



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
JUNE 25, 2013

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
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CITY COUNCIL MEETING FOR JUNE 25, 2013
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:00 PM

1. PUBLIC COMMENTS

2. Public Employment

Pursuant to Government Code 54957

➤ Performance Evaluation

City Manager

3. 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 McGrath

Under Negotiation: All Groups

4. Conference with Real Property Negotiators

➤ Pursuant to Government Code 54956.8

Property Negotiators: City Manager David, Public Works – Engineering & Transportation Director Fakhrai, City Attorney Lawson, Associate Civil Engineer Louie

Under Negotiations:

23990 Hesperian Boulevard, APN 432-0060-105-03

3484 Enterprise Avenue, APN's 439-0099-051 & 052

Depot Road (no address), APN 439-0070-002-01; 3720 Depot Road, APN's 439-0070-003 & 004; 3744

Depot Road, APN 439-0070-005-01; 3760 Depot Road, APN 439-0070-005-02; 3792 Depot Road,

APN 439-0070-006-00; and 3600 Depot Road, APN 439-0075-013-02

5. 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

6. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Property Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager McAdoo, Assistant City Attorney Conneely

Under Negotiation: South Hayward Transit-Oriented Development Project, 28901 and 28937 Mission Boulevard

7. Adjourn to Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting

**SPECIAL JOINT CITY COUNCIL/ REDEVELOPMENT SUCCESSOR AGENCY/
HOUSING AUTHORITY MEETING**

Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Mayor Sweeney

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

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

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Boards and Commissions, 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 any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

BOARDS AND COMMISSIONS

1. Appointments and Reappointments to the Hayward Youth Commission and Swearing-In Ceremony of New Members (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Resolution Youth Commission](#)

CONSENT

2. Approval of Minutes of the City Council Meeting on June 4, 2013

[Draft Minutes](#)

3. Water Pollution Control Facility Cogeneration System: Approval of Environmental Document, Approval of Addenda, Award of Contract, and Amending Professional Services Agreement

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II Resolution Adoption of CEQA documents](#)

[Attachment III Resolution Approval of Eng Svcs](#)

June 25, 2013



[Attachment IV Location Map](#)
[Attachment V Bid Summary](#)
[Attachment VI Negative Declaration](#)

4. One Bay Area Grant (OBAG) Local Streets and Roads Rehabilitation Funds - Resolution of Local Support

[Staff Report](#)
[Attachment I](#)
[Attachment II](#)

5. Authorization for the City Manager to Amend a Professional Services Agreement for the Visualization Study of the Hayward Library and Community Learning Center Project

[Staff Report](#)
[Attachment I](#)

6. Adoption of Resolutions Authorizing the Implementation of New Contracts which Include On-going Structural Changes to Achieve Overall Cost-Saving Measures as Proposed by the Hayward Fire Chiefs Association; the Hayward Firefighter Officers – International Association of Fire Fighters - Local 1909; and the IAFF – Local 1909 (“Fire Unit”) **(Report will be available on June 25, 2013)**

7. Adoption of Resolutions Approving Agreements Authorizing Participation in the Voluntary Employee Beneficiary Association (VEBA) Program between the City of Hayward and the International Association of Firefighters, Local 1909

[Staff Report](#)
[Attachment I Resolution](#)

8. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2013

[Staff Report](#)
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9. Adoption of a Resolution Approving Extensions and Modifications to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council

[Staff Report](#)
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[Attachment VI](#)



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

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

LEGISLATIVE BUSINESS

10. Gann Appropriations Limit for FY 2014; and Revised Gann Appropriations Limits for FY 2012 and FY 2013 (Report from Director of Finance Vesely)

[Staff Report](#)

[Attachment I](#)

[Attachment II](#)

11. Approval of the FY 2014 Mid-Biennial Operating Budget and Appropriations for FY 2014; Approval of the FY 2014 Capital Improvement Program Update and Appropriations for FY 2014; Approval of the Hayward Redevelopment Successor Agency Budget; Approval of the Hayward Housing Authority Budget (Report from Director of Finance Vesely)

[Staff Report](#)

[Attachment I](#)

[Attachment I Exhibit A](#)

[Attachment I Exhibit B](#)

[Attachment II](#)

[Attachment II Exhibit A](#)

[Attachment III](#)

[Attachment IV](#)

[Attachment V](#)

[Attachment VI](#)

12. Election of Mayor Pro Tempore (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II List](#)

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 SPECIAL MEETING – 7:00 PM, TUESDAY, JULY 9, 2013

June 25, 2013



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 before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

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

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

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

Please visit us on:



DATE: June 25, 2013

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Appointments and Reappointments to the Hayward Youth Commission

RECOMMENDATION

That the City Council adopts the attached resolution confirming the appointment of ten new members to the Hayward Youth Commission, appointment of four Hayward Youth Commission alternates, and the reappointment of two continuing Hayward Youth Commissioners.

BACKGROUND

On May 23, 2013, during the annual recruitment for the Hayward Youth Commission, representatives from the three local public agencies interviewed thirty-eight applicants and recommended fourteen individuals to fill vacancies and accepted two requests for reappointment. The representatives were: Council Members Zermeño and Salinas; Directors Paul Hodges and Louis Andrade from the Hayward Area Recreation and Park District; and Trustees Lisa Brunner and John Taylor from the Hayward Unified School District.

As vacancies occur throughout the year, appointments will be made from the alternate list of four candidates that was established.

COMMISSIONER	STATUS	SUCCEEDS	TERM EXPIRES
New Appointments:			
Andrew Romero	New Appointment	Aaron Torres	June 2014
Daniel Aguilar	New Appointment	Nina-Marie Tauscher	June 2014
Luis Loza	New Appointment	Thooba Samimi	June 2014
Sharfa Prasad	New Appointment	Nadia Faraj	June 2014
Sophia Espinosa	New Appointment	Malcolm DeFrantz	June 2014
Danielle West	New Appointment	Elmer Beltran	June 2015
Gerardo Barcenas	New Appointment	Reejima Agrawal	June 2015

Isyanelly Gonzalez	New Appointment	Alejandra Melgoza	June 2015
Laura Romero	New Appointment	Balpreet Jhattu	June 2015
Omkar Salpekar	New Appointment	Jasmine Rodriguez	June 2015

Reappointments:

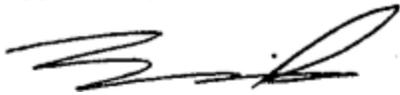
Diego Castro	Reappointment		June 2015
Sarahi Bautista	Reappointment		June 2015

Alternate List:

Diego Lopez	Alternate		June 2014
Elmer Beltran	Alternate		June 2014
Joanna Gil	Alternate		June 2014
Lilybeth Domingo	Alternate		June 2014

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment:

Attachment I Resolution Establishing Appointments and Reappointments

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPOINTING AND REAPPOINTING
MEMBERS TO THE HAYWARD YOUTH COMMISSION

BE IT RESOLVED that the City Council of the City of Hayward confirms the following new appointments of the below-named persons as members of the Hayward Youth Commission, for the terms as designated:

NEW APPOINTMENTS:

COMMISSIONER	STATUS	SUCCEEDS	TERM EXPIRES
Andrew Romero	New Appointment	Aaron Torres	June 2014
Daniel Aguilar	New Appointment	Nina-Marie Tauscher	June 2014
Luis Loza	New Appointment	Thooba Samimi	June 2014
Sharfa Prasad	New Appointment	Nadia Faraj	June 2014
Sophia Espinosa	New Appointment	Malcolm DeFrantz	June 2014
Danielle West	New Appointment	Elmer Beltran	June 2015
Gerardo Barcenas	New Appointment	Reejima Agrawal	June 2015
Isyanelly Gonzalez	New Appointment	Alejandra Melgoza	June 2015
Laura Romero	New Appointment	Balpreet Jhattu	June 2015
Omkar Salpekar	New Appointment	Jasmine Rodriguez	June 2015

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby confirms the following reappointments of the below-named persons as members of the Hayward Youth Commission, for the terms as designated, and the list of alternatives:

REAPPOINTMENTS:

COMMISSIONER	STATUS	SUCCEEDS	TERM EXPIRES
Diego Castro	Reappointment		June 2015
Sarahi Bautista	Reappointment		June 2015

ALTERNATES:

COMMISSIONER	STATUS	SUCCEEDS	TERM EXPIRES
Diego Lopez	Alternate		June 2014
Elmer Beltran	Alternate		June 2014
Joanna Gil	Alternate		June 2014
Lilybeth Domingo	Alternate		June 2014

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



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 4, 2013, 7:00 p.m.**

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney announced that Council met with labor negotiators pursuant to Government Code 54957.6, regarding all groups, and there was no reportable action.

PRESENTATIONS

Council Member Salinas introduced the Tennyson High School Choir and Mr. John Orozco, Tennyson High School Music Director. Mr. Salinas acknowledged that Tennyson High School Principal, Lori Villanueva, was in the audience. The Tennyson High School Choir, led by Director Orozco, performed the “Man in the Mirror” by Michael Jackson. Mr. Orozco noted that the Choir would perform at a concert at Tennyson High School on Thursday, June 6, 2013.

The Business Recognition Award for June 2013 was presented to Aurora Algae, Inc. Aurora Algae moved its headquarters to Hayward in 2011 and has grown from four to 55 employees. The company is a pioneer in biotechnology, sustainable agriculture, and renewable energy. The award was given to the company in recognition of the contributions it has made by locating a Clean Tech business in Hayward and helping establish Hayward as an attractive location for a new generation of technology innovation; providing job opportunities to local residents; being an industry leader in sustainable technology; and contributing to the overall economic well-being of Hayward. Vice President of Corporate Affairs, Paul Brunate, accepted the award on behalf of Aurora Algae, Inc.

PUBLIC COMMENTS

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, invited everyone to the Downtown Hayward Street Parties on June 20, July 18, and August 15, 2013, and noted the parties were a partnership between the Hayward Chamber of Commerce, Downtown Hayward Business Improvement Area, and the City of Hayward.

Mr. Rick Imsdahl, Lindenwood Way resident, voiced support for a new Hayward library noting the current library has not kept up with the times and population growth. Mr. Imsdahl shared a quote

from a study that the Urban Libraries Council conducted that shows a link between libraries and local economic development.

WORK SESSION

1. FY 2014 Proposed Mid-Biennial Budget Update – Work Session #3

Staff report submitted by Director of Finance Vesely, dated June 4, 2013, was filed.

Director of Finance Vesely noted Council would hear presentations from Library and Community Services, Human Resources, Information Technology, Finance, City Manager, and Mayor and Council.

Library and Community Services Director Reinhart delivered a PowerPoint presentation for the Library and Community Services Department related to FY 2014 budget update, FY 2014 staffing update, FY 2014 key budget changes, FY 2013 accomplishments, and FY 2014 goals.

Mayor Sweeney thanked the Library and Community Services Director Reinhart for the service provided at the Homework Support Center.

Council Member Salinas noted he was the Council's Liaison to the Library Commission and commended the library staff and acknowledged the Friends of the Library for their outstanding fundraising efforts selling books. Mr. Salinas mentioned Hayward residents needed a new library and suggested a facilities bond to fund it.

Council Member Halliday supported beginning the plan for a bond measure to build a new library. Ms. Halliday noted a new library would serve the needs of Hayward's residents. She commended staff's hard work related to library services and social services funding.

Council Zermeño commended library staff for their hard work and acknowledged Council Member Halliday's participation in the Homework Support Center. Mr. Zermeño hoped all residents would support a new library.

Human Resources Director Robustelli delivered a PowerPoint presentation for the Human Resources Department related to FY 2014 budget update, FY 2014 staffing update, FY 2014 key budget changes, FY 2013 accomplishments, and FY 2014 goals.

Mayor Sweeney thanked Human Resources Director Robustelli and staff for their accomplishments.

Information Technology Director Guenther delivered a PowerPoint presentation for the Information Technology Department related to FY 2014 budget update, FY 2014 staffing update, FY 2014 key budget changes, FY 2013 accomplishments, and FY 2014 goals.



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Council Member Mendall noted he was impressed with the Information Technology Department and encouraged staff to keep up with changes in technology. Mr. Mendall suggested the City invest in the use of surveillance cameras as a crime prevention tool.

Council Member Zermeño suggested, whenever possible, to purchase computer equipment from local vendors.

Council Member Halliday noted that televising City Council, Planning Commission and Hayward Unified School District meetings was a service to the community. On behalf of the Hayward Volunteer Dinner Committee, Ms. Halliday complimented Audio Visual Specialist Tabari for his assistance with the video produced for the Annual Hayward Volunteer Recognition and Awards Dinner.

Finance Director Vesely delivered a PowerPoint presentation for the Finance Department related to FY 2014 budget update, FY 2014 staffing update, FY 2014 key budget changes, FY 2013 accomplishments, and FY 2014 goals.

Council Member Peixoto commended Finance Director Vesely and Assistant City Manager McAdoo for convincing lawmakers to abolish the clawback of \$6 million by the State at the “meet and confer” in Sacramento. Mayor Sweeney seconded the commendation.

Assistant City Manager McAdoo delivered a PowerPoint presentation for the City Manager Department, the Redevelopment Successor Agency, and the Housing Authority related to FY 2014 budget update, FY 2014 staffing update, FY 2014 key budget changes, FY 2013 accomplishments, and FY 2014 goals.

Council Member Mendall commended staffs’ efforts to help retain City monies that were lost by the dissolution of the Redevelopment Agency.

Council Member Zermeño noted the unintended victims of the dissolution of the Redevelopment Agency were senior citizens who need affordable housing.

City Manager David delivered a PowerPoint presentation for the City Council and Mayor Department related to FY 2014 budget update, FY 2014 staffing update, FY 2014 key budget changes, FY 2013 accomplishments, and FY 2014 goals.

Council Member Salinas commended Council for authorizing the General Plan Update and the Economic Development Strategic Plan and for taking an active role in supporting the Hayward Unified School District in its goal to improve schools and commitment to academic achievement.

2. Review of City of Hayward Benefit Liabilities

Staff report submitted by Director of Finance Vesely, dated June 4, 2013, was filed.

Director of Finance Vesely provided a synopsis of the staff report.

Council Member Mendall suggested that Council set policy guidance for desired funding levels for each unfunded liability and set a time frame for reaching the funding levels. Mr. Mendall recommended a funding level of 80% over a 30-year period.

Council Member Jones concurred with Council Member Mendall that Council needed to give staff direction to a rational funding level for unfunded benefit liabilities and this needed to be included in the Council priority discussion in the fall.

Council Member Halliday noted the CalPERS employer rates and she was alarmed at the 1153% increase in CalPERS rates for non-sworn employee rates from FY 2000 to FY 2014. In response to Ms. Halliday's question about moving the CalPERS to another group, Finance Director Vesely said it would be costly and almost impossible to do.

Council Member Zermeño recommended scheduling an additional work session to discuss unfunded liabilities and he noted that finding a funding mechanism for unfunded liabilities could impact other aspects of compensation.

Mayor Sweeney noted that Council could offer recommendations during the budget public hearing or in the fall during the Council's priorities discussions.

CONSENT

3. Approval of Minutes of the City Council Meeting on May 21, 2013

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and unanimously carried, to approve the minutes of the City Council Meeting of May 21, 2013.

4. Sidewalk Rehabilitation and Wheelchair Ramps FY 2013 - Districts 4 and 5: Approval of Addendum and Award of Contract

Staff report submitted by Associate City Engineer Owusu, dated June 4, 2013, was filed.

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

Resolution 13-076, "Resolution Approving Addendum No. 1, Increasing the Administrative Change Order Amount for the Sidewalk Rehabilitation and Wheelchair Ramps FY 2013 – Districts 4 and 5 Project, Project Nos. 5108 and 5104, and Awarding the



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Contract to AJW Construction”

5. Annual Sewer Line Replacement FY13 Project: Award of Contract

Staff report submitted by Associate Civil Engineer Lam, dated June 4, 2013, was filed.

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

Resolution 13-077, “Resolution Awarding the Contract for Annual Sewer Line Replacement FY13 Project, Project No. 7543 to Casey Construction, Inc.”

Resolution 13-078, “Resolution Amending Resolution 12-121, Budget Resolution for Capital Improvement Projects for Fiscal Year 2013, for an Appropriation of Funds from the Sewer Collection System Replacement Capital Improvement Fund (Fund 614) to Annual Sewer Line Replacement FY13 Project, Project No. 7543”

PUBLIC HEARING

6. Zone Change Application No. PL-2010-0380 and Vesting Tentative Tract Map Application No. PL-2010-0381 – Gordon Wong (Applicant); Yue T. Hing, Ltd. (Owner) – Request for Zone Change from Single Family Residential (with B6 Combining District) to Planned Development, and Vesting Tentative Tract Map to create eight (8) residential condominiums with a single remaining parcel owned in common on a vacant site located at 26736 Hayward Boulevard

Staff report submitted by Associate Planner Ajello, dated June 4, 2013, was filed.

Director of Development Services Rizk announced the report and introduced Planning Manager Thomas who provided a synopsis of the report and responded to questions posed by Council.

Council Member Peixoto noted that he visited the Roof Garden Villas site and expressed concern that it was a steep slope.

Council Member Halliday expressed concern about the number of parking spaces per unit.

Mayor Sweeney expressed concern about safety for cars leaving the proposed site. In response to Mayor Sweeney’s question as to why all thirteen trees were recommended for removal, Planning

Manager Thomas noted they were not suitable for preservation and would be replaced according to the City's Tree Preservation Ordinance.

Mayor Sweeney opened the public hearing at 9:19 p.m.

Mr. Gordon Wong, project applicant with business address in San Jose, explained that most trees recommended for removal presented a high fire hazard. Mr. Wong noted there were three parking spaces in the upper area, the units had a two-car garage and parking opportunity in the driveway. Mr. Wong responded to questions related to the retaining wall, drainage, stormwater, rooftop, wall outlets for electric vehicles, and elevations.

