduce injuries and fatalities from crashes associated with red light running, scores of jurisdictions around the country turned to red light camera systems as a way to bring about exponential reductions of accidents at intersections where incidents of red-light related accidents were frequent.

As these systems flourished across the nation, they became the subject of both praise and rancorous debates as to their legitimacy as safety tools and whether their usefulness in reducing crashes had taken a back seat to their potential for generating revenue. In Hayward, the goal in implementing the system has always been focused on increasing traffic safety.

On July 17, 2007, the City Council adopted Resolution 07-110 authorizing staff to enter into an agreement with Redflex Traffic Systems, Inc. to install, support, and maintain a red light photo enforcement system at various intersections in Hayward. A contract with Redflex was subsequently executed November 9, 2007 and the first of ten red light camera approaches was installed and operational at the intersection of Industrial Boulevard and Huntwood Avenue on June 30, 2008. Three subsequent approaches were installed and operational at other intersections in 2008, one in 2009, and five in 2010. Currently, there are a total of ten red light cameras spanning eight intersections throughout the City (two intersections are each equipped with cameras capturing two different approaches, and the others are each equipped with a single installation). The ten intersection sites are shown in *Table 1*.

**TABLE 1**  
**Installation Sites of Red-Light Cameras**

CAMERA INSTALLATION	INSTALLED
Industrial & Huntwood (Eastbound)	6/30/2008
B & Second (Westbound)	7/30/2008
W Winton & Hesperian (Westbound)	7/30/2008
W Winton & Hesperian (Eastbound)	9/30/2008
A & Hesperian (Northbound)	6/25/2009
Industrial Pkwy SW & Whipple (Northbound)	1/31/2010
Mission & Industrial (Northbound)	1/31/2010
I-880 & A Street (Eastbound)	2/28/2010
I-880 & A Street (Westbound)	2/28/2010
Santa Clara & Jackson (Northbound)	2/28/2010

The primary goal for implementing a red light camera system in Hayward was to address the issue of traffic safety by reducing dangerous collisions at the ten intersections where red light cameras were ultimately installed. These ten intersections had been statistically known for higher incidences of crashes as a result of red-light violations than other less traveled intersections in the City.

Much has occurred within the past eighteen months regarding the Hayward Police Department's (HPD) ability to accurately measure and assess traffic accident data. The January 2012 implementation of a new Computer Aided Dispatch (CAD) and Records Management System (RMS) is providing staff with data that is useful in assessing the effectiveness of the red light camera system and its relationship to the goal of increased traffic safety.

Based on the installation dates as reflected in *Table 1* above, service provider contract durations for each of Hayward's ten red light camera installations will begin to expire in the fall of 2013. The contract term for each installation is five years from the date each was installed, thus the first four approaches installed in 2008 will come to term during the second half of calendar year 2013.

## DISCUSSION

How red light cameras work-- Sensors in the roadway are connected to a red light camera and the traffic light controller. The camera is activated when a vehicle enters the intersection after the light turns red. Most systems use a digital medium that produces both still images and full motion video technology. In most configurations, both the front and the back of the violating vehicle are each simultaneously captured by two separate cameras, which are aligned with the approach to the intersection in question. The image of the front-facing camera captures the position of the vehicle before it enters the intersection against a red light, and a frontal view of the driver. The rear-facing camera also confirms the vehicle's precise position in the intersection at the moment the violation occurs, and it captures the rear license plate of the vehicle. The device also records the date, time of day, and the duration of time the light had been red before the violation.

The digital evidence of the violation is transported over secure high speed data links to the vendor, where vehicle registration information is collected and assembled with the photographic evidence. The assembled information is then presented to the agency of jurisdiction for verification, where a duly-appointed staff member reviews the evidence, validates the identity of the driver through a comparison process, and either approves or rejects the citation prepared by the vendor. If approved, the vendor sends a hard copy of the citation by mail to the violator, and an electronic copy directly to the local court. The vendor also provides an opportunity for the violator to view all of the electronic evidence online, including still and video images. The violator then satisfies the ticket as he or she would pay or contest a traditional citation through the court.

Do red light cameras reduce accidents-- Some jurisdictions using the system realized no appreciable decrease of the most dangerous of all red light-related crashes—the right angle (broadside) collision. Other jurisdictions report stark decreases in collisions immediately following the installation of a red light camera system, followed by an eventual resurgence of collisions over time.

Of primary concern in enhancing traffic safety is reducing the volume of injury collisions; of secondary concern is reducing the volume of non-injury collisions. Collisions at intersections controlled by red light traffic signals generally fall into three categories: (1) broadside collisions (where the at-fault motorist runs a red light and collides into the side of another vehicle entering the intersection with the green light); (2) rear-end collisions (where the at-fault motorist does not stop in time for the red light and collides with the vehicle directly in front in the same lane who has stopped for the red light); and (3) rear-end collisions involving motorists who, upon approaching an intersection and seeing the signs for red light cameras, panic and try to stop, thus causing a rear-end collision.

Of these three categories, the broadside collision usually results in greater number of injuries or more serious injuries than rear end collisions. Greater injury and property damage are typically caused by broadside and rear end collisions for traffic travelling straight through the intersection or making a left hand turn in the intersection as opposed to less serious collisions involving motorists making a right hand turn. Various studies conducted over the past seven years present somewhat of a consensus that agencies using red light camera systems experience anything from negligible to substantial reductions of broadside accidents in light-controlled intersections with cameras. However, these same studies have also revealed a concern regarding increases of rear-end collisions at camera-equipped intersections.