Council Member Zermeño suggested to Mr. Wong to include a sidewalk connecting cluster three to two.

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

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

Council Member Peixoto, following Mayor Sweeney's prior comment, suggested a friendly amendment that the units be owner-occupied. Planning Manager Thomas noted that a condition could be added to the Conditions of Approval that all units shall be owner-occupied. Council Members Zermeño and Mendall concurred.

In response to Mayor Sweeney, Director of Public Works Fakhrai noted that under normal conditions ingress and egress to the development would be safe along with appropriate signage, proper designation and striping.

Council Member Halliday suggested that appropriate facilities/infrastructure be available for plug-in electric vehicles throughout the project. Ms. Halliday supported the motion and noted the area was zoned for higher density with neighborhood serving commercial and transportation close by. Ms. Halliday commented that the project was designed with the environment in mind and could be used as a model for future housing projects.

Council Member Mendall thanked the Planning Commission for its comments and noted he liked the rooftop garden, and he asked that for future projects the term patio be used. Mr. Mendall added he favored projects that incorporated solar panels and other energy-saving features.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and unanimously carried to adopt the following with two additions to the Conditions of Approval: that all units shall be owner-occupied, and that appropriate facilities/infrastructure be available for plug-in electric vehicles throughout the project.

Resolution 13-079, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map Application PL-2010-



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0381 and Zone Change Application PL-2010-0380 Pertaining to a Proposed Eight (8) Unit Residential Condominium Development with a Single Remaining Parcel Owned in Common on a Vacant Site Located at 26736 Hayward Boulevard”

Introduction of Ordinance 13-_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2010-0380 Relating to the Rooftop Garden Villas Residential Development”

7. Amendment of City’s Card Club Regulations (PL-2011-0213 TA) to allow transfer of ownership and potential relocation of the Palace Card Club and additional regulatory oversight, among other modifications; Conditional Use Permit Modification application (PL-2011-0303 CUP) to increase the number of gaming tables from 11 to 13 and allow for a two-story addition to the Palace Card Club at 22821 Mission Boulevard; and related amendments to the City’s Master Fee Schedule

Staff report submitted by Development Services Director Rizk, dated June 4, 2013, was filed.

Director of Development Services Rizk provided a synopsis of the report.

Council Member Peixoto noted that the proposed fee changes related to the Palace Card Club would be cost recovery fees for the City. In response to Mr. Peixoto, Sergeant Cantrell explained that the Club was well managed, the crime rate at the site was low, and the security system was a tool used to resolve other crimes in the area.

Council Member Halliday said she visited the Palace Card Club and noticed cars were parked in front of the Club and asked that the forthcoming elimination of parking along Mission Boulevard be revisited. In response to Ms. Halliday’s question about other clubs, Assistant City Attorney Conneely noted the State had issued a moratorium on card club licenses through 2020 and there were no new permits being issued for new establishments.

Council Member Mendall noted the current owners effectively managed the establishment, but asked what would happen if in the future there was a change of ownership or change of location and the Club became a nuisance. Director of Development Services Rizk noted the transfer would be subject to City Council approval and the relocation subject to approval of a new conditional use permit.

In response to Mayor Sweeney's inquiry, Sergeant Cantrell indicated that there were approximately a dozen card clubs in the Bay Area located in Emeryville, Livermore, San Jose, Colma, Antioch and Pacheco.

Council Member Jones disclosed he met with the Palace Card Club representatives and he noted that the site was challenging in terms of parking and pedestrian access. Mr. Jones voiced concern that Club patrons were fully utilizing the parking lot across the street and hindered other patrons of businesses from utilizing the parking lot. Mr. Jones also expressed concern that pedestrians did not use the crosswalk along that stretch of Mission Boulevard.

Council Member Zermeño disclosed he met with the Palace Card Club owners and toured the facility. Mr. Zermeño noted the site needed more space to grow economically, requested that staff revisit the parking on Mission Boulevard in order to help businesses in the area succeed, and asked that staff address the issues with the house next to the Club. Mr. Zermeño thanked the Police Department for ensuring that the Club was managed effectively and safely.

Council Member Salinas disclosed he toured the facility and met with a Palace Card Club representative and noted the Club needed more space. In response to Mr. Salina's question regarding another site for the establishment, Development Services Director Risk noted card clubs were only allowed in the Central-City Commercial district and the ideal location would have sufficient onsite parking with access to public transportation and freeways.

Mayor Sweeney disclosed he had also met with the Palace Card Club owners and representatives.

Mayor Sweeney opened the public hearing at 10:28 p.m.

Ms. Cathy Aganon, co-owner of the Palace Card Club and Livermore resident, thanked City staff for working on a revised ordinance that promoted the city's welfare, provided an entertainment venue, supported a viable business and asked for Council's approval. Ms. Aganon added that the Club was the largest downtown Hayward employer and had a strong reputation in the community. Ms. Aganon asked the Council to consider allowing the Club to relocate and to abolish the sunset clause. She added that by allowing non-family shareholders, the Club would preserve its integrity and legacy.

Ms. Pam Roberts, co-owner of the Palace Card Club, noted that the Club's security staff reminds patrons to not jaywalk, whenever possible. Ms. Roberts noted the Club brought uniqueness to the city. She noted that the renderings that were initially submitted would not be practical for the Club as it would create more issues with neighboring businesses and create a burden to the City's parking lot.

Ms. Gloria Martinez, Palace Card Club employee and Pleasanton resident, spoke on behalf of the 150 employees and asked the Council to support the Palace Card Club and give the Club the opportunity that other casinos have to succeed as a business and thrive in the city.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 4, 2013, 7:00 p.m.**

Mr. Anthony Cilibrasi, Palace Card Club poker tournament director and Hayward resident, noted the Club used its own resources and employees volunteered their time to help raise funds for local organizations.

Mr. Dennis Callahan, South San Francisco resident, lead floor person, shift manager and key employee, spoke about his responsibilities at the Palace Card Club and noted the Club was well managed and a good place to work.

Mr. Bernie Race, Hayward resident and Palace Card Club patron, said he had been patronizing the Club for a long time, noted the Club needed to move to a bigger facility, and encouraged the Council to support the Club so it could stay competitive.

Mr. Abdul Nangyalai, owner and general manager of One Team Protective Services, noted his company provides safety and security services to the Palace Card Club, his employees are properly screened and licensed, and his staff has a good relationship with the Police Department. Mr. Nangyalai urged Council's support for the proposed amendment to the Ordinance.

Mr. Steve Numoto, General Manager for the Palace Card Club, spoke about his extensive experience working at card clubs. Mr. Numoto noted that the Club was requesting to add popular games in order to generate more revenue. Mr. Numoto noted the Club was popular and he spoke highly of the Club's owners. He added that the sunset clause had the employees concerned.

Mr. Chris Ray, Lodi resident and Palace Card Club's compliance consultant, noted his job was to ensure that the Club was functioning according to local, state, and federal regulations. Mr. Ray noted that the Club was the only one to have a sunset clause in Northern California.

Ms. Dyana Anderly, Palace Card Club representative, noted the \$230,000 proposed annual fee was a generous amount, the revised ordinance was well written, added the Club should be considered a lively entertainment venue that was well managed, mentioned the State supported card clubs, and added there were no objections from the public regarding the operations of the Club.

Mr. John Cammack, attorney representing the Palace Card Club, noted that City staff and Club representatives took two years to reach an agreement that included an annual fee increase in exchange for increasing revenue by modifying the conditional use permit and text amendments that include oversight capabilities and internal control standards. Mr. Cammack noted that for the business to be fiscally viable and for the owners to receive a financial return on investment the sunset clause needed to be eliminated.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, spoke in support of the Palace Card Club noting that giving the owners the ability to transfer ownership was only fair. Mr. Huggett noted that the approval of the proposed amendments would help achieve fiscal viability and would make the Club a safe and desirable place for employees to work and for customers to frequent.

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

Council Member Mendall offered a motion per the staff recommendation with an addition to the proposed ordinance that would require that access to security cameras be provided to the Hayward Police Department. Council Members Zermeño and Peixoto seconded the motion. Mr. Mendall said he favored the staff's recommendation because of how well managed the Palace Card Club was and he asked the family to ensure that this continued. Mr. Mendall commented that Hayward needed more entertainment options as identified in the Economic Development Strategic Plan.

Council Member Zermeño was confident with the proposed amendments and said he had faith that the owners would continue to successfully manage the Palace Card Club.

Council Member Salinas noted he would support the motion because the owners had a proven record that showed they could run a safe and well managed business. Mr. Salinas also noted there were measures for accountability in place and there was evidence of strong employee retention. Mr. Salinas suggested staff consider a new location with adequate parking where the Club could move and create a synergy that included becoming a base for other types of entertainment and business/conference venues.

Council Member Halliday noted she would support the motion and spoke highly of the family and how well they managed the Palace Card Club. Ms. Halliday acknowledged the work completed to reach an agreement and was happy to support the motion.

Assistant City Attorney Conneely noted the Department of Justice required that the ordinance be preapproved at the State level and she suggested that the language offered by Council Member Mendall, regarding the security cameras, be added as a condition to the Conditional Use Permit to avoid having to submit the ordinance to the State for approval of the minor change.

Council Members Mendall, Zermeño and Peixoto were amenable to the suggestion.

Council Member Jones noted he would support the motion and commented on the success of the business despite the hurdles it had faced. Mr. Jones congratulated the family, wished them good luck, and noted the owners were pioneers of a large women-owned business in Hayward in terms of number of employees.

Council Member Peixoto noted he would support the motion and commented the proposed Ordinance amendment was a part of the vision of the General Plan that called for creating an entertainment environment in the downtown, retaining small businesses, creating a sound local economy that attracted investment, increasing the tax base, generating public revenues, and creating employment opportunities for residents.

Mayor Sweeney noted he would not support the motion noting the existing arrangement, initiated by the family, should be honored. Mayor Sweeney noted that the City needed to look for healthier and more productive ways to grow the downtown area and the local economy.



**MINUTES OF THE CITY COUNCIL MEETING
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Tuesday, June 4, 2013, 7:00 p.m.**

It was moved by Council Member Mendall, seconded by Council Members Zermeño and Peixoto, and passed with Mayor Sweeney voting no, to adopt the following with an amendment that the Conditional Use Permit include language requiring access to security cameras be provided to the Hayward Police Department.

Resolution 13-080, “Resolution Finding the Project Categorically Exempt from CEQA Review and Approving Proposed Text Amendments to the City’s Card Club Regulations and Related Conditional Use Permit Modification Associated with the Palace Card Club at 22821 Mission Boulevard”

Resolution 13-081, “Resolution Amending the City of Hayward Master Fee Schedule with Respect to Certain Fees Associated with Card Clubs”

Introduction of Ordinance 13-_, “Ordinance Amending Chapter 4, Article 3 of the City’s Municipal Code, Relating to Card Club Regulations”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Halliday announced that the Homework Support Center would be celebrating the closure of the school year on June 5, 2013, at the Main Library, and invited all to attend.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 11:22 p.m.

APPROVED:

Michael Sweeney
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: June 25, 2013
TO: Mayor and City Council
FROM: Director of Public Works – Utilities & Environmental Services
SUBJECT: Water Pollution Control Facility Cogeneration System: Approval of Environmental Document, Approval of Addenda, Award of Contract, and Amending Professional Services Agreement.

RECOMMENDATION

That Council adopts the attached resolutions:

1. Approving the Negative Declaration environmental document,
2. Approving Addenda No. 1 and No. 2, providing minor revisions to the plans and specifications; and awarding the contract to Monterey Mechanical Co. in the amount of \$9,211,000, and
3. Amending the Professional Services Agreement with Carollo Engineers to approve engineering services during construction in the amount of \$500,000.

SUMMARY

The Water Pollution Control Facility (WPCF) cogeneration system, which utilizes bio-gas to provide power to the WPCF, has been in operation since 1982 and has reached the end of its useful life. After an extensive planning process that included technical review of available technologies and economic analyses, the City selected the internal combustion system technology, completed the design process, and called for bids for construction. A total of three bids were received on June 18. After review of the bid documents, staff is recommending that the project be awarded to the low bidder, Monterey Mechanical Co.

BACKGROUND

Co-generation is a process for simultaneous generation of electric power and heat. At the WPCF biogas, generated at the digesters and captured as part of the treatment process, is utilized as fuel. Methane is a major component of biogas, and biogas is considered a renewable energy resource. Like most wastewater treatment plants in the Bay Area, the WPCF has utilized biogas for many years to fuel internal combustion engines to provide electric energy and reduce the need to purchase energy from PG&E. In addition to cost benefits, there are significant environmental advantages to cogeneration in that the alternatives for disposing of biogas are to discharge it to

the atmosphere or to flare (burn) it off as a large open-air flame, both of which are wasteful and environmentally harmful.

The WPCF cogeneration system, which utilizes bio-gas to provide power to the WPCF, has been in operation since 1982 and has reached the end of its useful life. The project will replace the existing combined heat and power (CHP) internal-combustion powered cogenerators by a generator capable of producing 1,137 kW (kilowatts) of power with a provision to add a second unit in the future. The existing cogeneration engine generators will be decommissioned as part of the new cogeneration system project, and they will not operate concurrently with the new cogeneration system.

For each unit of energy of biogas fed to the cogenerator, about forty percent is mechanically converted to electrical energy. The remaining sixty percent is waste heat. The cogeneration system will consist of the cogenerator and peripheral equipment to redeem some, but not all of the "waste heat" for heating the digesters that actually produce the biogas for cogeneration. More than one-half of the waste heat will be captured into a hot water loop for digester heating (thus resulting in a combined heat and power system). The rest will be dissipated. Given the higher efficiency of the new co-generator, the heat production would be less. Since the heat energy needs have not changed, less excess heat would have to be dissipated.

Initially staff evaluated alternative technologies and recommended that the City consider two alternatives: 1) new efficient conventional internal combustion engines and 2) fuel cells. The fuel cell option was pursued initially, based on its promise of cleaner energy production; however, mutually acceptable agreement terms could not be reached with the sole provider. At the October 23, 2012 City Council meeting, Council authorized the City Manager to negotiate and execute a contract with Carollo Engineers for design of a new cogeneration power system utilizing an internal combustion engine system. This is tried and true technology and is almost universally used by waste treatment plants throughout the world. At its May 21, 2013 meeting, the Council approved the plans and specifications for the cogeneration system and called for bids to be received on June 18, 2013.

DISCUSSION

On June 18, 2013, the City received three base bids that ranged in cost from \$9,198,000 to \$11,293,000. Monterey Mechanical Co. of Oakland submitted the low bid in the amount of \$9,198,000, which is 9.1% above the Engineer's Estimate of \$8,431,000. GSE Construction Company, Inc., of Livermore submitted the second low bid in the amount of \$9,710,200, which is 15.2% above the Engineer's Estimate.

While the low bid is 9.1% above the Engineer's Estimate, there are several factors that staff relied on in determining whether or not to recommend awarding the project. The City received three bids, which is a reasonable number for this specialized project. While the bids were in a reasonable proximity of one another, the low bid is 5.6% below the second bid. It is possible, as corroborated by Carollo Engineers, that the Engineer's Estimate could have been high. . Monterey Mechanical Co. is a competent firm and has a good reputation in undertaking and completing similar projects.

This project includes a relatively minor additive alternative bid item. This is for a maintenance bond for ten-year maintenance of the cogeneration system. A ten-year system warranty, or a ten-year maintenance agreement, is a requirement of the City SGIP grant (discussed below). A ten-year warranty is not available for this cogeneration system. Instead of entering into an expensive ten-year maintenance agreement to satisfy the requirements of the project grant, staff is exploring the possibility of submitting a bond to guarantee that the required maintenance of the gas conditioning system by qualified, skilled personnel will be performed in the next five years. Staff intends to request that PG&E allow staff to decide whether to continue the gas system maintenance using an outside firm or City staff after the initial five years. Furthermore, given the staff's long history of engine maintenance, staff intends to request that maintenance by City staff be substituted for any required maintenance of the cogenerator engine.

Due to the uncertainties about the cost of the maintenance bond, staff made this an additive alternative to the base bid. Since the bid amount for the additive alternative has come in at a reasonable price (\$13,000), and since adding this alternative bid will not change the ranking of the low bidder, staff recommends that this additive alternative bid be included in the contract award.

Staff has reviewed all of the bids and finds that the bid documents and licenses are in order. Staff recommends award of the contract to the low bidder, Monterey Mechanical Co., in the amount of \$9,212,000.

There is typically a period of several weeks between the receipt of bids and award of contract for a construction project, especially a non-routine project such as the cogeneration system. However, staff has expedited review of the bids and brought the award to Council at the first opportunity after the bid receipts in order to meet the strict and aggressive schedule for a California Public Utility's Self Generation Incentive Program (SGIP) grant. The SGIP program, administered by PG&E, provides financial incentives for qualifying distributed energy systems installed on the customer's side of the utility meter. A cogenerator that uses biofuel qualifies for rebates totaling \$2.50 per watt of power. Based on this formula, the City's grant is expected to total \$2,842,500, paid in two phases: fifty percent upon initial project performance demonstration, and the rest paid over a five-year period, based on the amount of energy generated.

As noted, approval of the City's application is contingent upon adhering to defined milestones schedule, culminating with substantial completion of the project, with performance demonstrated to PG&E, by July 6, 2014. Substantial completion, in this context, is defined as a system that can be placed in operation and can meet all of the performance requirements related to energy output and emission limits. It is distinguished from project completion in that some aspects not affecting the operation, such as architectural details, may not have been completed yet.

There is a need for Carollo Engineers to provide engineering services during the construction of this project. These services include responding to contractors' questions and requests for information (RFIs), reviewing and approving the contractors' submittals relating to construction details, and selection of equipment. These services are typically provided by the project's design engineer, which for this project is Carollo Engineers. Staff has received a proposal from Carollo Engineers for these services, negotiated a fee of \$370,000, and recommends its approval. While most of the required construction management and inspection services will be provided by staff,

an additional \$130,000 is requested for partial assistance from Carollo Engineers for these services, as necessary and directed by staff.

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study was prepared that has determined that there is no substantial evidence that the project may have a significant effect on the environment that cannot be mitigated to an insignificant level and thus a Negative Declaration has been prepared. A Notice of Intent to adopt the Negative Declaration has been prepared and posted in accordance with CEQA regulations, allowing for the appropriate public review period prior to awarding the construction contract for the project. Approval of the Negative Declaration is recommended, based on the findings of the Initial Study that there is no substantial evidence that the project will have any significant effect on the environment.

ECONOMIC IMPACT

Sufficient sewer capital improvement funds have already been budgeted to cover the installation cost of the new cogeneration system and thus construction of the system would not result in an additional sewer rate increase. Staff is anticipating the need to allocate some monies for operations and maintenance when the system is placed in operation beginning in FY 2015. With input from the City’s project consultant and knowledgeable PG&E officials, staff has concluded that the project is economically viable and likely to pay for itself over the useful life of the system.

There is, however, uncertainty regarding some of the economic variables that make it difficult to determine with certainty how long the payback period will take. Among the unknown factors is the amount of the actual SGIP rebate that the City will receive, which is dependent on the system performance and the City’s ability to optimize its use. The City’s migration from the existing PG&E Net Energy Metering (NEM) tariff to Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT), whereby exported energy will be proportionately applied to other City-owned meters in the Water and Sewer Enterprise Funds, also presents some uncertainty. While all indications are that the City will benefit from this change, Hayward will be the first local government in the PG&E service area to pursue this new tariff. Finally, the economic impact will depend greatly on the future cost of purchasing PG&E energy during the life of the system.

FISCAL IMPACT

The estimated project costs to design and construct a cogeneration system for ICE technology are as follows:

Prior Project Costs (Pre-Design Services)	\$ 250,000
Design	880,000
Engineering Services During Construction	500,000
City’s Deposit on Cogenerator Pre-Purchase	377,108
Construction Contract	9,198,000
Maintenance Bond (Additive Alternative)	13,000
City Administration and Construction Management	300,000
Total:	\$11,518,108

The adopted FY2013 Capital Improvement Program (CIP) includes a total of \$12.5 million in the Sewer Capital Improvement Fund for design and construction of the cogeneration system.

PUBLIC CONTACT

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

As mentioned earlier, a Notice of Intent to adopt the Negative Declaration has been prepared and posted in accordance with CEQA regulations, allowing for the appropriate public review period prior to awarding the construction contract for the project.

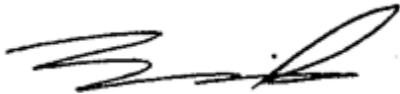
SCHEDULE

The estimated schedule for completing the project is summarized as follows:

City Council award contract	June 25, 2013
Construction Notice to Proceed	July 16, 2013
Substantial Completion to meet SGIP Requirements	July 6, 2014
Construction Completion	July 23, 2014

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

Approved by:



Fran David, City Manager

Attachments:

- Attachment I- Resolution – Award of Contract
- Attachment II - Resolution – Adoption of CEQA Documents
- Attachment III- Resolution – Approval of Engineering Services
During Construction
- Attachment IV- Project Location Map
- Attachment V- Bid Summary
- Attachment VI- Negative Declaration

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION AWARDING THE CONTRACT FOR WATER POLLUTION CONTROL FACILITY COGENERATION SYSTEM, PROJECT NO. 7508 TO MONTEREY MECHANICAL COMPANY.

WHEREAS, by resolution No. 13-065 on May 21, 2013, the City Council approved the plans and specifications for the Water Pollution Control Facility Cogeneration System, Project No.7508, and called for bids to be received on June 18, 2013; and

WHEREAS, on June 11, 2013, Addendum No. 1 was provided to make revisions to the plans and specifications; and

WHEREAS, on June 13, 2013, Addendum No. 2 was added to make revisions to the plans and specifications; and

WHEREAS, on June 18, 2013, three bids were received ranging from \$9,198,000 to \$11,298,00; Monterey Mechanical Co. submitted the low bid in the amount of \$9,198,000, which is 9.1% percent above the Engineer’s Estimate of \$8,431,000;

WHEREAS, Monterey Mechanical Co. also submitted a bid in the amount of \$13,000 for an additive alternative bid for long-term maintenance of the gas conditioning system;

NOW, THEREFORE, BE IT RESOLVED that Monterey Mechanical Co. is hereby awarded the contract for the base bid and the additive alternative bid for Water Pollution Control Facility Cogeneration System, Project No.7508, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with Monterey Mechanical Co. in the name of and for and on behalf of the City of Hayward, in an amount not to exceed \$9,211,000, in a form to be approved by the City Attorney.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION CERTIFYING THAT THE INITIAL STUDY AND NEGATIVE DECLARATION FOR THE WATER POLLUTION CONTROL FACILITY COGENERATION SYSTEM, (PROJECT NO. 7508) HAVE BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, an Initial Study and Negative Declaration (IS/ND) for the Water Pollution Control Facility Cogeneration System Project have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, on June 1, 2013, a Notice of Intent to Adopt Negative Declaration was published in The Daily Review. Copies of the Negative Declaration and Initial Study Checklist were posted 20 days, from June 1 to June 21, 2013 for public review in accordance with CEQA; and

WHEREAS, the City Council of the City of Hayward, having considered the information contained in the Initial Study upon which the Negative Declaration is based, hereby certifies that the Negative Declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the Negative Declaration reflects the judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward having considered the information in the Initial Study upon which the Negative Declaration is based, hereby approves and adopts the Negative Declaration which has been prepared pursuant to the California Environmental Quality Act, and further finds that the project will not have a significant effect on the environment and that the Negative Declaration reflects the independent judgment of the City Council of the City of Hayward.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC. TO PROVIDE ENGINEERING SERVICES DURING CONSTRUCTION OF THE WATER POLLUTION CONTROL FACILITY COGENERATION SYSTEM, PROJECT NO. 7508

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to amend the Professional Services Agreement with Carollo Engineers, Inc., in a form to be approved by the City Attorney, to add an amount not to exceed \$500,000, for engineering services during construction of the Water Pollution Control Facility Cogeneration System, Project No. 7508.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

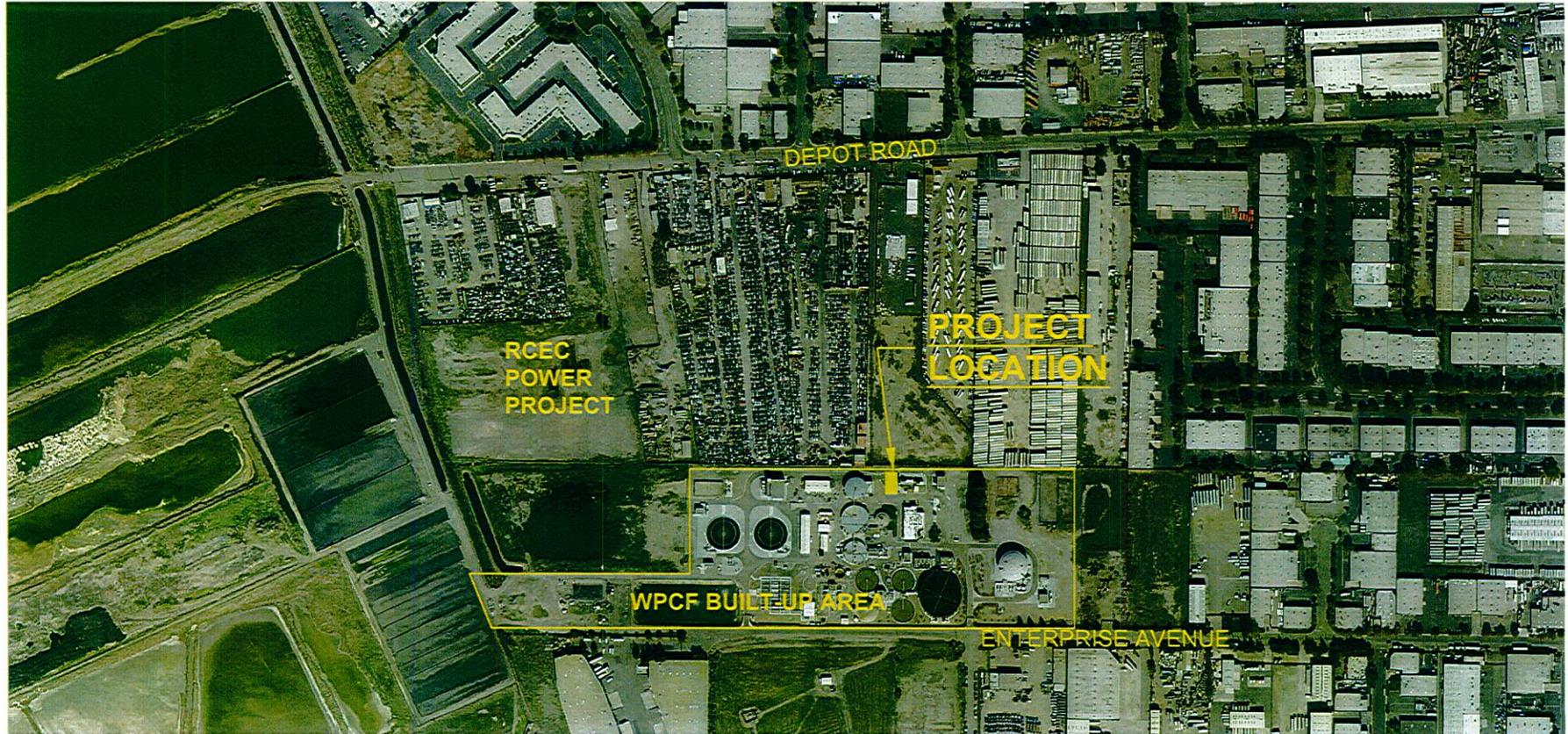
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PROJECT LOCATION MAP

CITY OF HAYWARD
 CONSTRUCTION OF WATER POLLUTION CONTROL FACILITY - COGENERATION UPGRADE
 PROJECT NO. 7508
 BIDS OPENED: 6/18/13
 (NUMBER OF BIDS RECEIVED - 3)

BID SUMMARY				ENGINEER'S ESTIMATE		Monterey Mechanical	
						8275 San Leandro St Oakland, CA 94621 (510) 632-3173 (510) 632-0732	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	ALL WORK, EXCEPT AS SPECIFIED IN BID ITEMS 2 THROUGH 6	4,245,566.40	4,245,566.40	5,198,000.00	5,198,000.00
2	1	LS	SHORING AND BRACING	110,000.00	110,000.00	91,566.40	91,566.40
3	1	LS	PRE-PURCHASED COGENERATION ENGINE-GENERATOR SYSTEM	1,508,433.60	1,508,433.60	1,508,433.60	1,508,433.60
4	1	LS	DIGESTER GAS CONDITIONING SYSTEM	1,262,000.00	1,262,000.00	1,200,000.00	1,200,000.00
5	1	LS	METAL BUILDING SYSTEM	905,000.00	905,000.00	800,000.00	800,000.00
6	1	LS	ADMINISTRATIVE CHANGE ORDERS	400,000.00	400,000.00	400,000.00	400,000.00
BID ALTERNATIVE:							
A	1	LS	MAINTENANCE BOND	15,000.00	15,000.00	13,000.00	13,000.00
TOTAL					8,446,000.00		9,211,000.00

CITY OF HAYWARD
 CONSTRUCTION OF WATER POLLUTION CONTROL FACILITY - COGENERATION UPGRADE
 PROJECT NO. 7508
 BIDS OPENED: 6/18/13
 (NUMBER OF BIDS RECEIVED - 3)

BID SUMMARY				ENGINEER'S ESTIMATE		GSE Construction Company Inc	
						6950 Preston Ave Livermore, CA 94551 (925) 447-0292 (925) 447-0962	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	ALL WORK, EXCEPT AS SPECIFIED IN BID ITEMS 2 THROUGH 6	4,245,566.40	4,245,566.40	6,080,434.40	6,080,434.40
2	1	LS	SHORING AND BRACING	110,000.00	110,000.00	88,900.00	88,900.00
3	1	LS	PRE-PURCHASED COGENERATION ENGINE-GENERATOR SYSTEM	1,508,433.60	1,508,433.60	1,508,433.60	1,508,433.60
4	1	LS	DIGESTER GAS CONDITIONING SYSTEM	1,262,000.00	1,262,000.00	1,245,500.00	1,245,500.00
5	1	LS	METAL BUILDING SYSTEM	905,000.00	905,000.00	386,900.00	386,900.00
6	1	LS	ADMINISTRATIVE CHANGE ORDERS	400,000.00	400,000.00	400,000.00	400,000.00
BID ALTERNATIVE:							
A	1	LS	MAINTENANCE BOND	15,000.00	15,000.00	11,900.00	11,900.00
TOTAL				8,446,000.00		9,722,068.00	

CITY OF HAYWARD
 CONSTRUCTION OF WATER POLLUTION CONTROL FACILITY - COGENERATION UPGRADE
 PROJECT NO. 7508
 BIDS OPENED: 6/18/13
 (NUMBER OF BIDS RECEIVED - 3)

BID SUMMARY				ENGINEER'S ESTIMATE		C.W. Roen Construction	
						40 Oak Court Danville, CA 94526 (925) 837-5501 (925) 837-2674	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	ALL WORK, EXCEPT AS SPECIFIED IN BID ITEMS 2 THROUGH 6	4,245,566.40	4,245,566.40	7,474,000.00	7,474,000.00
2	1	LS	SHORING AND BRACING	110,000.00	110,000.00	110,566.40	110,566.40
3	1	LS	PRE-PURCHASED COGENERATION ENGINE-GENERATOR SYSTEM	1,508,433.60	1,508,433.60	1,508,433.60	1,508,433.60
4	1	LS	DIGESTER GAS CONDITIONING SYSTEM	1,262,000.00	1,262,000.00	1,200,000.00	1,200,000.00
5	1	LS	METAL BUILDING SYSTEM	905,000.00	905,000.00	600,000.00	600,000.00
6	1	LS	ADMINISTRATIVE CHANGE ORDERS	400,000.00	400,000.00	400,000.00	400,000.00
BID ALTERNATIVE:							
A	1	LS	MAINTENANCE BOND	15,000.00	15,000.00	20,000.00	20,000.00
TOTAL				8,446,000.00		11,313,000.00	



**DEPARTMENT OF PUBLIC WORKS
Utilities and Environmental Services**

NEGATIVE DECLARATION

Water Pollution Control Facility Combined Heat and Power Cogeneration Project

Notice is hereby given that the City of Hayward finds that no significant impact on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

- I. ***PROJECT DESCRIPTION:*** The existing combined heat and power (CHP) internal-combustion powered cogenerators will be replaced by a unit of similar design, but that will be more efficient and emit less air pollutants, capable of producing 1,137 kW of power. The existing cogenerators will be decommissioned as part of the upgrade project. The new cogenerator will be housed in a manufactured 100 feet by 50 feet metal building that will contain the cogenerator, along with appurtenant, support equipment. The cogeneration engine will be fueled with biogas from the WPCF's existing digesters. It will also contain an electrical control room, a maintenance bay, a bridge crane, and related facilities. Radiators and lube-oil storage will be located just outside the building. Heat exchange equipment (to capture waste heat) will be housed both inside and immediately outside of the cogeneration building. Captured waste heat water that will then be conveyed to the existing WPCF digester heating system through piped closed loops that will be buried. The existing heating system includes a boiler that that is fired by biogas in the event that the cogenerator system is not operating or as a supplemental heat source during cold weather periods in the winter.

- II. ***FINDING PROJECT WILL NOT SIGNIFICANTLY IMPACT ENVIRONMENT:*** The proposed project will not have a significant impact on the environment.

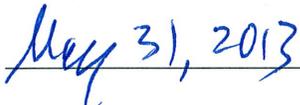
- III. ***FINDINGS SUPPORTING DECLARATION:***
 1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study has determined that the proposed project could not result in significant impact on the environment.
 2. The project will not result in any development that would adversely impact any scenic resources.
 3. The project will not result in any development that would have an adverse impact on agricultural land.
 4. The project will not result in any development that would have impacts related to changes in air quality.
 5. The project will not result in any development that would have impacts to biological resources such as wildlife and wetlands.
 6. The project will not result in any development that would have impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project will not impact geological hazards.
8. The project will not generate significant greenhouse gas emissions or be in conflict with an applicable plan, policy or regulating adopted to reduce greenhouse gas emissions.
9. The project will not have significant impacts on hazards or hazardous materials.
10. The project will adhere to all applicable water quality standards.
11. The project is not in conflict with the policies of the Hayward General Plan, Hayward Zoning Ordinance or Alameda County Airport Land Use Policy Plan.
12. The project will not result in significant impact to mineral resources since no such resources are located within the project area or vicinity.
13. The project will not result in significant noise impacts.
14. The project will have no impact on population or housing.
15. The project will not result in a significant impact to public services.
16. The project will have no impact on recreational facilities.
17. The project will have no impact on vehicular traffic including those relating to emergency access.
18. The project will have no impact with respect to traffic circulation.
19. The project will have no impact on utilities or service systems.

IV. PERSON WHO PREPARED INITIAL STUDY:

Signature: 

Alex Ameri
Director of Public Works -
Utilities and Environmental Services

Dated: 

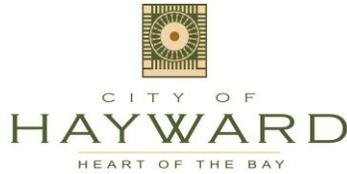
V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Public Works Division – Utilities and Environmental Services, 777 B Street, Hayward, CA 94541-5007, (510) 583-4713.