For example, in a 2005 report, *Safety Evaluation of Red Light Cameras*, the Federal Highway Administration summarizes its multijurisdictional study representing different locations across the United States. The study focuses on the collective effects over all red light camera sites in all jurisdictions. Consistent among jurisdictions in the study is data reflecting negligible to moderate

decreases in right-angle (broadside) crashes after the implementation of red light cameras, but also moderate to significant increases in rear-end collisions—upwards of fifteen percent.<sup>1</sup>

In a 2010 audit conducted by the Controller of the City of Los Angeles, the effectiveness of the city's 32-intersection red light camera program was analyzed. The audit found no significant data or conclusions that suggest a reduction or increase in fatalities due to red light cameras. The report concludes, "We found that the program cannot conclusively demonstrate that it has reduced traffic collisions, thereby increasing public safety." As a result of these findings, and the fact the costs for maintaining red light cameras in Los Angeles seemed to outweigh the effectiveness in reducing accidents, the City of Los Angeles approved and initiated a phase-out of its red light camera system in August 2010.<sup>2</sup>

Following a 2009 report to its city council regarding the shortcomings of its red light camera system, the city of Costa Mesa, California scrapped its program based on a recommendation by the police chief to return to traditional enforcement with live police officers. This recommendation stems from a thirteen percent increase of the total number of accidents at red light camera intersections, and a twenty percent jump in rear end collisions at the same intersections.<sup>3</sup>

To date, thirty-four California cities have decided to drop their red light camera programs citing a variety of concerns ranging from substandard evidence of traffic safety to the cost prohibitive burden of running an expensive system with little to no evidence of effectiveness. Eight of the thirty-four cities deciding to phase out their programs are the Bay Area cities of Berkeley, Burlingame, Cupertino, Emeryville, Fairfield, San Jose, San Carlos, and Union City.<sup>4</sup> Following are cumulative observations of local governments across the nation:

- ⇒ Intersections with photo enforcement tend to experience a measurable reduction of red light running violations.
- ⇒ Decreases of violations tend to be significant when red light enforcement is installed, with diminishing rates of decrease over time.
- ⇒ There is evidence that extending yellow signal intervals may reduce violations, independent of enforcement.
- ⇒ Right angle (broadside) collisions are reduced moderately to significantly following the implementation of most photo red light projects.
- ⇒ Rear-end crashes increase significantly following photo enforcement implementation.
- ⇒ Attention to the avoidance of rear-end crashes through advance warning signage and engineering are a necessary part of a successful photo enforcement program.
- ⇒ Specific locations with relatively low crash rates but high levels of continued violations suggest the need for traffic-engineering solutions.

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<sup>1</sup> U.S. Department of Transportation, (2005). *Safety evaluation of red-light cameras* (FHWA-HRT-05-048). McLean, Virginia: Federal Highway Administration.

<sup>2</sup> Greuel, W. City of Los Angeles, Office of the Controller. (2010). *Audit of the photo red light program*. Retrieved from City of Los Angeles website: [http://controller.lacity.org/stellent/groups/electedofficials/@ctr\\_contributor/documents/contributor\\_web\\_content/lacity\\_011808.pdf](http://controller.lacity.org/stellent/groups/electedofficials/@ctr_contributor/documents/contributor_web_content/lacity_011808.pdf)

<sup>3</sup> Costa Mesa red light cameras increased accidents. (2009, September 03). *The newspaper.com: A journal of the politics of driving*. Retrieved from <http://thenewspaper.com/news/28/2888.asp>

<sup>4</sup> California: Red light camera company offers cut rate deals to city in a desperate bid to keep program alive. (2012, July 03). *The newspaper.com: A journal of the politics of driving*. Retrieved from <http://www.thenewspaper.com/news/38/3834.asp>

*A Successful Alternative Strategy for Accident Reduction* -- In October 2011, the Hayward police department initiated an alternative strategy for reducing accidents. Rather than relying solely on the incongruent relationship between crash data at red light camera intersections and the camera system's ability to reduce accidents, staff identified a more interactive and reliable approach. Without regard to the presence or absence of red light cameras, staff used data analysis to identify the top five intersections in Hayward where crashes of all types had been occurring.

Led by this data, especially after the implementation of the new records management system, traffic officers were then deployed almost exclusively to in-person enforcement activities within each of the five intersections and also within a two-mile radius of each. The premise of this strategy is that concentrated enforcement efforts of live officers allows for a broader assessment of drivers' accident-prone behaviors as traffic ingresses to and egresses from the actual high accident intersection. Speeding cars, motorists with obscured visibility windshields, cellular phone users, and other distracted driving behaviors as drivers approach an intersection are often a factor as to why they are at risk of running a red light or otherwise driving inappropriately through the intersection at the time of a crash.

These strategy considerations, combined with the added benefits of police officer visibility and human contact with motorists, made early success of the pilot effort. Almost immediately, the City realized a near thirty-five percent plummet of reported accidents at each site. As a result of significant staffing strains in the Traffic Unit, staff continued the strategy at the top three intersections where accidents occur and, during the past twelve months, have averaged a twenty-five to forty percent reduction of accidents. This strategy is clearly of benefit as a strong alternative to reliance on red light cameras, and it will continue as a priority tactic. The in-person interaction between motorists and officers lends an advantage to officers' discretion as to the best way to correct driver behavior beforehand and actually prevent accidents from occurring. In the true spirit of community policing, during these face-to-face interactions, officers may decide if it is best to educate the driver, issue a citation, or both.

*Hayward Red Light Camera Citation Trends*-- Through data furnished by Redflex Traffic Systems, the City's red light camera service provider, and through a hand check of pre-2012 records of reported collisions, staff was able to extrapolate enough data to compare and analyze Hayward's red light system as a whole—particularly the nature and number of red light camera citations issued and the number and type of crashes associated with each Hayward intersection equipped with red light cameras before and after installation.

Although this analysis is prompted in part by the fact the vendor contracts will soon begin to expire, it also serves as a timely opportunity to compare and contrast Hayward's trend data to the aggregate observations and conclusions of the previously cited studies from around the state and nation.

From the go-live date of the first red light camera installation in 2008 through the end of calendar year 2012, a total of 62,987 citations were issued to red light runners captured by Hayward cameras. In 2008, only four installations had been completed (five by 2009); thus the number of citations issued is proportionately smaller than in 2010 and beyond, when all ten approaches in the City were up and running.