When submitting a comment, please include the name of a contact person in your agency or organization. Comments may be submitted by mail, e-mail, or fax to the address below:

Corinne Ferreyra
Administrative Analyst I
City of Hayward, Public Works – Utilities and Environmental Services
777 B Street
Hayward, CA 94541-5007
E-mail: corinne.ferreyra@hayward-ca.gov
Fax: (510) 583-4713

All comments must be received by **5:00 p.m. on June 21, 2013**



**DEPARTMENT OF PUBLIC WORKS
Utilities and Environmental Services Division**

INITIAL STUDY CHECKLIST

Project Title: Water Pollution Control Facility (WPCF) Combined Heat and Power Cogeneration Project

Lead agency name and address: City of Hayward, 777 “B” Street, Hayward, CA 94541-5007

Contact person: Corinne Ferreyra, Administrative Analyst I
(510) 583-4713 - Corinne.Ferreyra@hayward-ca.gov

Project location: 3700 Enterprise Avenue, Hayward, California 94545
APN # 439-0099-002-02

Project sponsor’s name and address: City of Hayward
777 “B” Street
Hayward, CA 94541

General Plan: Industrial Corridor (IC)

Zoning: Industrial (I)

Description of Project: The existing combined heat and power (CHP) internal-combustion powered cogenerators will be replaced by a unit of similar design, but that will be more efficient and emit less air pollutants, capable of producing 1,137 kW of power. The existing cogenerators will be decommissioned as part of the upgrade project. The new cogenerator will be housed in a manufactured 100 feet by 50 feet metal building that will contain the cogenerator, along with appurtenant, support equipment. The cogeneration engine will be fueled with biogas from the WPCF’s existing digesters. It will also contain an electrical control room, a maintenance bay, a bridge crane, and related facilities. Radiators and lube-oil storage will be located just outside the building. Heat exchange equipment (to capture waste heat) will be housed both inside and immediately

outside of the cogeneration building. Captured waste heat water that will then be conveyed to the existing WPCF digester heating system through piped closed loops that will be buried. The existing heating system includes a boiler that that is fired by biogas in the event that the cogenerator system is not operating or as a supplemental heat source during cold weather periods in the winter.

Purpose and Need:

The existing CHP cogenerators were purchased and installed in 1982. The internal combustion engines (ICE) have undergone numerous rebuilds over the years and are at the end of their useful life. ICE technology has advanced since that time and today emit significantly less pollutants per unit of generated energy. Additionally, the existing ICEs were modified to comply with emission control demands causing them to be less efficient in converting methane to electrical energy. Today, the efficiency is estimated to be about 20% whereas modern ICE generators can achieve 40% or better efficiencies. Bay Area Air Quality Management District (BAAQMD) regulations regarding air emissions have become exceedingly stringent, and the existing cogeneration emission technology will not meet regulatory permit limits in 2012 and beyond, unless major investments are made for devices to capture exhaust pollutants.

Project Setting:

Hayward's WPCF is located within the City of Hayward city limits, Alameda County, California. The WPCF is located at the west end of Hayward, near the east shoreline of San Francisco Bay and a short distance north of Highway 92. The WPCF is separated from the San Francisco Bay shoreline by East Bay Regional Park District land, known as Cogswell Marsh.

Other public agencies whose approval is required:

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

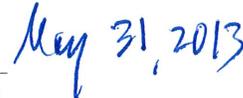
On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Date



Alex Ameri, Public Work Director – Utilities and Environmental Services

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The proposed improvements would not affect any scenic vista. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: No scenic resources exist in the area. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The project would be constructed within the footprint of the WPCF build-up area, which already contains buildings and structures similar to the proposed project. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: The proposed project will not introduce a new source of substantial light or glare.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?

Comment: According to "A Guide to the Farmland Mapping and Monitoring Program, 2004 Edition, the Alameda County Board of Supervisors determined that there is no Farmland of Local Importance for Alameda County. Therefore there is no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Comment: The project is not located in an agricultural zoning district nor is it subject to a Williamson Act contract. Therefore is no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Comment: There are no forest lands in this area and the project does not involve the rezoning of forest land or timberland; therefore, no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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d) Result in the loss of forest land or conversion of forest land to non-forest use?

Comment *There are no forest lands in this area and the project does not involve the loss of forest land or involve conversion of forest land; therefore, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Comment *The project does not involve, nor is it located near, any commercially operated agricultural lands, The project is not located near any forest land. Therefore, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Comment *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; therefore the proposed project will not conflict with the goals of the air quality plan and there is no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Comment *The CHP cogenerator will operate under a Bay Area Air Quality Management District (BAAQMD) Permit that will limit exhaust pollutants and the exhaust will incorporate catalytic technology to reduce carbon monoxide emissions. BAAQMD has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>below what would require additional evaluation. There are no existing or projected air quality violations that affect this property; therefore the proposed project will not violate any air quality standard and there is no impact.</i>				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: <i>The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; therefore, no impact.</i>				
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: <i>(Refer to III a).</i>				
e) Create objectionable odors affecting a substantial number of people?				
Comment: <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; therefore, there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
Comment: <i>No habitat for sensitive, or special status species including threatened and endangered species or candidate species in local or regional plans, policies, or regulations, in Title 14 of the California Code of Regulations, in Title 50 Code of Federal Regulation, or by the California Department of Fish and Game (CDFG) or US Fish and Wildlife Service (USFWS) occurs within the proposed project site or within the WPCF. No</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS occurs within the WPCF and the proposed project site. The proposed project would be located on a site that has been cleared, graded, and used for various treatment functions in a sustained manner over a period of more than 50 years. There is no sensitive habitat or natural community on this site, therefore, no impact.</i>				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? <i>Comment:</i> Refer to IV a).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i>Comment:</i> Refer to IV a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i>Comment:</i> Refer to IV a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>Comment:</i> Refer to IV a). No trees will be removed as part of this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>Comment:</i> There are no habitat conservation plans affecting the property. Therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? <i>Comment: There are no known historical resources on the project site. Thus there would be no impacts on historical resources from the proposed project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? <i>Comment: No known archaeological resources exist on the site. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>Comment: No known paleontological resources exist on the site. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? <i>Comment: There are no records of any human remains located on the subject sites. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>Comment According to the Alquist-Priolo Earthquake Fault Zoning Map, the project site is not located within a Fault Zone, and thus would not be subjected to ground rupture. The Hayward Fault oriented in a southeast-northwest trend is the closest known fault to the project site, passing approximately 3.7 miles to the northeast. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>ii) Strong seismic ground shaking?</p> <p>Comment <i>The affected parcel is not located near any known fault traces; however, the proposed project will be designed to meet the current Building Code requirements. By its nature, the proposed project will be unlikely to expose people to risk of loss, injury or death from seismic ground shaking or seismic related ground failure; therefore, there is less than a significant impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iii) Seismic-related ground failure, including liquefaction?</p> <p>Comment <i>The project site is within an area identified as subject to liquefaction movement. A soils investigation with recommendations on foundation design that addresses the effects of liquefaction has been prepared; therefore, there is less than significant impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iv) Landslides?</p> <p>Comment <i>The project site is located on flat terrain at the interface between the San Francisco Bay and the alluvial plain of the East Bay Hills. As a result, it is not at risk from landslides.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p> <p>Comment <i>The project site is a flat lot. There will be limited site preparation and grading activities associated with the construction of the Project and temporary erosion control measures will be implemented in a Stormwater Pollution Control Prevention Plan.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p>Comment <i>Refer to VIb. The Project's foundation would be constructed with supervision of engineers and system designers to insure that the integrity of the system is not compromised due to underlying soil characteristics. Thus, there will be no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Comment: Refer VIb. The soils underlying the project site are expansive. The Project will be designed and constructed in accordance with the guidelines for construction on expansive soils of the most current version of the Building Code.</p> <p>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</p> <p>Comment: Located at the existing WPCF, the Project would only construct facilities for the purposes of CHP cogeneration. Soils at the project site are adequate to support the proposed equipment. Therefore, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) Result in substantial soil degradation or contamination?</p> <p>Comment: Refer to VI(b).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>VII. GREENHOUSE GAS EMISSIONS -- Would the project:</p>				
<p>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</p> <p>Comment: Construction activity will occur in limited duration and best management practices will be implemented to control exhaust emissions to the extent feasible. The CHP cogenerator will operate under a Bay Area Air Quality Management District Permit that will limit exhaust pollutants and the exhaust will incorporate catalytic technology to reduce carbon monoxide emissions.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</p> <p>Comment: The City's Climate Action Plan serves the primary purpose of decreasing the greenhouse gas emissions. By implementing a new CHP cogeneration system, the WPCF would reduce energy consumption through methane to energy production, and thus be in compliance with the Climate Action Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Comment: <i>Construction activities will incorporate best management practices to minimize hazards resulting from routine transport, use, or disposal of hazardous materials. The project will also comply with all federal, state, and local statutes and regulations related to transport, use, or disposal of hazardous materials.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Comment: <i>See VIII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Comment: <i>There are no schools within one-half mile of the project site and the project will not present a significant risk to any population within a one-quarter mile distance; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Comment: <i>The project site is not on a list of hazardous materials site; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Comment: <i>The project is located within two miles of an airport but not within the vicinity of a private airstrip. New construction associated with the project would not result in a significant intensification of land use or employment density at the site, nor would it result in any light structures or towers taller than those currently found on the site; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Comment: See VIII e).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Comment: The proposed project site is not part of any adopted emergency response plans or emergency evacuation plans. Therefore, no impacts will occur.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Comment: The proposed project is an addition to an existing waste water treatment facility and will not expose people or structures to wildfires. The proposed project will be isolated from potential wildfires by developed roads and existing ponds. Therefore, no impacts will occur.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY --

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Comment: The project will comply with all water quality and wastewater discharge requirements of the State Water Regional Quality Control Board; therefore, no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Comment: The project consists of installing a CHP cogeneration system within a new structure in an area that was previously disturbed within the WPCF boundaries. The project will not involve the use of water wells and will not deplete groundwater supplies or substantially interfere with groundwater

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>recharge; therefore, no impact.</i>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment: <i>proposed The proposed project will be located within the build-up area of the WPCF that is self contained. All stormwaters are collected and passed through the treatment system, just as is raw sewage; therefore, no significant impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment: <i>Refer to IX c.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment: <i>Refer to IX c.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? Comment: <i>Refer to IX c.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment: <i>The proposed project is within an existing industrial facility and does not include housing. Therefore, new housing will not be placed in a 100-year flood zone. The proposed project would not include the creation of any housing.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment: <i>The proposed project will be constructed within the existing WPCF property fence line. The WPCF property is not located within any mapped 100-year flood plain, and the proposed project does not include facilities that will cause flooding, or affect levees or dams. Therefore, the project will not impede or redirect 100-years flows and no impacts will occur.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Comment: Refer to IX h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? Comment: Refer to IX h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community? Comment The proposed project is not within an established waste water treatment plant and is not surrounded by a community. Construction and operation of the proposed project will not physically divide an established community including residential, commercial or industrial uses and no impacts will occur.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Comment: The project is located within the existing WPCF and is consistent with the City's General Plan land use and zoning designations; therefore there is no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? Comment: The project site is not covered by any habitat conservation plan or natural community conservation plan; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Comment There are no known mineral resources on the project site; therefore no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
on a local general plan, specific plan or other land use plan?				
Comment: <i>The project site is not identified as a site known to have mineral resources or as a locally-important mineral resource recovery site in any local plans; therefore, no impact.</i>				

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Comment: *Construction noise sources are associated with the proposed project. In general, during construction, use of equipment will result in some short-term noise levels along haul routes and near the zone of activity at the project location. These activities would be confined to less sensitive daytime hours in compliance with the City's Noise Ordinance. The impact associated with new temporary noise increases due to construction activities is less than significant. Existing operational noise sources within the project location include older CHP ICE cogenerators. The new cogenerator will be installed within an enclosed building and there will be some increased noise generation during the operation phase, but in large part existing noise sources are being replaced with new sources. WPCF has not received noise complaints from area residents, and intervening structures within the WPCF will continue to attenuate noise generation from the project.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Comment: *Refer to XII a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Comment: *Refer to XII a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Comment: *Refer to XII a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? <u>Comment:</u> <i>The proposed project would be located within two miles of the Hayward Airport, and within the airport land use plan referral area of the Oakland Airport. However, the proposed project would not increase the number of people exposed to aviation-related noise because it includes no housing, and would not generate any new jobs.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <u>Comment:</u> <i>Refer to XII e).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>Comment:</u> <i>The proposed project would not directly result in substantial growth because it does not include either new homes or new businesses. Nor would it indirectly encourage new growth through the provision of new infrastructure.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>Comment:</u> <i>There is no existing housing at the WPCF, as such, the project would not displace housing. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <u>Comment:</u> <i>Refer to XIIIb.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other public facilities?

Comment *There will be no increase in the existing WPCF staff levels, nor any increase in the treated waste water service levels provided by the City as a result of this Project. Therefore, no increases are expected in the demand for the public services that support new residents, schools, utilities, parks, fire or police protection. In addition, the proposed project will be within the fenced and secured location and there will not be a significant increase in the demand for police and fire protection onsite.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment *The proposed project would not generate new jobs, housing or visitors, so it would not increase the use of existing neighborhood or regional parks or result in their deterioration.*

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment *The proposed project would neither create new recreational facilities nor require the construction or expansion of existing recreational*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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facilities.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Comment *Construction of the proposed project will involve a minor temporary increase in traffic during the 12-month construction period. The increase in vehicle trips will be associated with deliveries of construction materials and equipment (a total of approximately 20 large truck deliveries over 10 months), and construction worker daily trips to and from the construction site (an average of approximately 8 daily). The project does not include hauling of soil to or from the WPCF. The temporary increase in vehicle trips would not cause long term degradation in level of service of roadways used for access to the WPCF. Construction traffic will likely access the project via Highway 92 and then use local roads to access the plant. The amount of vehicle trips generated during construction is minimal in comparison to the existing traffic loads. Parking for the construction work force and equipment will be provided at the WPCF, where adequate parking capacity can readily accommodate the current on-site workforce, construction workers, and construction equipment.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment *Refer to XVIa.*

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment *The project involves no change to air*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>traffic patterns; therefore, no impact.</i>				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment <i>External access to the project site will be by the existing paved two-lane access road to the WPCF. No modification to the existing access road is proposed.</i>				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment <i>The proposed project would not affect emergency access to the treatment plant site.</i>				
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment <i>Refer to XVIa.</i>				

XVII. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				
Comment <i>The proposed project would not induce population growth, and therefore would not increase the generation of wastewater or solid waste or increase the demand for potable water. The proposed project also would not increase the amount of storm water runoff on the plant site, and therefore would not necessitate any expansion in drainage facilities. No impact would occur.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment <i>The proposed project would not generate any additional demand for wastewater treatment. There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment <i>Stormwaters generated upon the built-up area of the WPCF, where the project will be located</i>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>is self contained and all collected stormwater is collected and passed through the sewage treatment plant.</i>				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment <i>There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project' s projected demand in addition to the provider' s existing commitments? Comment <i>There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project' s solid waste disposal needs? Comment <i>Construction and operation of the proposed project would not result in the long term production of any solid wastes; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment <i>The proposed project would not result in the treatment plant being in non-compliance with federal, state, or local solid waste regulations.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Comment <i>While the proposed project has the potential to degrade the quality of the environment in terms of air quality, all potentially significant adverse impacts will be less-than-significant level.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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As evidenced in Section IV a and IV d of the checklist above, it has been determined that the project will not have any significant impacts to fish, wildlife species or plant life; therefore no impact.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Comment *The proposed project is not expected to create incremental effects that will result in a considerable contribution to cumulative impacts since adverse construction impacts will be short term and there will be no long term impacts associated with the proposed project. As evidenced in Sections IX c, IXf, XIII a, and XV a of the checklist above, it has been determined that the project will not have any significant impacts; therefore no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment *The project will not have any environmental impacts therefore will cause substantial adverse effects on human beings; therefore no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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CITY OF
HAYWARD
HEART OF THE BAY

DATE: June 25, 2013
TO: Mayor and City Council
FROM: Director of Public Works – Engineering & Transportation
SUBJECT: One Bay Area Grant (OBAG) Local Streets and Roads Rehabilitation Funds – Resolution of Local Support

RECOMMENDATION

That Council adopts the attached resolution of local support authorizing the City’s application for One Bay Area Grant (OBAG) Program funds, certifying the City’s eligibility, and committing to provide the required matching funds as required by the grant rules.

BACKGROUND

The OBAG Program is part of the Metropolitan Transportation Commission’s (MTC) Cycle 2 Federal Surface Transportation & Congestion Mitigation and Air Quality programs for fiscal years FY 2013 through FY 2016. This new program supports California’s climate law (Senate Bill 375, Steinberg, 2008), which requires a Sustainable Communities Strategy (SCS) to integrate land use and transportation to reduce greenhouse gas emissions. The OBAG Program is one process that is used to help implement the SCS. The total funding available for transportation projects through this program region-wide is approximately \$65.2 million, with \$15.2 million of that amount available for Local Streets and Roads in the FY 2013 funding cycle.

While MTC’s role is to secure, oversee, and distribute federal funding region-wide, the Alameda County Transportation Commission (ACTC) is responsible for planning, funding, and delivering transportation projects and programs specifically within Alameda County. On May 23, 2013, ACTC approved the draft list of projects to receive funds earmarked for cities within the county. Hayward’s share of this funding is \$1,335,000, which will be applied towards pavement rehabilitation efforts along Industrial Boulevard from Clawiter Road to just south of Depot Road.

DISCUSSION

The Industrial Boulevard Pavement Rehabilitation project will improve a section of roadway along Industrial Boulevard from Clawiter Road to just south of Depot Road (see Attachment II). The selection of this street was based on staff’s analysis of the pavement condition indices identified through the City’s computerized Pavement Management Program, concerns raised by the public, field examination, and the functional classification of this street. To upgrade the condition of this

street, both the pavement and the median island will need to be improved. For example, past overlays in this area have greatly reduced the median concrete curb height, thereby necessitating the need for median island and curb reconstruction. Besides reconstruction, the median islands will also include other improvements, such as new landscaping and pavers.

The pavement rehabilitation portion of the work involves repairing localized, failed areas by removing six inches of existing asphalt concrete pavement sections, compacting the base and replacing it with new full-depth hot mix asphalt. Crack sealing will be applied to cracks that do not show signs of base failures. Pavement reinforcement fabric will be placed to delay the onset of pavement cracking through the new hot mix asphalt overlay. The hot mix asphalt overlay treatment involves the application of two-inch thick hot mix asphalt over the entire width of the pavement surface.

To satisfy the requirements of the American with Disabilities Act (ADA), accessible ramps will be installed at the curb returns and “pork-chop” islands of the street intersections where ramps are absent or do not conform to current standards. In addition to these requirements, the project has satisfied MTC’s Complete Streets checklist by identifying improvements to the existing Class III bike route and adding high visibility crosswalks and pedestrian refuge islands.

Under MTC’s requirements for Federal funding programs, such as OBAG, any local jurisdiction receiving such funds is required to approve the application for funding, certify that it is eligible for such funding, and commit to providing the required 11.47% of matching funds. Council is requested to adopt the attached resolution approving the City’s application for these funds, certifying the City’s eligibility, and committing to provide the required matching funds, as described below.

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

FISCAL IMPACT

The estimated project costs are as follows:

Design & Administration	\$80,000
Construction Contract	1,355,000
Construction Engineering, Inspection & Testing	74,000
Total	<u>\$1,509,000</u>

The Recommended FY 2014 Capital Improvement Program includes \$1,509,000 for the project based on a funding allocation of \$1,335,000. Per existing guidelines, local jurisdictions receiving federal funds must adopt a resolution of support for obtaining the funding and committing to providing the required 11.47% local match. For this project, the minimum funding needed to fulfill the match requirement for the allocation of \$1,335,000 is \$173,000. At the time of award, an additional appropriation will be requested from the fund balance in the Street System Improvements Fund, if needed.

PUBLIC CONTACT

Staff will send a notice explaining the project to all residents and businesses along the affected portions of Industrial Boulevard. Additionally, after the construction work has been scheduled, the contractor will post signs on barricades seventy-two hours in advance indicating the dates and hours of work.

SCHEDULE

Begin Design	September 2013
Complete Design	February 2014
Call for Bids	March 2014
Open Bids	April 2014
Award Contract	May 2014
Begin Work	June 2014
Complete Work	September 2014

Prepared by: Yaw Owusu, Assistant City Engineer

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

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING APPLICATION FOR ONE BAY AREA GRANT (OBAG) PROGRAM FUNDS, CERTIFYING THE CITY OF HAYWARD'S ELIGIBILITY TO RECEIVE THE FUNDS, AND COMMITTING TO PROVIDE MATCHING FUNDS AS REQUIRED BY THE GRANT RULES

WHEREAS, the City of Hayward is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,335,000 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Industrial Boulevard Pavement Rehabilitation Project (herein referred to as PROJECT) for the Cycle 2 One Bay Area Grant (OBAG) program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, the City of Hayward is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds; and
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded

- with additional REGIONAL DISCRETIONARY FUNDING; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
 4. the assurance of the sponsor to complete the project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
 5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
 6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager or City Manager's designee is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 for continued funding;

BE IT FURTHER RESOLVED that the City Council of the City of Hayward by adopting this resolution does hereby state that:

1. The City of Hayward will provide any required matching funds; and
2. The City of Hayward understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City of Hayward from other funds, and that the City of Hayward does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. The City of Hayward understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and the City of Hayward has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA-funded transportation projects implemented by the City of Hayward; and
4. PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. The City of Hayward and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. The City of Hayward (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised.

BE IT FURTHER RESOLVED that the City of Hayward is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects.

BE IT FURTHER RESOLVED that the City Manager or City Manager's designee is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT.

BE IT FURTHER RESOLVED that there is no legal impediment to the City of Hayward making applications for the funds.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of the City of Hayward to deliver such PROJECT.

BE IT FURTHER RESOLVED that City Council of the City of Hayward authorizes the City Manager or designee to execute and file an application and any other required documents with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

BE IT FURTHER RESOLVED that MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.

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



DATE: June 25, 2013

TO: Mayor and Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: Authorization for the City Manager to Amend a Professional Services Agreement for the Visualization Study of the Hayward Library and Community Learning Center Project

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to amend the Professional Services Agreement with Noll & Tam Architects and Planners, for an additional amount not-to-exceed \$25,000 to continue the Visualization Study of the Hayward Library and Community Learning Center Project.

BACKGROUND

The design and construction of a new Main Library and Community Learning Center in downtown Hayward is a key facilities planning project identified in the City Council Priorities and the Ten-Year Capital Improvement Program (CIP). Funds have been dedicated in prior years from the CIP budget to cover the costs of planning a new Main Library and Community Learning Center facility.

On June 19, 2007, the City Council authorized the City Manager to execute a professional services agreement with Noll & Tam Architects and Planners for the planning and design of a new Main Library and Community Learning Center. Noll & Tam was originally selected as the qualified consultant through a Request for Proposal process. The design portion of the project was to be completed in three phases: Community Profile and Needs Analysis, Site Selection and Draft Building Program, and Building Program and Preliminary Building Design. During Phase I, the consultant prepared a comprehensive profile of the Hayward community and an analysis of current and future library service needs. Phase II involved the preparation of a conceptual design of selected building site alternatives and the development of a draft building program. Lastly, during Phase III, staff and the consultant convened a series of focus groups comprised of various stakeholders to assist in the development of three preliminary design options for the building. The focus groups and the design team were successful in developing three preliminary design concepts of the Library and Community Learning Center facility. On November 9, 2010, these three design concepts were detailed and provided to Council.

DISCUSSION

On October 29, 2012, the City executed a new contract with Noll & Tam Architects and Planners, in the amount of \$25,000, for a Visualization Study for the Library and Community Learning Center facility. This work included a series of renderings showing different architectural options for the facilities. Staff has determined that additional architectural services are needed to complete the work. These additional services include rendering of a children's area, updated construction cost estimates and conceptual energy models, and additional public meetings. Noll & Tam's proposed fee for these additional services is \$20,213. Staff is requesting an amendment of \$25,000 to cover this cost and potential additional services.

Staff has confirmed that Noll & Tam is prepared to go forward with negotiation and execution of an amendment to the existing agreement for additional services at this time. Staff has found Noll & Tam to be very professional, knowledgeable, and timely with all requested deliverables to date in this design process.

FISCAL IMPACT

The estimated cost for the Visualization Study of the project is as follows:

Architectural Services - Consultant (Existing Contract)	\$25,000
Additional Architectural Services - Consultant	<u>25,000</u>
TOTAL:	\$50,000

The Adopted FY 2014 Capital Improvement Program includes a total of \$1,000,000 in the Capital Improvement Fund for programming and design work related to the new Library and Community Learning Center.

PUBLIC CONTACT

Staff plans to present an update on the design of the new Library and Community Learning Center to the City Council and Library Commission in July.

Prepared by: Yaw Owusu, Assistant City Engineer

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

Approved by:



Fran David, City Manager

Attachment: Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH NOLL & TAM ARCHITECTS AND PLANNERS, FOR THE VISUALIZATION STUDY OF THE HAYWARD LIBRARY AND COMMUNITY LEARNING CENTER PROJECT

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute, on behalf of the City of the City of Hayward, an amendment to the agreement with Noll & Tam Architects and Planners for professional services associated with the Visualization Study of the Hayward Library and Community Learning Center Project, in an amount not-to-exceed \$25,000, in a form to be approved by the City Attorney.

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: June 25, 2013

TO: Mayor and City Council

FROM: Human Resources Director

SUBJECT: Adoption of Resolutions Approving Agreements Authorizing Participation in the Voluntary Employee Beneficiary Association (VEBA) Program between the City of Hayward and the International Association of Firefighters, Local 1909

RECOMMENDATION

That the City Council adopts the attached Resolution approving agreements authorizing participation in the Voluntary Employees Beneficiary Association (VEBA) Program between the City of Hayward and Local 1909.

BACKGROUND

VEBA is an entity established as a tax exempt trust under Section 501(c)(9) of the Internal Revenue Service (IRS) Code. The purpose of the VEBA program is to provide employees with the ability to plan for future health care expenses. Participants, their spouses, and eligible dependents are able to receive reimbursement for qualified medical expenses while actively employed and during retirement.

The City of Hayward has contracted with California Government Voluntary Employees Benefit Association (CALGOVEBA) since 2006 to provide a healthcare funding vehicle where employees make tax-free contributions to a trust for accumulating funds for the reimbursement of health care costs. Employees who participate in the VEBA Trust realize a tax benefit because both eligible contributions and the reimbursed expenses are tax exempt.

Currently, all bargaining units, with the exception of Local 1909, participate. Local 1909 has expressed interest and concluded discussions with the City to participate in the VEBA trust.

DISCUSSION

In order for a bargaining unit to participate in the VEBA Trust, their members must determine the following:

- 1) Employee per-pay-period contributions to the trust; and

2) Contributions at separation to the trust.

Employees represented by Local 1909 were surveyed to determine what amount their members were interested in contributing. The survey results were compiled and members were given the opportunity to vote to determine the contribution formulas that would apply to their bargaining unit. Upon ratification by the unit and adoption by the City Council, an open enrollment will be held for members in this group.

Effective June 26, 2013, employees in Local 1909 will have fifteen days to opt-in or out of the program. The decision to opt-in or opt-out of the program is irrevocable. Contribution amounts can be changed by negotiating a new agreement each year during the open enrollment period. Copies of the agreements are available for review in the City Clerk's Office. The table below summarizes the contribution rates for Local 1909.

Per Pay Period Contribution	Contribution At Retirement
\$50 - \$200, depending on years of services	100% of eligible sick leave, vacation and compensatory leave payouts

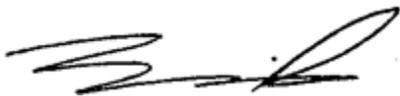
FISCAL IMPACT

There is no fiscal impact to the City associated with Local 1909's participation in the VEBA program. All VEBA contributions and administrative costs of the plan are funded through employee contributions. The City does not contribute to the plan.

Prepared by: Sarah Monnastes, Senior Human Resources Analyst

Recommended by: Frances M. Robustelli, Human Resources Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution Local 1909

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPROVING AN AGREEMENT WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1909, FOR PARTICIPATION IN THE VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION (VEBA) PLAN

WHEREAS, the City of Hayward will make available to International Association of Firefighters, Local 1909 and its members (collectively, "Local 1909") a Voluntary Employee Beneficiary Association ("VEBA") Plan; and

WHEREAS, VEBA is an entity established as a tax exempt Trust under Section 501(c)(9) of the Internal Revenue Service (IRS) Code; and

WHEREAS, the City has contracted with California Government Voluntary Employee Beneficiary Association (CALGOVEBA) since 2006 to provide a healthcare funding vehicle where employees make tax-free contributions to a trust for accumulating funds for reimbursement of health care costs in accordance with Section 501(c)(9) of the IRS Code; and

WHEREAS, the City and Local 1909 have reached a tentative agreement which details the terms of participation in the VEBA Plan for members of Local 1909; and

WHEREAS, the tentative agreement provides that members of Local 1909 who opt-in to participate in the VEBA Plan shall contribute between \$50 and \$200 per pay period to the Plan, depending on years of service; and

WHEREAS, the tentative agreement further provides that members of Local 1909 who opt-in to participate in the VEBA Plan shall also contribute the total of 100% of all accrued leave cash-outs received at retirement; and

WHEREAS, the membership of Local 1909 ratified the terms of the VEBA agreement as of November 7, 2012; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement to participate in the VEBA plan between it and Local 1909 effective June 26, 2013.

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: June 25, 2013

TO: Mayor and City Council

FROM: Human Resources Director

SUBJECT: Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2013

RECOMMENDATION

That the City Council adopts the attached Resolution approving an amendment to the City of Hayward Salary Plan for Fiscal Year 2013 (“FY 2013”), which designates all classifications and the corresponding salary range for employment in the City government of the City of Hayward as of June 13, 2013, superseding Resolution No. 13-054 and all amendments thereto.

BACKGROUND

After a public hearing on June 13, 2013, the Personnel Commission recommended that the City Council adopts an amended FY 2013 Salary Plan. The revised Classification and Salary Plan for the classified service incorporates the addition of the newly created Senior Code Enforcement Inspector and Code Enforcement Inspector I/II and eliminates Senior Community Preservation Inspector, Community Preservation Inspector, Senior Housing Inspector and Housing Inspector positions and respective salaries and adjusts the salary for the Code Enforcement Supervisor. All meet and confer obligations associated with the creation of the new positions have been met.

DISCUSSION

The City of Hayward Municipal Code requires the Human Resources Director to periodically review and revise the City’s classification plan. The Human Resources Director recently reviewed the Community Preservation Inspector and Housing Inspectors classification family and determined that a broad based, flexibly staffed position would better meet the City’s needs and would more accurately reflect the recent reorganization and consolidation of the Community Preservation and Rental Housing Inspection sections. Creating classification families that are broader and more flexible results in enhanced service levels, greater efficiency and utilization of resources, and provides career growth opportunities. In alignment with the City’s classification model, the duties of Sr. Community Preservation Inspector and Sr. Housing Inspector have been combined into the duties of the Sr. Code Enforcement Inspector and Community Preservation Inspector and Housing

Inspector have been combined into Code Enforcement Inspector I/II. The Classification Plan has been revised as follows:

- 1) Code Enforcement Inspector I/II - This newly created classification provides a broad and flexible class to meet the City's needs for inspection of privately-owned properties in the City, including rental housing units, for compliance with building and property maintenance codes. The hourly salary range for the Code Enforcement Inspector I is \$30.35 at Step A and \$36.87 at Step D. The hourly salary range for the Code Enforcement Inspector II is \$33.37 at Step A and \$40.56 at Step D.
- 2) Senior Code Enforcement Inspector - This newly created position is the advanced journey level position in the Code Enforcement Inspector series and performs functional supervision to assigned personnel related to Code Enforcement, Housing and Tobacco Use ordinances. The hourly salary range for this position ranges from \$36.71 at Step A and \$44.62 at Step E.
- 3) Code Enforcement Supervisor - Section 7.16 of the HAME MOU provides "the City shall maintain a minimum pay differential of ten percent (10%) between the top step base rate paid to the HAME – represented supervisory classifications and the top step base rate of their highest-paid subordinate classification." Therefore, the salary range will be adjusted by 10%, with a top step of \$49.08, to reflect the differential between the Senior Code Enforcement Inspector and this classification.

FISCAL IMPACT

There is minimal fiscal impact and additional costs will be offset by an increase in revenue and increased efficiencies as a result of the greater flexibility of the positions.

Prepared by: Nina S. Collins, Senior Human Resources Analyst

Recommended by: Frances M. Robustelli, Human Resources Director

Approved by:



Fran David, City Manager

Attachment I: Resolution Approving Amendment to the FY 2013 Salary Plan

Attachment II: Revised FY 2013 Salary Plan

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE AMENDED FISCAL YEAR 2013 SALARY PLAN DESIGNATING POSITIONS OF EMPLOYMENT IN THE CITY GOVERNMENT OF THE CITY OF HAYWARD AND SALARY RANGE; AND SUPERSEDING RESOLUTION NO. 13-054 AND ALL AMENDMENTS THERETO

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

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

Section 2. Salaries paid to occupants of said positions shall be administered in accordance with the Personnel Rules and Memoranda of Understanding and Side Letter Agreements approved by the City Council and currently in effect.

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

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

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

Section 6. This resolution supersedes Resolution No. 13-054 and all amendments thereto.