**TABLE 2**  
Total Citations per Program Year

INTERSECTION		2008	2009	2010	2011	2012
Industrial/Huntwood	TOTAL	471	2,145	979	786	660
	Right on Red				250	430
B/Second	TOTAL	896	1,302	765	724	736
	Right on Red				190	234
Winton/Hesperian W.	TOTAL	632	1,658	1285	1,409	1,576
	Right on Red				314	839
Winton/Hesperian E.	TOTAL	196	964	682	346	733
	Right on Red					
A/Hesperian	TOTAL		2,095	2,038	1,869	1,745
	Right on Red				641	1183
Industrial/Whipple	TOTAL			2,936	880	830
	Right on Red				216	602
Mission/Industrial	TOTAL			551	725	485
	Right on Red					
A St. /I-880 E.	TOTAL			6,153	3,667	3,683
	Right on Red				1328	2914
A St./I-880 W.	TOTAL			6,254	4,614	3,651
	Right on Red				1864	2047
Santa Clara/Jackson	TOTAL			725	704	437
	Right on Red				85	264
AGGREGATE TOTALS ⇒		2,195	8,164	22,368	15,724	14,536

Table 2 illustrates the gradual increase of total citations per year, but it is important to note 58.6% of the citations issued in 2012 were for right-turn-on-red violations. While California law requires drivers to make a complete stop before turning right at a red light, right turn violations are rarely involved as a factor in collisions.

Many cities actually elect not to equip their red light camera systems to detect right-turn-on-red violations to avoid the appearance of their system being revenue driven as opposed to safety driven. Drivers who do not stop completely before turning right at a red light are in fact violating the law and may be cited accordingly, but much of the rancor points to the assertion that many red light camera systems rely heavily on right-turn-on-red

violations to fiscally sustain the program. Challengers claim a heavy focus on this less-dangerous violation is in contrast to the assertion red light cameras exist to decrease accidents and danger. In Hayward, reducing right-turn-on-red violations was never asserted as a primary focus when the system was installed. Capturing all red-light violations to reduce accidents was the goal, but the right turn violations are clearly a preponderance of the total. Frustrations of motorists in jurisdictions all over the nation point to this as a central issue of their concern.

As reflected in Table 2, the vendor, Redflex Traffic Systems, did not begin to segregate the proportion of right-turn-on-red violations until mid 2011. Cameras at two Hayward approaches (Eastbound Winton & Hesperian and the intersection of Mission & Industrial) are not positioned to accurately capture right-turn violations and are activated only by through traffic violators. Darker shaded areas represent the sequence in which red light cameras were installed at the various approaches between 2008 and 2010.

Of the total number of potential violations the vendor submits to HPD each month for review and approval, the review officer must reject some of the cases for a variety of criteria (images too grainy; the evidence does not support a violation occurred; the motorist was actually within the law; unable to see or identify the driver, etc.). The total numbers of violations shown in Table 2 (above) reflect only the cases where the reviewing HPD officer approved the citation after reviewing the evidence. The rate at which cases are rejected was high at the initial stages of program installation in 2008, and then tapered off to an average of twenty-one percent in preceding years. The rejection rate was at its lowest in 2012, but the number of cases submitted for review tapered as well. Shown in Table 3 are the rejection percentages for each year of the program.

	Vio Presented	Vio Rejected	Cites Issued	Difference
2008	3,721	1,526	2,195	41%
2009	10,405	2,241	8,164	22%
2010	28,135	5,767	22,368	20%
2011	20,021	4,297	15,724	21%
2012	16,169	1,633	14,536	10%

Cases for which citations were approved and issued have also been subject to significant scrutiny. In 2009, nearly 4.8% of Hayward's red light camera citations were challenged by the recipient through the traffic court. The trend followed in 2010 at 4.2%, then increased sharply in 2011 to 7.9%. In 2012, despite the fact there were fewer cases submitted for citation, the rate by which recipients challenged their citation rose to 8.24%. This trend is consistent with the experiences of other California jurisdictions, and it coincides with more aggressive legal challenges in recent years.

Last year, the California Supreme Court agreed to review two different red light camera cases where the motorist was convicted of the violation and subsequently appealed the case to a higher court. In both cases, the motorist argued that red light camera images should not be admissible because their credibility and reliability cannot be authenticated as evidence in court. The two appellate courts, each of a different district of the state, rendered opposite conclusions as to the foundation necessary to admit photographs taken by red light cameras. In one case originating from a Redflex ticket issued by the Inglewood Police Department, the appellate court found that the images were presumed to be accurate, the motorist had not cast sufficient doubt on their reliability, and the photographs and the information printed on them were not hearsay.<sup>5</sup>

The other appeal case stems from a conviction of a citation issued by the Beverly Hills Police Department and is based on a similar argument about admissibility of a red light camera image under blind assumption the image is reliable and authentic. In that case, a camera belonging to Redflex Traffic Systems captured a woman entering a Beverly Hills intersection 0.28 seconds after the light turned red. The woman, a former public defender, fought the citation vigorously but was still found guilty in traffic court. She appealed the citation to California's second highest appeals court, arguing the validity of the photographic evidence as inadmissible hearsay. In February 2012, the appellate court agreed and struck down the evidence as insufficient to convict a motorist.<sup>6</sup> In taking these two cases under review, the highest court of California will likely issue a ruling in the near future that could substantially impact the viability of red light camera programs one way or the other.

During the sixty-day period of October and November 2012, a total of fifty (42.7%) of the 117 citations challenged in Hayward Traffic Court rendered a guilty finding. The traffic commissioner dismissed the remaining sixty-seven citations (57.3%). Most cases were dismissed because in the court's opinion, evidence was either insufficient or lacking foundation—even in cases where the photo image and other evidence point to a driver and the driver admits he is the person depicted in the image. Many magistrates are uncomfortable with red light camera cases, citing hearsay problems as their basis for frequently discarding the evidence. This trend is not exclusive to Hayward and is occurring in traffic courts all over the nation.

Court cases, red-light running studies, and the sentiment of frustrated motorists have each contributed to the need for cities to include traffic engineering as an alternative to enforcement alone. Most of the focus rests on whether the duration of yellow traffic lights at some intersections are too short and perhaps a causative factor of red light running. California law establishes a standard for the minimum duration of a yellow traffic signal. The standard varies according to the speed limit of the approach to the light. Three to four second durations are most common. Some cities, including Hayward, have been responsive to the complaints of motorists when their perception is that a traffic signal cycle is too short and perhaps contributed to a photo red light violation. Several studies point to the impact responsive traffic engineering can have on reducing accidents at intersections, including improvements of signage,

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<sup>5</sup> People v. Goldsmith, 203 Cal. App. 4th 1515, 1518 (2012); Court of Appeals of California, Second District, Division Three.

<sup>6</sup> People v. Borzakian; 203 Cal.App.4th 525 (2012); Court of Appeals of California, Second District, Division Seven.

moving or removal of objects that obscure drivers' reaction time, changing of speed limits, and examination of light cycle durations.

In the Bay Area city of San Carlos, for example, the City Council voted in April 2010 to cancel its red light camera contract with Redflex Traffic Systems when the city increased the duration of yellow signals at accident prone intersections. The City realized an instant drop to almost zero red light violations at an intersection that had earlier been one of its most frequent light-running problems.<sup>7</sup> Loma Linda, California, experienced the same phenomenon in February 2010. Tweaking the yellow light at their high accident intersections gave the city enough pause to terminate early its red light camera contract with Redflex Traffic Systems. Under the threat of a half-million dollar early termination penalty, the city elected to instead let the contract expire and handle red light running through conventional enforcement since the accident rate had fallen.<sup>8</sup>

To ensure compliance with state standards, Hayward's Traffic Engineering staff surveyed the cycle durations of the yellow and red signals at all Hayward intersections equipped with red light cameras. Yellow lights were examined for their duration before switching to red, and red lights were checked to

ensure adequate standing time for signals in all directions to stay red before a new green cycle begins in any direction. *Table 4* reflects current yellow light engineering at each location. The highlighted durations represent City engineers' planned adjustment of yellow light cycles in response to public complaints and frustrations. At each of these three approaches, the yellow light cycle was already timed slower than required by law, although it is anticipated an even slower cycle at these particular locations will add an extra layer of safety for motorists without congesting the traffic flow.

**TABLE 4**

Location and Direction	Required yellow time	Existing Yellow Time	Proposed Yellow Time	All-Red Existing	All-Red Proposed
B/2 <sup>nd</sup> EB	2.7 sec	3.2 sec	3.5 sec	1.0 sec	1.0 sec
Industrial/Huntwood EB	4.24 sec	4.5 sec	4.5 sec	1.5 sec	1.5 sec
Industrial/Huntwood	2.08 sec	3.0 sec	3.0 sec	1.5 sec	1.5 sec
Hesperian/A NB	3.52 sec	4.0 sec	4.0 sec	1.0 sec	1.0 sec
Hesperian/A NBLT	2.08 sec	3.0 sec	3.0 sec	1.0 sec	1.0 sec
Winton/Hesperian EB	3.52 sec	3.8 sec	4.0 sec	1.5 sec	1.5 sec
Winton/Hesperian EBLT	2.08 sec	3.0 sec	3.0 sec	1.5 sec	1.5 sec
Winton/Hesperian WB	3.52 sec	3.8 sec	4.0 sec	1.5 sec	1.5 sec
Winton/Hesperian WBLT	2.08 sec	3.0 sec	3.0 sec	1.5 sec	1.5 sec
Industrial/Mission NB	3.88 sec	4.0 sec	4.0 sec	1.0 sec	1.0 sec
Industrial/Mission NBLT	2.08 sec	3.0 sec	3.0 sec	1.0 sec	1.0 sec

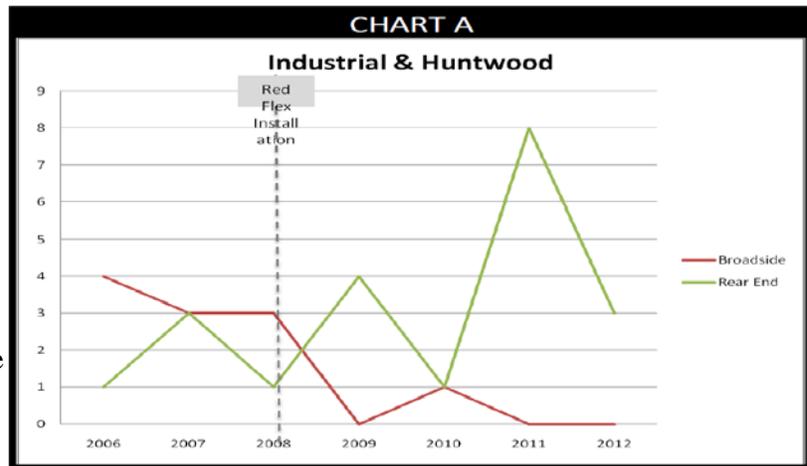
*Hayward Crash Trends* -- Only four of the eight Hayward intersections equipped with light cameras realized any before-and-after decrease of broadside collisions. The most noteworthy drop, fifty-seven percent, occurred at Industrial Boulevard and Huntwood Avenue, followed by fifty percent decrease at Mission and Industrial Boulevards and thirty-three percent at Santa Clara and Jackson Streets. The intersections of B and Second Streets, Industrial Parkway SW and Whipple, and A Street at the 880 freeway each realized an increase of broadside collisions within the two year period following the installation of cameras. The intersection of Santa Clara and Jackson Streets saw no change during the first year after installation, then realized a fifty percent increase in year two. Although most studies cite a typical reduction of broadside collisions following the installation of cameras, some jurisdictions occasionally do experience marginal to no change in broadside collisions, and sometimes even increases in right-angle collisions when cameras are present. There is debate about the possible reasons why post-installation collision data is inconsistent, but there is no definitive explanation.

<sup>7</sup> California city dumps red light camera after increasing yellow. (2010, April 14). *The newspaper.com: A journal of the politics of driving*. Retrieved from <http://www.thenewspaper.com/news/31/3110.asp>

<sup>8</sup> California: Longer yellows nearly eliminate violations: Straight through violations drop 92 percent after yellow lights are extended by one second in Loma Linda, California. (2010, February 19). *The newspaper.com: A journal of the politics of driving*. Retrieved from <http://www.thenewspaper.com/news/30/3055.asp>

Data on rear-end crashes tell a different story. All but three of the intersections in the system suffered increases in rear-end collisions, the highest of which was seventy-five percent at B and Second Streets. The intersection of Winton Avenue and Hesperian Boulevard followed closely with a sixty-seven percent increase, and a fifty-seven percent spike occurred once cameras were installed on A Street at the I-880 freeway.