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

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2013**

ATTACHMENT II
Recommended by
Personnel Commission
on June 13, 2013
Approved by Council
on

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
CITY WIDE ADMINISTRATIVE/ANALYTICAL SUPPORT							
ADMINISTRATIVE ANALYST III	42.64	44.77	47.01	49.36	51.83	723	Classified
ADMINISTRATIVE ANALYST II	38.38	40.30	42.31	44.43	46.65	724	Classified
ADMINISTRATIVE ANALYST I	34.90	36.65	38.48	40.40	42.42	744	Classified
EXECUTIVE ASSISTANT	34.79	36.39	38.03	39.66	41.41	418	Unclassified
ADMINISTRATIVE SECRETARY (CONFIDENTIAL)	32.17	33.49	34.80	36.09	37.53	420	Classified
ADMINISTRATIVE SECRETARY	30.62	31.89	33.14	34.38	35.76	108	Classified
SENIOR SECRETARY (CONFIDENTIAL)	29.40	30.51	31.77	32.93	34.22	414	Classified
SENIOR SECRETARY	27.99	29.09	30.27	31.38	32.59	107	Classified
ADMINISTRATIVE ASSISTANT	27.30	28.67	30.10	31.60	33.18	743	Classified
SECRETARY (CONFIDENTIAL)	25.91	27.07	28.45	29.79	31.13	413	Classified
SECRETARY	24.63	25.76	27.05	28.31	29.66	106	Classified
ADMINISTRATIVE CLERK II (CONFIDENTIAL)	23.85	24.82	25.80	26.93	28.28	401	Classified
ADMINISTRATIVE CLERK II	22.71	23.63	24.59	25.69	26.95	102	Classified
ADMINISTRATIVE CLERK I (CONFIDENTIAL)	21.01	22.07	23.20	24.46	25.71	400	Classified
ADMINISTRATIVE CLERK I	19.99	21.04	22.11	23.28	24.50	101	Classified
ADMINISTRATIVE INTERN				15.00	20.00	907	Classified
MAIL CLERK			12.47	13.12	13.76	134	Classified
CITY WIDE MAINTENANCE							
ELECTRICIAN II	39.14	40.70	42.30	44.09	45.92	329	Classified
ELECTRICIAN I	35.59	37.06	38.53	40.15	41.77	328	Classified
CITY WIDE CLASSIFICATIONS							
SENIOR PERMIT TECHNICIAN	31.66	32.96	34.24	35.74	37.56	179	Classified
PERMIT TECHNICIAN	28.55	29.69	30.88	32.21	33.85	180	Classified
CITY ATTORNEY DEPARTMENT							
CITY ATTORNEY					88.99	1216	Unclassified
ASSISTANT CITY ATTORNEY	59.90	62.90	66.05	69.35	72.82	1134	Classified
DEPUTY CITY ATTORNEY II	41.91	44.01	46.21	48.52	50.95	1179	Classified
DEPUTY CITY ATTORNEY I	34.56	36.29	38.10	40.00	42.00	1178	Classified
LEGAL SECRETARY II	28.89	30.57	32.87	35.56	35.29	416	Classified
LEGAL SECRETARY I	26.02	27.39	28.83	30.38	32.00	415	Classified
CITY CLERK DEPARTMENT							
CITY CLERK					54.84	1225	Unclassified
DEPUTY CITY CLERK	32.63	34.26	35.97	37.77	39.66	747	Classified
CITY MANAGER DEPARTMENT							
OFFICE OF THE CITY MANAGER							
CITY MANAGER					107.04	1297	Unclassified
ASSISTANT CITY MANAGER	73.72	77.41	81.28	85.34	89.61	1122	Unclassified
DEPUTY CITY MANAGER	64.02	67.22	70.58	74.11	77.82	1121	Unclassified
ASSISTANT TO CITY MANAGER	46.10	48.41	50.83	53.37	56.04	1126	Classified
COMMUNITY AND MEDIA RELATIONS OFFICER	40.34	42.36	44.48	46.70	49.04	1103	Classified
MANAGEMENT FELLOW					16.82	1128	Classified
CODE ENFORCEMENT SUPERVISOR	39.78	41.77	43.86	46.05	48.35	786	Classified
SENIOR CODE ENFORCEMENT INSPECTOR	36.71	38.55	40.48	42.50	44.62		
CODE ENFORCEMENT INSPECTOR II	33.37	35.04	36.79	38.63	40.56		
CODE ENFORCEMENT INSPECTOR I	30.33	31.85	33.44	35.11	36.87		
ECONOMIC DEVELOPMENT							
ECONOMIC DEVELOPMENT MANAGER	56.50	59.32	62.29	65.40	68.67	709	Classified
ECONOMIC DEVELOPMENT COORDINATOR	50.82	53.36	56.03	58.83	61.77	711	Classified
ECONOMIC DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	669	Classified
NEIGHBORHOOD PARTNERSHIP SERVICES							
NEIGHBORHOOD DEVELOPMENT MANAGER	56.50	59.32	62.29	65.40	68.67	799	Classified

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2013**

ATTACHMENT II
Recommended by
Personnel Commission
on June 13, 2013
Approved by Council
on

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
NEIGHBORHOOD PARTNERSHIP MANAGER	50.82	53.36	56.03	58.83	61.77	703	Classified
COMMUNITY PRESERVATION INSPECTION SUPERVISOR	39.78	41.77	43.86	46.05	48.35	715	Classified
SENIOR COMMUNITY PRESERVATION INSPECTOR	36.15	37.96	39.86	41.84	43.95	620	Classified
COMMUNITY PRESERVATION INSPECTOR	32.22	33.83	35.55	37.35	39.24	617	Classified
REDEVELOPMENT AGENCY							
REDEVELOPMENT DIRECTOR	56.50	59.32	62.29	65.40	68.67	795	Classified
REDEVELOPMENT PROJECT MANAGER	50.82	53.36	56.03	58.83	61.77	794	Classified
HOUSING MANAGER	50.82	53.36	56.03	58.83	61.77	726	Classified
HOUSING DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	674	Classified
REDEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	649	Classified
HOMEOWNERSHIP COORDINATOR	35.60	37.39	39.19	41.18	43.20	605	Classified
DEVELOPMENT SERVICES DEPARTMENT							
DEVELOPMENT SERVICE ADMINISTRATION							
DIRECTOR OF DEVELOPMENT SERVICES	66.64	69.97	73.47	77.14	81.00	1116	Unclassified
BUILDING DIVISION							
CITY BUILDING OFFICIAL	56.50	59.32	62.29	65.40	68.67	740	Classified
HOUSING REHABILITATION COORDINATOR	37.35	39.29	41.29	43.32	45.44	662	Classified
SUPERVISING BUILDING INSPECTOR	47.97	50.37	52.89	55.53	58.31	741	Classified
SENIOR BUILDING INSPECTOR/STRUCTURAL	40.04	42.17	44.30	46.40	48.71	663	Classified
SENIOR BUILDING INSPECTOR/PLUMBING-MECHANICAL	40.04	42.17	44.30	46.40	48.71	659	Classified
SENIOR BUILDING INSPECTOR/ELECTRICAL	40.04	42.17	44.3	46.4	48.71	658	Classified
BUILDING INSPECTOR	34.57	36.19	38.04	39.97	42.59	656	Classified
SUPERVISING HOUSING INSPECTOR	47.97	50.37	52.89	55.53	58.31	748	Classified
SENIOR HOUSING INSPECTOR	36.15	37.96	39.86	41.84	43.95	657	Classified
HOUSING INSPECTOR	31.64	33.20	34.83	36.60	38.42	660	Classified
SUPERVISING PLAN CHECKER AND EXPEDITOR	40.93	42.98	45.13	47.39	49.76	798	Classified
PLAN CHECKING ENGINEER	46.81	49.08	51.55	54.23	57.00	610	Classified
SENIOR PLAN CHECKER	40.04	42.17	44.30	46.40	48.71	611	Classified
PLAN CHECKER	36.41	38.33	40.27	42.19	44.29	609	Classified
PLANNING DIVISION							
PLANNING MANAGER	56.50	59.32	62.29	65.40	68.67	797	Classified
PRINCIPAL PLANNER	50.82	53.36	56.03	58.83	61.77	720	Classified
SENIOR PLANNER	45.52	47.80	50.19	52.70	55.34	796	Classified
ASSOCIATE PLANNER	40.65	42.64	44.77	47.07	49.32	650	Classified
ASSISTANT PLANNER	33.36	34.99	36.87	38.67	40.65	624	Classified
JUNIOR PLANNER	29.57	31.14	32.60	34.23	35.90	622	Classified
GRAPHICS/PLANNING ILLUSTRATOR	28.12	29.48	31.04	32.59	34.17	627	Classified
DEVELOPMENT REVIEW ENGINEER	49.19	51.65	54.23	56.94	59.79	781	Classified
DEVELOPMENT REVIEW SPECIALIST	35.54	37.27	39.29	41.22	43.32	604	Classified
LANDSCAPE ARCHITECT	45.52	47.80	50.19	52.70	55.34	753	Classified
FINANCE DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF FINANCE	70.42	73.94	77.64	81.52	85.60	1118	Unclassified
DEPUTY DIRECTOR OF FINANCE	59.17	62.13	65.24	68.50	71.93	1106	Classified
BUDGET OFFICER	45.34	47.61	49.99	52.49	55.11	700	Classified
FINANCIAL ANALYST	41.22	43.28	45.44	47.71	50.10	712	Classified
AUDITOR	45.34	47.61	49.99	52.49	55.11	745	Classified
COLLECTIONS OFFICER	33.40	35.11	36.90	38.75	40.67	653	Classified
ACCOUNTING MANAGER	45.34	47.61	49.99	52.49	55.11	730	Classified
REVENUE MANAGER	45.34	47.61	49.99	52.49	55.11	729	Classified

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2013**

ATTACHMENT II
Recommended by
Personnel Commission
on June 13, 2013
Approved by Council
on

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
FINANCE SUPERVISOR	41.2	43.26	45.42	47.69	50.07	734	Classified
SENIOR ACCOUNTANT	41.2	43.26	45.42	47.69	50.07	749	Classified
SENIOR ACCOUNTING TECHNICIAN	31.24	32.78	34.38	36.11	37.94	100	Classified
ACCOUNTING TECHNICIAN	28.39	29.82	31.28	32.83	34.49	140	Classified
FINANCE TECHNICIAN	31.21	32.77	34.41	36.13	37.94	115	Classified
SENIOR ACCOUNT CLERK	26.11	27.38	28.56	29.95	31.34	156	Classified
ACCOUNT CLERK	23.80	24.84	26.02	27.22	28.58	155	Classified
SENIOR CUSTOMER ACCOUNT CLERK	26.11	27.38	28.56	29.95	31.34	130	Classified
CUSTOMER ACCOUNT CLERK	23.80	24.84	26.02	27.22	28.58	125	Classified
PURCHASING DIVISION							
PURCHASING AND SERVICES MANAGER	47.23	49.59	52.07	54.67	57.40	739	Classified
PURCHASING TECHNICIAN	28.39	29.82	31.28	32.83	34.49	110	Classified
PURCHASING ASSISTANT	28.03	29.18	30.33	31.46	32.68	111	Classified
MAIL AND PURCHASING CLERK	21.55	22.63	23.69	24.92	26.15	112	Classified
FIRE DEPARTMENT							
SWORN							
FIRE CHIEF	73.92	77.62	81.50	85.58	89.86	1101	Unclassified
DEPUTY FIRE CHIEF (40 HR)	66.16	69.37	72.78	76.37	80.19	1006	Classified
FIRE MARSHAL (40 HR)	60.14	63.17	66.23	69.50	72.90	1003	Classified
FIRE TRAINING OFFICER (40 HR)	59.98	62.98	66.13	69.44	72.91	1007	Classified
BATTALION CHIEF (56 HR)	39.05	41.01	42.99	45.10	47.34	1004	Classified
BATTALION CHIEF (40 HR)	54.67	57.43	60.22	63.18	66.28	1005	Classified
STAFF FIRE CAPTAIN (40 HR)			54.76	57.40	60.26	244	Classified
FIRE CAPTAIN (56 HR)			35.57	37.26	39.13	245	Classified
FIRE CAPTAIN (40 HR)			49.79	52.16	54.77	246	Classified
FIRE PREVENTION INSPECTOR (40 HR)	42.24	44.26	46.48	48.70	51.14	230	Classified
FIRE PREVENTION INSPECTOR (56 HR)	30.15	31.61	33.20	34.78	36.53	231	Classified
APPARATUS OPERATOR (56 HR)	28.52	29.93	31.41	32.92	34.60	220	Classified
APPARATUS OPERATOR (40 HR)	39.93	41.90	44.35	46.10	48.40	221	Classified
FIREFIGHTER (56 HR)	26.91	28.22	29.65	31.08	32.62	215	Classified
FIREFIGHTER (40 HR)	37.69	39.50	41.51	43.46	45.66	216	Classified
FIREFIGHTER TRAINEE (40 HR)	34.26	35.91				973	Classified
PROFESSIONAL STAFF							
HAZARDOUS MATERIALS PROGRAM COORDINATOR	47.97	50.37	52.89	55.53	58.31	705	Classified
FIRE PROTECTION ENGINEER	46.81	49.08	51.55	54.23	57.00	640	Classified
EMERGENCY MEDICAL SERVICES COORDINATOR	43.05	45.20	47.46	49.83	52.32	710	Classified
HAZARDOUS MATERIALS INVESTIGATOR	39.45	41.42	43.49	45.67	47.93	676	Classified
ENVIRONMENTAL SPECIALIST	39.45	41.42	43.49	45.67	47.93	677	Classified
FIRE SERVICES SUPERVISOR	43.05	45.20	47.46	49.83	52.32	701	Classified
FIRE TECHNICIAN II	27.85	29.24	30.70	32.24	33.85	113	Classified
FIRE TECHNICIAN I	25.30	26.57	27.90	29.30	30.77	109	Classified
HUMAN RESOURCES DEPARTMENT							
DIRECTOR OF HUMAN RESOURCES	67.45	70.82	74.36	78.08	81.98	1119	Unclassified
HUMAN RESOURCES MANAGER	42.98	45.13	47.39	49.76	52.25	1156	Classified
EMPLOYEE BENEFITS ADMINISTRATOR	39.09	41.04	43.09	45.24	47.50	1142	Classified
SENIOR HUMAN RESOURCES ANALYST	39.09	41.04	43.09	45.24	47.50	1155	Classified
HUMAN RESOURCES ANALYST II	35.70	37.48	39.33	41.30	43.36	1177	Classified
HUMAN RESOURCES ANALYST I	29.60	31.08	32.63	34.26	35.97	1176	Classified
HUMAN RESOURCES ADMINISTRATIVE SECRETARY	30.88	32.42	34.04	35.74	37.53	1175	Classified
HUMAN RESOURCES TECHNICIAN	27.49	28.86	30.30	31.81	33.40	1174	Classified

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LIBRARY AND COMMUNITY SERVICES DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF LIBRARY AND COMMUNITY SERVICES	67.52	70.90	74.45	78.17	82.08	1120	Unclassified
COMMUNITY SERVICES							
COMMUNITY SERVICES MANAGER	51.73	54.32	57.04	59.89	62.88	774	Classified
SOCIAL SERVICES PLANNING MANAGER	50.82	53.36	56.03	58.83	61.77	785	Classified
COMMUNITY DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	647	Classified
COMMUNITY PROGRAMS SPECIALIST	37.35	39.29	41.29	43.32	45.44	670	Classified
COMMUNITY PROGRAMS AIDE	24.24	25.37	26.60	27.83	29.15	648	Classified
SENIOR PROPERTY REHABILITATION SPECIALIST	41.08	43.21	45.41	47.64	49.97	673	Classified
PROPERTY REHABILITATION SPECIALIST	37.35	39.29	41.29	43.32	45.44	665	Classified
PARATRANSIT COORDINATOR	35.60	37.39	39.19	41.18	43.20	664	Classified
EDUCATIONAL SERVICES COORDINATOR	27.76	29.15	30.61	32.14	33.75	644	Classified
LIBRARY SERVICES DIVISION							
LIBRARY OPERATIONS MANAGER	36.01	37.81	39.70	41.68	43.76	768	Classified
SUPERVISING LIBRARIAN I	36.01	37.81	39.70	41.68	43.76	736	Classified
LIBRARIAN II	30.65	32.18	33.75	35.46	37.13	626	Classified
LIBRARIAN I	27.79	29.19	30.64	32.10	33.75	625	Classified
LEAD LIBRARY ASSISTANT	25.17	26.45	27.71	29.07	30.59	191	Classified
SENIOR LIBRARY ASSISTANT	23.24	24.27	25.39	26.51	27.79	189	Classified
LIBRARY ASSISTANT	21.06	22.04	23.03	24.09	25.22	187	Classified
SENIOR LIBRARY PAGE					16.47	199	Classified
LIBRARY PAGE					15.03	198	Classified
LITERACY PROGRAM COORDINATOR	27.79	29.19	30.64	32.10	33.75	623	Classified
MAINTENANCE SERVICES DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF MAINTENANCE SERVICES	67.62	71.00	74.55	78.28	82.19	1113	Unclassified
FACILITIES MANAGEMENT							
FACILITIES AND BUILDING MANAGER	48.18	50.59	53.12	55.78	58.57	760	Classified
FACILITIES LEADWORKER	43.30	45.02	46.78	48.71	50.79	300	Classified
FACILITIES MAINTENANCE SUPERVISOR	35.68	37.46	39.33	41.30	43.37	792	Classified
FACILITIES PAINTER II	31.95	33.25	34.55	35.98	37.48	330	Classified
FACILITIES PAINTER I	29.07	30.24	31.47	32.79	34.08	324	Classified
FACILITIES CARPENTER II	31.82	33.08	34.47	35.89	37.39	327	Classified
FACILITIES CARPENTER I	28.94	30.14	31.38	32.65	34.01	326	Classified
AUDITORIUM LEADWORKER	26.24	27.22	28.30	29.44	30.64	304	Classified
STOREKEEPER - EXPEDITER	25.86	26.93	27.94	29.01	30.13	371	Classified
FACILITIES SERVICEWORKER II	23.51	24.45	25.45	26.34	27.39	320	Classified
FACILITIES SERVICEWORKER I	21.42	22.20	23.08	24.03	24.88	318	Classified
FLEET MANAGEMENT DIVISION							
EQUIPMENT MANAGER	48.18	50.59	53.12	55.78	58.57	738	Classified
FLEET MANAGEMENT SUPERVISOR	43.70	45.89	48.18	50.59	53.12	771	Classified
SENIOR EQUIPMENT MECHANIC	32.42	34.04	35.74	37.53	39.40	305	Classified
EQUIPMENT MECHANIC II	29.49	30.87	32.43	34.13	35.82	312	Classified
EQUIPMENT MECHANIC I	26.85	28.20	29.63	31.10	32.62	310	Classified
EQUIPMENT SERVICE ATTENDANT	22.86	23.76	24.75	25.58	26.57	308	Classified
EQUIPMENT PARTS STOREKEEPER	24.78	26.09	27.35	28.72	30.17	307	Classified
LANDSCAPE MAINTENANCE DIVISION							
LANDSCAPE MAINTENANCE MANAGER	48.18	50.59	53.12	55.78	58.57	752	Classified
LANDSCAPE MAINTENANCE SUPERVISOR	43.70	45.89	48.18	50.59	53.12	761	Classified