Also compelling is the fact some of the red light intersections examined for crash trends bore an even more significant spike in rear-end collisions outside of the two year before-and-after period encompassing the scope of this analysis. For example, as shown in *Chart A*, the intersection of Industrial Boulevard and Huntwood Avenue suffered a 700 percent spike of rear-end crashes in 2010. This substantial spike began almost precisely two years after the 2008 installation of red light cameras at the intersection, and it followed a smaller initial increase and eventual decline of rear-end crashes between 2008 and 2010.



### FISCAL IMPACT

Although the goal of red light camera program is not revenue driven, significant costs are incurred in maintaining the program. The City’s contract with Redflex Traffic Systems provides that the City pay a monthly maintenance fee (\$5,879 for each of the ten approaches). This fee, combined with the staffing costs and overhead necessary to run the program, equates to \$962,976 in annual operating costs for the City to run the red light camera program (*Table 5*).

Table 5

Annual contract costs (\$5,879 per approach x 10 approaches x 12 mo):	\$705,480
Community Service Officer annual salary & benefits (\$107,748 x 2):	\$215,496
Monthly PG&E (Average \$3,500 per month)	\$42,000
<b>ANNUAL OPERATING COST</b>	<b>\$962,976</b>

Two FTE community service officers assigned to the Traffic Unit handle the operational volume of red light camera cases. The two positions were authorized one each in FY 2010 and FY 2011 as a result of the volume of staff work overwhelming a full-time traffic officer, who was simply deployed from other traffic duties. FY 2010 is when the last of the ten installations was installed and the system began running at full capacity. Approximately 100 to 120 staff hours per week are required to adequately run the red light camera program. This involves handling all reviews, approvals, and rejections of violations presented by the vendor, all follow up investigations to determine identity and when registered owners disavow the identity of the driver, courtroom testimony preparation and delivery, correspondence to and from registered owners of vehicles, collaboration with the city’s traffic engineers, handling walk-in inquiries from citation recipients, and compiling historical documentation pursuant to discovery motions filed in court. The community service officer added in 2011 was based on increased red light camera revenues.

Fine revenues peaked at \$1.3 Million during FY 2011 when all ten red light approaches were up and running. At that time, the County of Alameda was accurately tracking fines and fees from the traffic court and dispersing those revenues to the jurisdictions of origin. From FY 2011 to FY 2012, fine revenues disbursed to the City of Hayward dropped 63% —about the same time the County’s financial database was revamped. The type of transmittal information provided by the County was dramatically altered with the implementation of their new system, resulting in a poor, and likely inaccurate, distribution of revenues.

While the photo red light program indicates a considerable drop in revenues in FY 2012 and FY 2013 year-to-date, revenues allocated toward other Vehicle Code Fines has increased during this same time period. While not yet confirmed, staff is considering whether red light photo revenue is being incorrectly allocated toward vehicle fines and forfeitures by the County. Discussions with County officials have fallen short of identifying the exact reason for the drop in disbursements (or possible inaccurate disbursements), and staff continues to work though the issue to identify whether revenues are misplaced in the county system. Also being considered is the degree to which the decline in citations and increase in judicial dismissals may be a factor in revenue decline.

Table 6 enumerates the annual revenues received by the City for the past three years, plus revenue received so far in FY 2013 that is known to be derived from red light camera fines. FY 2012 and FY 2013 reflect the estimated amount of revenue that would be attributed to the red light program if Alameda County corrects its revenue distribution error. Staff believes that on-going conversations with the County will clearly demonstrate that revenue due the City (and probably received under another category) will be much closer to that identified for FY 2011.

TABLE 6  
**RED LIGHT CAMERA REVENUE**

	FY 2010	FY 2011	FY 2012*	FY 2013 YTD*	Program Total YTD
<b>Gross Revenue</b>	\$ 631,193	\$ 1,302,895	\$ 885,643	\$ 505,083	\$ 3,324,814
<b>Operating Costs</b>	\$ 855,228	\$ 962,976	\$ 962,976	\$ 595,617	\$ 3,376,797
<b>Net Gain/(Loss)</b>	<b>(\$224,035)</b>	\$339,919	<b>(\$77,333)</b>	<b>(\$90,534)</b>	<b>(\$51,983)</b>

*\*Assumes allocation errors made by County are corrected*

FY 2011 revenues supported the costs associated with running the photo red light program, but even if undisbursed revenues are identified by Alameda County officials, there exists a possibility the trend data signifying a decline in program performance may not reconcile with the City’s cost in running the program. Based on confirmable revenue data for FY 2012 and the mid-year prorated amount for the current fiscal year, program costs exceed offsetting revenues. Staff is currently engaged with counterparts at Alameda County to resolve the issue of possible outstanding revenue as quickly as possible, regardless of City Council’s decision about the fate of the red light camera program.

While staff’s recommendation to phase out the red light camera program is based on safety and crash-reduction concerns, there are three fiscal alternatives for Council to consider should the decision be to shut down all or part of the program.

- Option one, staff’s recommendation, is to simply allow the five-year terms to expire over the next two years, according to the installation dates of each approach.
- Option two is for the City to terminate the entire contract and discontinue the whole red light camera system at once.

- Option three is to continue the contract for the whole system—including extending the terms for the approaches due to expire—and wait until the five-year term is reached for the location installed last onto the system.

*Option One, Two-Year Phase Out--* A gradual phase out would occur over an approximate two year period, beginning June 2013 through February 2015, as the five-year expiration is reached for each installation/location. Fiscal impact for this option is somewhat uncertain because staff is still attempting to resolve a significant discrepancy in the amount of red light camera revenue disbursements from the County. Staff believes fines received by the County for FY 2012 and FY 2013 are likely consistent with those disbursed to the City in FY 2011, and that the drop in disbursements in FY 2012 will soon be resolved as an accounting error. Staff anticipates this reconciliation will result in the red light camera program achieving a net gain of approximately \$100,000 for FY 2013, decreasing incrementally as the system is phased out. Assuming staff rectifies the accounting issues with Alameda County, it is unlikely a phase out over the next two years would cost the City more than it recovers in fine revenue. Staff is recommending the phase out approach to allow the Police Department time to fill its staffing vacancies (caused by attrition). The time it will take to properly staff the traffic bureau coincides with the phase-out approach for the red light camera system. The phase-out option also assumes the pending California Supreme Court decision will not legally nullify the use of red light camera evidence. If the Supreme Court holds that the use of red light camera evidence is inadmissible, then the City's entire contract with Redflex, and the corresponding automated traffic enforcement at all ten intersections, terminates for cause.

*Option Two, System Wide Termination--* If the City were to unilaterally terminate the entire contract without cause in June 2013 (five years from the date of the first installation), the City would incur an immediate cost based on the unexpired term for the later installations (i.e., those approaches that have not yet been in place for five years). According to calculations provided by Redflex's legal counsel based on costs of installation, if the City terminates the entire contract in June 2013, the City may have to pay approximately \$108,000 in unamortized costs. This option does not allow for an incremental reduction of the red light camera system to coincide with an incremental increase in staffing of traffic officers. With this option, operating costs associated with the program would cease (the two community service officer positions dedicated to the program would be cut and overhead costs eliminated), with the exception of the unamortized cost payment described above. While doable, staff does not recommend a system-wide termination, unless it is compelled by a Supreme Court determination that automated red light camera evidence is inadmissible.

*Option Three, Extending the System to 2015--* This alternative would involve keeping the all the installations live until the last installation has been operational for five years. With this approach, the contract term for approaches set to expire before February 2015 would be extended and kept operational, and annual contract costs would continue as they have been previously described unless Redflex agrees to renegotiate compensation. Redflex prefers this alternative and has indicated an openness to retool compensation elements of the contract if the City Council prefers this option. Similar to what would likely occur under Option One, staff estimates the operational net gain/loss for continuing the program would at least break even during FY 2014 or result in about a \$100,000 net gain, but there is an increasing risk of contract costs exceeding revenues if all ten approaches are kept live and the contract rates remain the same. Though difficult to predict actual net gain/loss amounts, this assessment includes the assumption that the overhead costs required to manage the system, combined with the declining conviction rates, would likely contribute to operational net losses. *Table 7* displays the cost of each of the options as discussed.

TABLE 7

<b>ALTERNATIVE FISCAL ESTIMATIONS</b>			
		<b>FY2014*</b>	<b>FY2015**</b>
<b>OPTION ONE</b> <i>Two-Year Phase Out</i>	EST. GROSS REVENUE	\$663,000 <sup>A</sup>	\$497,250 <sup>C</sup>
	EST. OPERATING COSTS	\$556,236 <sup>B</sup>	\$417,177 <sup>D</sup>
	EST. NET GAIN/(LOSS)	<b>\$106,764</b>	<b>\$ 80,073</b>
<sup>A</sup> Revenues for remaining 6 approaches assuming reconciliation with county and based on FY11 revenues reduced by 15% to factor in dismissal trends, and full program operating costs			
<sup>B</sup> Contract fees and operational overhead for 6 approaches and personnel costs for only one community service officer			
<sup>C</sup> Revenues for 6 approaches that expire 9 months into FY15, thus revenues prorated to 75% of FY14			
<sup>D</sup> Fees and overhead for 6 approaches that expire 9 months into FY15, thus fees and overhead prorated to 75% of FY14			
		<b>FY2014</b>	<b>FY2015</b>
<b>OPTION TWO</b> <i>System Wide Termination</i>	EST. GROSS REVENUE	\$0	--
	EST. OPERATING COSTS	\$108,000	--
	EST. NET GAIN/(LOSS)	<b>(\$108,000)</b>	--
		<b>FY2014***</b>	<b>FY2015****</b>
<b>OPTION THREE</b> <i>Extend the System to 2015</i>	EST. GROSS REVENUE	\$1,100,000 <sup>A</sup>	\$825,000 <sup>C</sup>
	EST. OPERATING COSTS	\$962,976 <sup>B</sup>	\$722,232 <sup>D</sup>
	EST. NET GAIN/(LOSS)	<b>\$137,024</b>	<b>\$102,768</b>
<sup>A</sup> Revenues for 10 approaches assuming reconciliation with county treasurer and based on FY11 revenues reduced by 15% to factor in dismissal trends, and full program operating costs			
<sup>B</sup> Contract fees and operational overhead for 10 approaches and personnel costs for two community service officers			
<sup>C</sup> Revenues for 10 approaches that would expire 9 months into FY15, thus revenues prorated to 75% of FY14			
<sup>D</sup> Contract fees and operational overhead for 6 approaches that expire 9 months into FY15, thus fees and overhead prorated to 75% of FY14			

**PUBLIC CONTACT**

Whether prompted by a decision to renew or phase out red light cameras, the Police Department will provide updated information to the community at large through public service announcements, print media, and at community forums such as Neighborhood Partnership Meetings and crime prevention events. Information updates would also coincide with the announcements of new traffic enforcement initiatives, such as the Data Driven Approach to Crime and Traffic Safety initiative explained below under Next Steps.

**NEXT STEPS**

If City Council approves staff’s recommendation to phase out the red light camera program, (Option One), the system would be decommissioned and the equipment removed serially as each approach reaches the five-year mark. To accomplish this:

- ⇒ Due notice will be provided to Redflex Traffic Systems about the decision not to renew contract terms at expiration.
- ⇒ Staff currently committed to the program will continue until the phase out process begins in the fall of 2013.

- ⇒ As staff time committed to the red light program is lessened by the incremental phase out, the Police Department would prefer to incrementally redeploy the community service officer workload to handle other identified and under resourced needs within the police department. However, this approach is not cost neutral, as these two positions were acquired based on red light camera revenues that will diminish incrementally over the approximate two-year period of a phase out of the program. Therefore, as the phase out occurs, the Police Chief and the Finance Director will determine the suitability and pace of attrition for these two positions, according to diminishing revenues as cameras are shut down over the two year period.
- ⇒ Whether or not a phase-out of red light cameras occurs, the Police Department will continue deployment of a new strategy to better address crime and traffic safety. This initiative, *Data Driven Approaches to Crime and Traffic Safety (DDACTS)*<sup>9</sup>, is a national law enforcement operational model that integrates location-based crime and traffic crash data to determine the most effective methods for deploying law enforcement and other resources. Drawing on the deterrent value of highly visible traffic enforcement and the knowledge that crimes often involve motor vehicles, the goal of DDACTS is to reduce crime, crashes, and traffic violations across the country.