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GROUNDSKEEPER III	32.41	33.72	35.08	36.56	37.99	343	Classified
TREE TRIMMER	29.16	30.32	31.55	32.67	33.95	340	Classified
GROUNDSKEEPER II	28.42	29.55	30.76	31.84	33.07	342	Classified
GROUNDSKEEPER I	25.81	26.84	27.97	28.93	30.08	338	Classified
STREET MAINTENANCE DIVISION							
STREETS MAINTENANCE MANAGER	48.18	50.59	53.12	55.78	58.57	756	Classified
STREETS MAINTENANCE SUPERVISOR	43.70	45.89	48.18	50.59	53.12	764	Classified
SENIOR MAINTENANCE LEADER	33.03	34.35	35.73	37.25	38.71	367	Classified
MAINTENANCE LEADER	29.00	30.13	31.38	32.48	33.73	360	Classified
SENIOR SWEEPER EQUIPMENT OPERATOR	28.57	30.00	31.50	33.07	34.72	306	Classified
SWEEPER EQUIPMENT OPERATOR	27.09	28.00	29.12	30.36	31.56	362	Classified
MAYOR AND COUNCIL DEPARTMENT							
MAYOR					Annual Salary: 39,960.00	1300	Unclassified
CITY COUNCIL					Annual Salary: 24,975.00	1301	Unclassified
POLICE DEPARTMENT							
SWORN							
CHIEF OF POLICE	76.21	80.02	84.02	88.22	92.63	1102	Unclassified
POLICE CAPTAIN	65.79	69.08	73.23	76.89	80.73	802	Classified
POLICE LIEUTENANT				66.67	69.91	555	Classified
POLICE SERGEANT			55.06	57.72	60.67	545	Classified
INSPECTOR	47.29	49.65	52.08	54.55	57.22	520	Classified
POLICE OFFICER	41.95	43.96	46.10	48.33	50.62	515	Classified
POLICE OFFICER TRAINEE	29.95	31.44				174	Classified
PROFESSIONAL STAFF							
PERSONNEL AND TRAINING ADMINISTRATOR	54.90	57.65	60.53	63.56	66.74	751	Classified
CRIME ANALYST	42.64	44.77	47.01	49.36	51.83	731	Classified
POLICE PROGRAMS ANALYST	38.38	40.30	42.31	44.43	46.65	704	Classified
COMMUNITY SERVICE OFFICER	26.23	27.37	28.69	30.00	31.43	169	Classified
POLICE RECORDS CLERK II	24.92	25.91	26.95	28.14	29.52	120	Classified
POLICE RECORDS CLERK I	21.90	23.04	24.26	25.48	26.84	119	Classified
FIELD OPERATIONS DIVISION							
CRIME PREVENTION SUPERVISOR	30.19	31.49	32.98	34.50	36.14	190	Classified
SENIOR CRIME PREVENTION SPECIALIST	28.77	29.97	31.42	32.86	34.42	186	Classified
CRIME PREVENTION SPECIALIST	26.16	27.27	28.55	29.89	31.29	188	Classified
TRAFFIC SAFETY ASSISTANT					12.43	901	Classified
SPECIAL OPERATIONS DIVISION							
YOUTH AND FAMILY SERVICES ADMINISTRATOR	54.90	57.65	60.53	63.56	66.74	790	Classified
COUNSELING SUPERVISOR	43.05	45.20	47.46	49.83	52.32	737	Classified
FAMILY COUNSELOR I	34.80	36.52	38.36	40.12	42.21	632	Classified
PROPERTY/EVIDENCE ADMINISTRATOR	42.57	44.70	46.94	49.29	51.75	725	Classified
PROPERTY AND EVIDENCE SUPERVISOR	38.71	40.65	42.68	44.81	47.05	776	Classified
POLICE ID SPECIALIST	30.68	32.21	33.83	35.53	37.21	652	Classified
CRIME SCENE TECHNICIAN	27.37	28.59	29.91	31.26	32.76	175	Classified
PROPERTY TECHNICIAN	26.23	27.37	28.69	30.00	31.43	170	Classified
SUPPORT SERVICES DIVISION							
OPERATIONS SUPPORT SERVICES MANAGER	65.79	69.08	73.23	76.89	80.73	1104	Classified
PUBLIC SAFETY INFORMATION SYSTEMS ADMINISTRATOR	40.08	42.08	44.18	46.39	48.71	708	Classified
ANIMAL SERVICES ADMINISTRATOR	41.44	43.51	45.69	47.97	50.37	714	Classified

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ANIMAL SERVICES SUPERVISOR	28.85	30.14	31.54	32.99	34.56	144	Classified
VETERINARY TECHNICIAN	29.79	31.27	32.83	34.49	36.20	103	Classified
ANIMAL SHELTER SUPERVISOR	23.83	24.88	25.84	26.95	28.31	145	Classified
SENIOR ANIMAL CONTROL OFFICER	27.48	28.69	30.05	31.42	32.91	184	Classified
ANIMAL CONTROL OFFICER	24.81	26.09	27.28	28.56	29.90	185	Classified
SENIOR ANIMAL CARE ATTENDANT	22.67	23.69	24.61	25.68	26.96	183	Classified
ANIMAL CARE ATTENDANT	20.65	21.52	22.38	23.36	24.51	181	Classified
COMMUNICATIONS ADMINISTRATOR	42.57	44.70	46.94	49.29	51.75	775	Classified
COMMUNICATIONS SUPERVISOR	35.33	37.11	38.96	40.89	42.96	141	Classified
SENIOR COMMUNICATIONS OPERATOR	33.64	35.34	37.12	38.95	40.91	164	Classified
COMMUNICATIONS OPERATOR	30.65	32.21	33.80	35.51	37.30	165	Classified
RECORDS ADMINISTRATOR	40.46	42.48	44.60	46.83	49.17	707	Classified
RECORDS SUPERVISOR	28.36	29.64	31.15	32.54	34.08	143	Classified
SENIOR POLICE RECORDS CLERK	26.99	28.23	29.66	30.97	32.48	121	Classified
JAIL ADMINISTRATOR	40.46	42.48	44.60	46.83	49.17	706	Classified
JAIL SUPERVISOR	31.53	32.85	34.44	36.05	37.78	142	Classified
SENIOR JAILER	30.01	31.29	32.81	34.32	35.97	168	Classified
PUBLIC WORKS DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF PUBLIC WORKS	74.50	78.23	82.14	86.25	90.56	1111	Unclassified
DEPUTY DIRECTOR OF PUBLIC WORKS	64.13	67.34	70.71	74.25	77.96	1112	Classified
SENIOR UTILITY SERVICE REPRESENTATIVE	32.19	33.79	35.40	37.21	39.03	373	Classified
STOREKEEPER - EXPEDITER	25.86	26.93	27.94	29.01	30.13	371	Classified
AIRPORT DIVISION SUMMARY							
AIRPORT MANAGER	56.50	59.32	62.29	65.40	68.67	713	Classified
AIRPORT OPERATIONS MANAGER	45.23	47.49	49.86	52.35	54.97	732	Classified
SENIOR AIRPORT MAINTENANCE WORKER	30.35	31.47	32.72	34.06	35.43	302	Classified
NOISE ABATEMENT ANALYST	27.79	29.19	30.64	32.10	33.75	643	Classified
AIRPORT MAINTENANCEWORKER	27.57	28.58	29.70	30.94	32.21	303	Classified
AIRPORT ATTENDANT	20.64	21.55	22.34	23.32	24.48	301	Classified
ENGINEERING/TRANSPORTATION DIVISION							
ASSISTANT CITY ENGINEER	56.56	59.39	62.36	65.48	68.75	721	Classified
DESIGN AND CONSTRUCTION SERVICES MANAGER	53.97	56.67	59.50	62.48	65.50	787	Classified
SENIOR CIVIL ENGINEER	49.19	51.65	54.23	56.94	59.79	788	Classified
ASSOCIATE CIVIL ENGINEER	43.75	45.95	48.18	50.63	53.10	606	Classified
ASSISTANT CIVIL ENGINEER	37.69	39.63	41.66	43.68	45.85	602	Classified
JUNIOR CIVIL ENGINEER	32.78	34.39	36.05	37.82	39.75	601	Classified
REAL PROPERTY MANAGER	41.46	43.53	45.71	48.00	50.40	763	Classified
REAL PROPERTY ASSOCIATE	36.80	38.72	40.67	42.64	44.75	667	Classified
REAL PROPERTY ASSISTANT	31.36	32.92	34.50	36.22	38.05	666	Classified
ENGINEERING TECHNICIAN	29.91	31.35	32.94	34.59	36.24	668	Classified
SENIOR UTILITIES ENGINEER	49.19	51.65	54.23	56.94	59.79	765	Classified
SURVEY ENGINEER	45.52	47.80	50.19	52.70	55.34	778	Classified
SURVEYOR	35.58	37.34	39.20	41.14	43.21	612	Classified
TRANSPORTATION MANAGER	54.11	56.82	59.66	62.64	65.77	757	Classified
SENIOR TRANSPORTATION ENGINEER	49.19	51.65	54.23	56.94	59.79	733	Classified
ASSOCIATE TRANSPORTATION ENGINEER	43.75	45.95	48.18	50.63	53.10	608	Classified
ASSISTANT TRANSPORTATION ENGINEER	37.69	39.63	41.66	43.68	45.85	615	Classified
JUNIOR TRANSPORTATION ENGINEER	32.78	34.39	36.05	37.82	39.75	616	Classified

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TRAFFIC SIGNAL TECHNICIAN	29.91	31.35	32.94	34.59	36.24	675	Classified
SENIOR TRANSPORTATION PLANNER	45.52	47.80	50.19	52.70	55.34	770	Classified
ASSOCIATE TRANSPORTATION PLANNER	40.65	42.64	44.77	47.07	49.32	671	Classified
SUPERVISING CONSTRUCTION INSPECTOR	47.97	50.37	52.89	55.53	58.31	780	Classified
SENIOR CONSTRUCTION INSPECTOR	40.04	42.17	44.30	46.40	48.71	642	Classified
CONSTRUCTION INSPECTOR	33.55	35.27	36.92	38.79	40.76	661	Classified
RECYCLING-SOLID WASTE							
SOLID WASTE MANAGER	42.64	44.77	47.01	49.36	51.83	727	Classified
RECYCLING SPECIALIST	31.64	33.20	34.83	36.60	38.42	636	Classified
WATER POLLUTION CONTROL FACILITY (WPCF)							
WATER POLLUTION CONTROL FACILITY MANAGER	54.76	57.50	60.37	63.39	66.56	759	Classified
WPCF OPERATIONS AND MAINTENANCE MANAGER	49.44	51.91	54.51	57.24	60.10	717	Classified
WPCF MAINTENANCE SUPERVISOR	44.59	46.82	49.16	51.62	54.20	719	Classified
WPCF OPERATIONS SUPERVISOR	44.59	46.82	49.16	51.62	54.20	718	Classified
WPCF LEAD OPERATOR	34.66	36.04	37.46	38.94	40.51	351	Classified
WPCF OPERATOR	31.51	32.77	34.08	35.41	36.84	350	Classified
OPERATOR-IN-TRAINING	28.84	29.99	31.24	32.30	33.56	347	Classified
LAB SUPERVISOR	44.59	46.82	49.16	51.62	54.20	702	Classified
LABORATORY TECHNICIAN	32.49	33.71	35.01	36.45	37.81	637	Classified
WATER POLLUTION SOURCE CONTROL							
ENVIRONMENTAL SERVICES MANAGER	51.28	53.84	56.53	59.36	62.33	738	Classified
WATER POLLUTION CONTROL ADMINISTRATOR	44.59	46.82	49.16	51.62	54.20	769	Classified
SENIOR WATER POLLUTION SOURCE CONTROL INSPECTOR	37.15	39.08	41.04	42.98	45.17	680	Classified
WATER POLLUTION SOURCE CONTROL INSPECTOR	33.76	35.52	37.14	39.05	40.99	679	Classified
TECHNICAL INTERN					15.00	908	Classified
WATER DISTRIBUTION							
UTILITIES SUPERINTENDENT	60.24	63.25	66.41	69.73	73.22	735	Classified
UTILITIES OPERATIONS AND MAINTENANCE SUPERINTENDENT	49.44	51.91	54.51	57.24	60.10	716	Classified
UTILITIES OPERATIONS AND MAINTENANCE MANAGER	56.18	58.99	61.94	65.04	68.29	716	Classified
UTILITIES OPERATIONS AND MAINTENANCE SUPERVISOR	46.82	49.16	51.62	54.20	56.91	773	Classified
UTILITIES FIELD SERVICES SUPERVISOR	46.82	49.16	51.62	54.20	56.91	784	Classified
WATER INSTALLATION AND MAINTENANCE SUPERVISOR	38.78	40.72	42.76	44.90	47.14	793	Classified
SENIOR UTILITY CUSTOMER SERVICE LEADER	33.63	34.98	36.37	37.91	39.42	378	Classified
CROSS CONNECTION CONTROL SPECIALIST	29.47	30.49	31.69	33.00	34.31	376	Classified
WATER METER MECHANIC	28.64	29.74	30.97	32.24	33.53	375	Classified
WATER METER READER	25.60	26.61	27.70	28.71	29.85	369	Classified
BACKFLOW/CROSS CONNECTION TESTER	24.77	25.95	27.16	28.48	29.85	370	Classified
UTILITIES MAINTENANCE SUPERVISOR	44.59	46.82	49.16	51.62	54.20	766	Classified
UTILITIES SERVICE WORKER	28.24	29.36	30.57	31.64	32.87	368	Classified
GENERAL MAINTENANCE							
EQUIPMENT OPERATOR	28.39	29.43	30.60	31.84	33.13	361	Classified
MAINTENANCE WORKER	26.33	27.39	28.53	29.50	30.68	357	Classified
LABORER	22.72	23.56	24.50	25.50	26.42	336	Classified
SENIOR UTILITY LEADER	35.35	36.77	38.23	39.88	41.46	377	Classified
UTILITY LEADER	31.06	32.30	33.64	34.82	36.16	374	Classified
UTILITY WORKER	28.24	29.36	30.57	31.64	32.87	372	Classified
UTILITIES MAINTENANCE MECHANIC	32.39	33.64	34.96	36.37	37.84	325	Classified
TECHNOLOGY SERVICES DEPARTMENT							

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2013**

ATTACHMENT II
Recommended by
Personnel Commission
on June 13, 2013
Approved by Council
on

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
DIRECTOR OF INFORMATION TECHNOLOGY/CHIEF INFORMATION OFFICER (CIO)	67.71	71.10	74.65	78.38	82.30	1105	Unclassified
INFORMATION SYSTEMS MANAGER	50.57	53.10	55.76	58.55	61.48	772	Classified
DATA AND SYSTEMS COORDINATOR	45.50	47.78	50.17	52.68	55.31	728	Classified
NETWORK SYSTEMS SPECIALIST	40.90	42.95	45.10	47.35	49.72	755	Classified
GEOGRAPHIC INFO SYSTEMS COORDINATOR	39.30	41.26	43.22	45.40	48.41	635	Classified
PROGRAMMER ANALYST	38.58	40.47	42.57	44.67	46.87	628	Classified
WEB SPECIALIST	38.02	39.94	41.92	44.01	46.21	634	Classified
INFORMATION TECHNOLOGY ANALYST II	38.56	40.49	42.51	44.64	46.87	655	Classified
INFORMATION TECHNOLOGY ANALYST I	35.06	36.81	38.65	40.58	42.61	646	Classified
TECHNOLOGY SOLUTIONS ANALYST II	38.56	40.49	42.51	44.64	46.87	684	Classified
TECHNOLOGY SOLUTIONS ANALYST I	35.06	36.81	38.65	40.58	42.61	683	Classified
NETWORK/MICROCOMPUTER SPECIALIST	35.02	36.77	38.60	40.52	42.58	630	Classified
INFORMATION SYSTEMS SUPPORT TECHNICIAN	28.68	30.11	31.65	33.22	34.83	633	Classified
COMPUTER OPERATOR ANALYST	32.42	34.03	35.69	37.50	39.37	629	Classified
COMPUTER OPERATOR	27.33	28.66	30.13	31.63	33.14	631	Classified
DATA SYSTEMS OPERATOR	24.65	25.78	27.05	28.33	29.67	160	Classified
AUDIO VIDEO SPECIALIST	27.33	28.66	30.13	31.63	33.14	641	Classified
VIDEO ASSISTANT					15.00	645	Classified

DATE: June 25, 2013

TO: City Council

FROM: Mayor

SUBJECT: Adoption of a Resolution Approving Extensions and Modifications to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council

RECOMMENDATION

That the City Council adopts the attached Resolutions authorizing extensions and modifications to employment agreements between the City of Hayward and the City Manager, City Attorney and City Clerk and authorizing the Mayor to execute those agreements on behalf of the Council.

BACKGROUND

In 2012, the City of Hayward projected a \$14.9 million shortfall in the General Fund for FY 2013 and further projected that this deficit would grow to \$19.4 million in FY 2014 unless significant changes were made. At that time, the City also projected an annual deficit of \$20-\$30 million annually over the next ten years absent the implementation of on-going structural budget changes. A reduction of personnel expenditures, including employees sharing in the costs of their benefits, continues to be necessary to help preserve the services provided to the citizens of Hayward.

The City's employee groups have all given back in salary and/or benefits in order to assist the City with reducing the projected budget cap. The concessions made by the employees include waiving cost of living increases in multiple future years, agreeing to changes in employee contributions to pension benefits, and increasing employee contributions to medical and other fringe benefits.

The City Manager, City Attorney and City Clerk recognize the concessions given by City employees. In the past, the City Manager, City Attorney and City Clerk have participated in concessions to the same extent as the City's Unrepresented Management employees. The proposed employment agreements with the City Manager, City Attorney and City Clerk provide for their continued participation in these concessions through FY 2014.