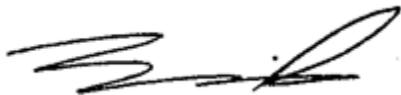
In preparation for adopting DDACTS as a crime and accident reduction tool in Hayward, members of the Police Department's command, administrative, and supervisory staff attended a DDACTS implementation training sponsored by these federal agencies. Armed with an increased ability to mine data with the new Records Management System, staff anticipates the rollout of this program by the start of the FY 2014, once enough staffing is in place to support the initiative. Staff is optimistic the DDACTS strategy will reduce crime and traffic accidents in Hayward.

- ⇒ Police officers assigned to the traffic unit will continue to focus their in-person enforcement at intersections known for a high number of accidents.

*Prepared by:* Captain Darryl C. McAllister, Field Operations Division Commander

*Recommended by:* Diane E. Urban, Chief of Police

*Approved by:*



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Fran David, City Manager

Attachment 1: Draft Resolution

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<sup>9</sup> To facilitate DDACTS initiatives across the country, the Department of Transportation, National Highway Traffic Safety Administration, and the Department of Justice, Bureau of Justice Assistance, and National Institute of Justice, have developed the DDACTS Operational Guidelines for law enforcement executives. The program outlines procedures and highlights operational considerations based on best practices in the field. Detailed information about the DDACTS strategy can be found by visiting the National Highway Traffic Safety Administration website at [www.nhtsa.gov](http://www.nhtsa.gov) then entering DDACTS in the search tool.

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO PHASE OUT THE CITY’S USE OF THE RED LIGHT CAMERA SYSTEM AS THE EXISTING CONTRACT WITH THE CURRENT VENDOR, REDFLEX TRAFFIC SYSTEMS, INC., EXPIRES

WHEREAS, on July 17, 2007, the City Council authorized the implementation of an automated traffic enforcement system as a means to reduce collisions and traffic-related injuries in the City of Hayward, and further authorized and directed the City Manager to negotiate and execute an agreement with Redflex Traffic Systems (“Redflex”) to install, support, and maintain a red light photo enforcement system at various intersections throughout the City; and

WHEREAS, the City and Redflex entered into an agreement dated November 7, 2007, for the red light photo enforcement system, which agreement shall expire in phases for the monitored intersections, beginning in the fall of 2013; and

WHEREAS, Redflex, as a contract provision, has installed, supported, and maintained ten red light camera installations at intersections identified by Police Department and Public Works staff as most appropriate for said installations; and

WHEREAS, the Police Department has evaluated the efficiency of the red light camera system and has determined the overall goal of reducing accidents has not been sustained and that other traffic enforcement alternatives are available and prudent for implementation; and

WHEREAS, the Chief of Police is recommending that the traffic camera system be phased out as the contract term for each monitored intersection expires.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized and directed to initiate a phase out of the red light camera system as the contract term for each intersection monitored by Redflex Traffic Systems expires, in accordance with the provisions of the agreement.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2013

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:** March 5, 2013

**TO:** Mayor and City Council

**FROM:** Director of Public Works – Utilities & Environmental Services

**SUBJECT:** Water Supply Agreement with San Francisco – Approval of an Amendment

**RECOMMENDATION**

That Council adopts the attached resolution to approve an Amendment to the Water Supply Agreement with City and County of San Francisco.

**BACKGROUND**

In June 2009, the City entered into a Water Supply Agreement with the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County and Santa Clara County (WSA). The WSA sets forth the terms by which the twenty-six Wholesale Customers will purchase water from the San Francisco Regional Water System (System), which includes the HetchHetchy Reservoir (Reservoir).

During the 2012 election cycle, a group named Restore HetchHetchy placed an initiative before San Francisco voters that would have required the City and County of San Francisco to develop plans to drain the Reservoir and restore HetchHetchy Valley. The initiative was defeated, but the organization announced that it will continue to pursue these goals. The Wholesale Customers use two-thirds of the water provided by the System and pay two-thirds of the costs of building, operating and maintaining the System. However, none of these water customers may vote on San Francisco ballot measures. As a result, there is uncertainty as to how the parties would address changes to the System in the event of a future abandonment or decommissioning of O’Shaughnessy Dam, which forms the Reservoir, or a draining of the Reservoir.

**DISCUSSION**

In order to provide long-term protection for the Wholesale Customers, the Bay Area Water Supply & Conservation Agency (BAWSCA) and San Francisco have developed an administrative solution, an Amendment to the WSA, which addresses water-supply reliability, water quality and cost-allocation. This Amendment will assure that San Francisco may not drain the Reservoir or abandon or decommission O’Shaughnessy Dam unless the parties agree to a further amendment to the WSA that meets certain conditions, such as levels of service for seismic and water delivery reliability, water quality assurances, and mutually agreeable allocation of costs for taking the reservoir out of service and replacing the water supplies.

San Francisco, acting by and through its Public Utilities Commission, approved the Amendment on January 22, 2013 and authorized its General Manager to execute the Amendment, pending approval by the requisite number of the Wholesale Customers.

**FISCAL IMPACT**

There are no fiscal impacts related to approval of this Amendment.

**ECONOMIC IMPACT**

While there are no known economic impacts to the community specifically related to the approval of this Amendment, there could be as yet unknown economic consequences if it is not approved and San Francisco is forced to drain the Hetch Hetchy Reservoir.

**PUBLIC CONTACT**

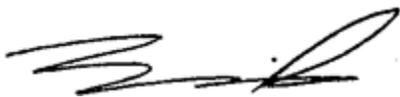
A copy of the Amendment is available for public review in the City Clerk’s Office.

**SCHEDULE**

San Francisco approved this Amendment on January 22, 2013. Wholesale customers have been asked to approve the amendment by mid-April. Once the requisite number of Wholesale Customers have approved the Amendment, the Amendment will go into full force and effect.

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

Approved by:



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Fran David, City Manager

Attachment I: Resolution  
Attachment II: WSA Amendment

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

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

RESOLUTION APPROVING AN AMENDMENT TO  
THE WATER SUPPLY AGREEMENT  
WITH THE CITY AND COUNTY OF SAN FRANCISCO

WHEREAS, the City and County of San Francisco, acting by and through its Public Utilities Commission, entered into a Water Supply Agreement with Wholesale Customers in Alameda County, San Mateo County and Santa Clara County in June 2009 (WSA); and

WHEREAS, Proposition F, the "Water Sustainability and Environmental Restoration Act" appeared on the November, 2012 ballot and, if enacted, would have required the City of San Francisco to evaluate how to drain Hetch Hetchy Reservoir; and

WHEREAS, the San Francisco Charter acknowledges that the Hetch Hetchy Water System, including O'Shaughnessy Dam, is an irreplaceable asset such that San Francisco could not drain Hetch Hetchy Reservoir or abandon or decommission O'Shaughnessy Dam absent a Charter amendment as well as additional regulatory and administrative approvals; and

WHEREAS, the parties, at the time of entering into the WSA, contemplated that Hetch Hetchy Reservoir and O'Shaughnessy Dam were both integral parts of the Regional Water System and were considered Existing Assets as that term is used in the WSA, and were included in the calculation of the Wholesale Revenue Requirement; and

WHEREAS, the parties, at the time of entering into the WSA, also contemplated that the reliability and quality of the water to be delivered was premised on the shared assumption of the continued use of Hetch Hetchy Reservoir and O'Shaughnessy Dam as integral components of the Regional Water System; and

WHEREAS, the parties, at the time of entering into the WSA, did not contemplate that an alternate water delivery system created as a result of draining Hetch Hetchy Reservoir, or abandoning or decommissioning O'Shaughnessy Dam, would be considered part of a New Regional Assets described by the WSA; and

WHEREAS, the parties now desire to amend the WSA to reaffirm the water reliability and quality requirements set forth therein, and to acknowledge that Hetch Hetchy Reservoir and O'Shaughnessy Dam will continue to be used as integral components of the Regional Water System, unless both San Francisco and the Wholesale Customers approve any alternate water storage and delivery system to be used for delivery of water under the WSA; and

WHEREAS, said amendment to the WSA was approved by the San Francisco Public Utilities Commission on January 22, 2013 and its General Manager was authorized to execute it, provided the amendment is approved by the Wholesale Customers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute the amendment to the Water Supply Agreement approved by the San Francisco Public Utilities Commission on January 22, 2013.

IN COUNCIL, HAYWARD, CALIFORNIA , 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

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

**WATER SUPPLY AGREEMENT**  
**between**  
**THE CITY AND COUNTY OF SAN FRANCISCO**  
**and**  
**WHOLESALE CUSTOMERS**  
**in**  
**ALAMEDA COUNTY, SAN MATEO COUNTY AND**  
**SANTA CLARA COUNTY**

**AMENDMENT NO. 1**

THIS AMENDMENT modifies the Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County and Santa Clara County (“Water Supply Agreement”), which is dated July, 2009.

WHEREAS, the Parties desire to amend the Water Supply Agreement to assure that the existing condition of Hetch Hetchy Reservoir is maintained unless the Parties agree to a further amendment to the Water Supply Agreement that meets certain conditions; and

WHEREAS, except for those changes expressly specified in this First Amendment, all other provisions, requirements, conditions, and sections of the Water Supply Agreement shall remain in full force and effect.

THE PARTIES AGREE to amend the Water Supply Agreement by adding a new Section 3.18 to Article 3, Water Supply.

**Section 3.18 Water Supply Agreement Amendment Required**

San Francisco may not change the existing condition of the Hetch Hetchy Reservoir by:

- (1) abandoning or decommissioning O'Shaughnessy Dam; or
- (2) draining Hetch Hetchy Reservoir, except for purposes of (i) repair, rehabilitation, maintenance, improvement, or reconstruction of O'Shaughnessy Dam or appurtenances, (ii) supplying water to the Bay Area during drought, or (iii) meeting water release requirements under the Raker Act, or federal or state law,

unless the parties enter into an amendment to the Water Supply Agreement, in full force and effect, adopted in accordance with Section 2.03.

The amendment shall state, or restate, as the case may be:

- A. The level of service goals for seismic reliability and delivery reliability adopted by the Commission in conjunction with such proposed changes to the Regional Water System, provided such goals are at least as protective of the Wholesale Customers as the level of service goals adopted by the Commission on October 30, 2008 in conjunction with the WSIP;
- B. The level of water quality to be delivered, which is currently provided for in Section 3.08, and
- C. The specific cost allocation procedures, written as an amendment to Article 5, which apply to (1) the abandonment or decommissioning of O'Shaughnessy Dam, or (2) the draining of Hetch Hetchy Reservoir, and (3) the development, operation and maintenance of New Regional Assets that may be required to replace water supplied by Hetch Hetchy Reservoir and delivered to the Bay Area.

In the event that the parties are not able to agree upon and approve an amendment to the Water Supply Agreement as set forth above, San Francisco may not abandon or decommission O'Shaughnessy Dam or drain Hetch Hetchy Reservoir.

IN WITNESS WHEREOF the parties have executed this Amendment by their duly authorized officers.

**CITY AND COUNTY OF SAN FRANCISCO**  
Acting by and through its Public Utilities  
Commission

**CITY OF HAYWARD**

By: \_\_\_\_\_  
Harlan L. Kelly, Jr.  
General Manager

By: \_\_\_\_\_  
Fran David  
City Manager

Date: \_\_\_\_\_, 2013

Date: \_\_\_\_\_, 2013

Approved by Commission Resolution  
No. 13-0022, adopted January 22, 2013

ATTEST:

\_\_\_\_\_  
Donna Hood  
Secretary to Commission

\_\_\_\_\_  
Miriam Lens  
City Clerk

Approved as to form:

Approved as to form:

DENNIS J. HERRERA  
City Attorney

By: \_\_\_\_\_  
Donn W. Furman  
Deputy City Attorney

\_\_\_\_\_  
Michael S. Lawson  
City Attorney