DISCUSSION

The current employment agreements with the City Manager, City Attorney and City Clerk will expire on June 30, 2013, unless renewed on or before that date. The proposed agreements provide for cost savings to the City during FY 2014 by linking salary and benefit reductions of the City Manager, City Attorney and City Clerk to the same reductions applicable to the Unrepresented Management employees.

The performance of the City Manager, City Attorney and City Clerk was recently reviewed. Based on these performance reviews, the Council has expressed a desire to extend the terms of employment for the City Manager, City Attorney and City Clerk through June 30, 2014. In entering into this extension, the City Manager, City Attorney and City Clerk all recognize the continued fiscal difficulties faced by the City. To that end, they have all committed to participating in the City's cost savings efforts during FY 2014 by agreeing to the same salary and benefit terms that will be applicable to the City's Unrepresented Management employees, which includes waivers of any cost of living adjustments to salary and accepting increased employee contributions to benefits.

The contract for the City Attorney has been revised with respect to the language regarding sick and vacation leave accruals. This language is now consistent with the language in the City Manager's and City Clerk's agreements in that it references accrual rates and caps afforded and placed on the Unrepresented Management group as identified in that group's salary and benefits resolution. All other terms and conditions of employment for these three officials would remain the same.

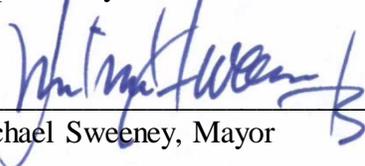
FISCAL IMPACT

In FY 2013, the renegotiated employment agreements for the City Manager, City Attorney and City Clerk resulted in an estimated \$76,554 in General Fund savings. These savings continue in FY 2014.

Prepared by: Nina Collins, Senior Human Resources Analyst

Recommended by: Frances M. Robustelli, Human Resources Director

Approved by:



Michael Sweeney, Mayor

Attachments:

Attachment I: Resolution Approving the Extension and Modification of the City Manager's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council

Attachment II: Resolution Approving the Extension and Modification of the City Attorney's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council

Attachment III: Resolution Approving the Extension and Modification of the City Clerk's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council

Attachment IV: City Manager's Employment Agreement

Attachment V: City Attorney's Employment Agreement

Attachment VI: City Clerk's Employment Agreement

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION AND MODIFICATION OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, the City of Hayward and the City Manager E. Frances David entered into an employment agreement on June 26, 2012; and

WHEREAS, the employment agreement will expire on June 30, 2013 unless renewed by the parties on or before June 30, 2013; and

WHEREAS, the City Council wishes to renew the agreement, subject to the modification that the City Manager agrees to the same employees savings commitment that applies to the City's unrepresented management employees for Fiscal Year 2014; and

BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension and modification of the City Manager's employment agreement on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION AND MODIFICATION OF THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, the City of Hayward and the City Attorney Michael Lawson entered into an employment agreement on June 26, 2012; and

WHEREAS, the employment agreement will expire on June 30, 2013 unless renewed by the parties on or before June 30, 2013; and

WHEREAS, the City Council wishes to renew the agreement, subject to the modification that the City Attorney agrees to the same employees savings commitment that applies to the City's unrepresented management employees for Fiscal Year 2014; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension and modification of the City Attorney's employment agreement on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION AND MODIFICATION OF THE CITY CLERK'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, the City of Hayward and the City Clerk Miriam Lens entered into an employment agreement on June 26, 2012; and

WHEREAS, the employment agreement will expire on June 30, 2013 unless renewed by the parties on or before June 30, 2013; and

WHEREAS, the City Council wishes to renew the agreement, subject to the modification that the City Clerk agrees to the same employees savings commitment that applies to the City's unrepresented management employees for Fiscal Year 2014; and

BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension and modification of the City Clerk's employment agreement on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

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

Hayward City Manager Employment Agreement: July 1, 2013 through June 30, 2014

Introduction

This Agreement, entered into for convenience purposes this 25th day of June 2013, by and between the City of Hayward, a chartered California City and municipal corporation (hereinafter called "Employer"), and E. Frances David, (hereinafter called "Employee"), an individual, who has the education training and experience in local government management. The effective date of this Agreement is July 1, 2013.

Section 1 Term

Employee's current agreement with Employer shall remain in effect until June 30, 2013. The term of this Agreement is July 1, 2013, through June 30, 2014. Thereafter, this Agreement shall be renewed on or before its anniversary date for terms of one (1) year until terminated by either party or modified by mutual agreement as hereinafter provided. The anniversary date is every June 30.

Section 2 Duties and Authority

Employer agrees to employ Employee as City Manager to perform the functions and duties specified in Article VII sections 700 et seq. of the Hayward City Charter and such other lawful and appropriate duties and functions as directed by the City Council. Employee shall be a member in good standing of the International City/County Management Association (ICMA) and shall adhere to ICMA principles and tenets. Employee shall maintain current her ICMA Credentialed Manager standing for the term of employment. The Employer agrees to pay Employee's ICMA dues.

Section 3 Compensation

The Employer agrees to pay Employee an annual base salary of \$222,642.86. This salary is the same as Employee's base salary during Fiscal Year 2013. During the term of this Agreement, Employer agrees to pay Employee on the same schedule as other City of Hayward employees, which is currently bi-weekly.

Section 4 Health Disability Life Insurance and Other Benefits

Upon commencing employment, Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental, and comprehensive medical insurance for Employee and her dependents equal to that which is provided to all unrepresented management employees of Employer.

Similarly, Employer agrees to obtain and to make required premium payments for short term and long term disability insurance coverage for Employee while this Agreement is in effect.

Employer shall also pay for term life insurance for Employee in an amount equal to Employee's gross annual salary (including all salary increases during the life of this Agreement) or Employer's maximum allowable amount of term life insurance coverage under Employer's contract with its insurer, if said amount is less than Employee's gross annual salary. Employee shall have the right to choose the beneficiary on such policies.

In addition to the benefits set forth herein, all actions taken by the City Council relating to benefits for Unrepresented Management Employees shall be considered actions granting the same level of benefits to Employee, unless mutually agreed otherwise between Employer and Employee.

Employer provides employees with access to a deferred compensation plan. Employer will not provide an employer contribution to the deferred compensation plan.

Section 5 Vacation and Sick Leave

Upon commencing employment, Employee was credited with the existing sick and vacation leave hours of accrued leave as reflected in the existing City of Hayward account for Employee from her previous positions as Assistant City Manager and Acting City Manager. Employee shall continue to accrue sick and vacation leave on an annual basis at the rate specified in Employee's current agreement or at the rate afforded Unrepresented Management Employees, whichever is higher, unless and until this Agreement is amended.

Employee shall be entitled to eighty (80) hours of administrative leave annually as provided in the Salary and Benefits Resolution for Unrepresented Management Employees. Employee shall be entitled to take a total of thirty-five (35) work days combined leave (i.e., vacation and administrative leave) annually, and shall take no more than fifteen (15) work days of said leave at any one time, exclusive of holidays recognized by Employer, to which Employee shall also be entitled.

In the event of termination, either voluntarily or involuntarily, Employee shall be compensated for accrued sick and vacation time as of the date of termination as provided in the Salary and Benefits Resolution for Unrepresented Management Employees.

Section 6 Automobile and Monthly Expense Allowance

Employee shall not be entitled to any additional compensation for the work-related use of her personal automobile related to the duties of City Manager; nor shall she be entitled to any cellular phone allowance. Employer agrees to provide Employee mileage reimbursement as the same level as provided for Unrepresented Management employees.

Section 7 Retirement

Employee shall be required to pay the Employee portion of the PERS contribution by paying eight percent (8%).

Section 8 Employee Savings Commitment

Effective the pay period including July 1, 2012, Employee shall contribute equivalent to the same percentage of employee cost savings as the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended. Furthermore, any employee cost savings achieved through increased employee contributions towards PERS retirement contributions or medical plan premiums shall be credited towards the overall percentage cost savings established for the Unrepresented Management Employees.

Section 9 Termination

Termination of this Agreement may occur under any of the following circumstances:

- A. If a majority of the governing body votes to terminate Employee at a duly authorized public meeting;
- B. If Employer, citizens, or Legislature acts to amend any provisions of the Charter, Ordinances, or appropriate enabling legislation pertaining to the role, powers, duties, authority, and responsibilities of Employee's position, and such amendment substantially changes the form of government, Employee shall have the right to declare that such amendment constitutes termination;
- C. If Employee resigns following an offer by Employer to accept resignation, whether such offer is formal or informal, then Employee may declare a termination as of the date of Employee's acceptance of such formal or informal offer;
- D. If either party fails to cure a breach of contract as declared by either Employer or Employee within a 30-day period after the declaration of such breach of contract, provided written notice of such breach of contract is provided in accordance with provisions of Section 17;
- E. If Employee is convicted of a felony or misdemeanor involving moral turpitude, or if it is established that Employee's performance constitutes malfeasance or gross dereliction of duty;
- F. If Employee fails or refuses to follow a direct, lawful order by Employer; and
- G. If Employee violates one or more tenets or ethical principles of ICMA.

Section 10 Severance

- A. Except as expressly provided herein, severance shall be paid to Employee when employment is terminated in Section 8. If Employee is terminated, Employer shall provide a minimum severance payment equal to ninety (90) days salary and benefits at the then-current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. Severance does not include life insurance. Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave as provided in the Salary and Benefit Resolution for the Unrepresented Management Employees.
- B. If Employee is terminated under any of the circumstances set forth in items E, F, or G of the preceding Paragraph 8, Employer is not obligated to pay severance.

Section 11 Resignation

In the event that Employee voluntarily resigns her position with Employer, Employee shall provide a minimum of ninety (90) days' notice unless the parties agree otherwise.

Section 12 Performance Evaluation

Employer will review the performance of the Employee in December 2011, and at least annually in each succeeding year thereafter. Performance reviews will include at least the identification of mutually agreed upon goals to be achieved by Employee in the ensuing year, as well as a review of compensation for the coming year.

Section 13 Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 14 Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment, unless otherwise agreed to by Employer prior to Employee engaging in any such other employment.

Section 15 Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities unless the act or omission involved willful or wanton conduct. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable other costs and expenses of legal proceedings including attorneys'

fees, and any liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual, or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Section 16 Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 17 Other Terms and Conditions of Employment

Employer may set such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Hayward City Charter, or any other law.

Section 18 Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service postage prepaid addressed as follows:

(1) EMPLOYER: Mayor of the City of Hayward
Hayward City Hall
777 B Street
Hayward California 94541

(2) EMPLOYEE: E. Frances David
Address on File

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18 General Provisions; Integration; Severability

This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Dated June 25, 2013

Executed by:

Michael Sweeney
Mayor, City of Hayward

E. Frances David
Employee (City Manager)

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM

City Attorney of the City of Hayward

City Attorney Employment Agreement: July 1, 2013 through June 30, 2014

Introduction

This Agreement, entered into for convenience purposes this 25th day of June 2013, by and between the City of Hayward, a chartered California City and municipal corporation (hereinafter called "Employer"), and Michael Lawson, (hereinafter called "Employee"), an individual, who is licensed to practice law in the State of California, a member in good standing of the California Bar Association and possesses the extensive knowledge and training required to perform the duties of City Attorney. The effective date of this Agreement is July 1, 2013.

Section 1 Term

Employee's current agreement with Employer shall remain in effect until June 30, 2013. The term of this Agreement is July 1, 2013, through June 30, 2014. Thereafter, this Agreement shall be renewed on or before its anniversary date for terms of one (1) year until terminated by either party or modified by mutual agreement as hereinafter provided. The anniversary date is every June 30.

Section 2 Duties and Authority

Employer agrees to employ Employee as City Attorney to perform the functions and duties specified in Article VIII section 808 et seq. of the Hayward City Charter and such other lawful and appropriate duties and functions as directed by the City Council. Employee shall be licensed to practice law in the State of California for the duration of employment. The Employer agrees to pay Employee's cost of annual bar association membership.

Section 3 Compensation

The Employer agrees to pay Employee an annual base salary of \$185,103.20. This salary is the same as Employee's base salary during Fiscal Year 2013. During the term of this Agreement, Employer agrees to pay Employee in equal installments on the same schedule as other City of Hayward employees, which is currently bi-weekly.

Section 4 Health, Disability, Life Insurance and Other Benefits

Upon commencing employment, Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental and comprehensive medical insurance for Employee and his dependents equal to that which is provided to all unrepresented management employees of Employer.

Similarly, Employer agrees to obtain short term and long term disability insurance coverage for Employee while this Agreement is in effect. Employer shall obtain term life insurance for Employee in an amount equal to Employee's gross annual salary (including all salary increases

during the life of this Agreement) or Employer's maximum allowable amount of term life insurance coverage under Employer's contract with its insurer, if said amount is less than Employee's gross annual salary. Employee shall have the right to choose the beneficiary on such policies.

In addition to the benefits set forth herein, all actions taken by the City Council relating to benefits for Unrepresented Management Employees shall be considered actions granting the same level of benefits to Employee, unless mutually agreed otherwise between Employer and Employee.

Employer agrees to pay the equivalent cost of the above stated benefits at the same benefit plan level as provided for Unrepresented Management Employees.

Employee is not eligible for a vehicle allowance. Employer agrees to provide Employee mileage reimbursement at the same level as provided for Unrepresented Management employees.

Employer provides employees with access to a deferred compensation plan. Employer will not provide an employer contribution to the deferred compensation plan.

Section 5 Vacation and Sick Leave

Employee shall continue to accrue sick and vacation leave on an annual basis at the rate specified in Employee's current agreement or at the rate afforded Unrepresented Management Employees, whichever is higher, unless and until this Agreement is amended.

Employee shall be entitled to eighty (80) hours of administrative leave annually as provided in the Salary and Benefits Resolution for Unrepresented Management Employees.

Employee shall take no more than fifteen (15) work days of vacation or administrative leave at any one time, exclusive of holidays recognized by Employer, to which Employee shall also be entitled. Upon approval of the Council, leave may be extended beyond the fifteen (15) work day limit established above.

In the event of termination, either voluntarily or involuntarily, employee shall be compensated for accrued sick and vacation time as of the date of termination as provided in the Salary and Benefits Resolution for Unrepresented Management Employees.

Section 6 Retirement

Employee shall be required to pay the Employee portion of the PERS contribution by paying eight percent (8%).

Section 7 Employee Savings Commitment

Effective the pay period including July 1, 2012, Employee shall contribute equivalent to the same percentage of employee cost savings as the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended. Furthermore, any employee cost savings achieved through increased employee contributions towards PERS

retirement contributions or medical plan premiums shall be credited towards the overall percentage cost savings established for the Unrepresented Management Employees.

Section 8 Termination

Termination of this Agreement may occur under any of the following circumstances:

- A. If a majority of the governing body votes to terminate Employee at a duly authorized public meeting;
- B. If Employer, citizens, or Legislature acts to amend any provisions of the Charter, Ordinances, or appropriate enabling legislation pertaining to the role, powers, duties, authority, and responsibilities of Employee's position, and such amendment substantially changes the form of government, Employee shall have the right to declare that such amendment constitutes termination;
- C. If Employee resigns following an offer by Employer to accept resignation, whether such offer is formal or informal, then Employee may declare a termination as of the date of Employee's acceptance of such formal or informal offer;
- D. If either party fails to cure a breach of contract as declared by either Employer or Employee within a 30-day period after the declaration of such breach of contract, provided written notice of such breach of contract is provided in accordance with provisions of Section 17;
- E. If Employee is convicted of a felony or misdemeanor involving moral turpitude, or if it is established that Employee's performance constitutes malfeasance or gross dereliction of duty;
- F. If Employee fails or refuses to follow a direct, lawful order by Employer

Section 9 Severance

- A. Except as expressly provided herein, severance shall be paid to Employee when employment is terminated in Section 8. If Employee is terminated, Employer shall provide a minimum severance payment equal to six (6) months salary and benefits at the then-current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. Severance does not include life insurance. Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave as provided in the Salary and Benefit Resolution for the Unrepresented Management Employees.
- B. If Employee is terminated under any of the circumstances set forth in items E, or F of the preceding Paragraph 8, Employer is not obligated to pay severance.

Section 10 Resignation

In the event that Employee voluntarily resigns her position with Employer, Employee shall provide a minimum of ninety (90) days' notice unless the parties agree otherwise.

Section 11 Performance Evaluation

Employer will review the performance of the Employee in March 2012, and at least annually in each succeeding year thereafter. Performance reviews will include at least the identification of mutually agreed upon goals to be achieved by Employee in the ensuing year, as well as a review of compensation for the coming year.

Section 12 Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 13 Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment, unless otherwise agreed to by Employer prior to Employee engaging in any such other employment.

Section 14 Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Clerk or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities unless the act or omission involved willful or wanton conduct. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable other costs and expenses of legal proceedings including attorneys' fees, and any liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual, or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Section 15 Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 16 Other Terms and Conditions of Employment

Employer may set such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Hayward City Charter, or any other law.

Section 17 Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service postage prepaid addressed as follows:

(1) EMPLOYER: Mayor of the City of Hayward
Hayward City Hall
777 B Street
Hayward California 94541

(2) EMPLOYEE: Michael Lawson
200 Caldecott Lane, Unit 309
Oakland, CA 94618

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18 General Provisions; Integration; Severability

This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Dated: June 25 2013

Executed by:

Michael Sweeney
Mayor, City of Hayward

Michael Lawson
Employee (City Attorney)

ATTEST:

City Clerk of the City of Hayward

City Clerk Employment Agreement: July 1, 2013 through June 30, 2014

Introduction

This Agreement, entered into for convenience purposes this 25th day of June 2013, by and between the City of Hayward, a chartered California City and municipal corporation (hereinafter called "Employer"), and Miriam Lens, (hereinafter called "Employee"), an individual, who has the education, training and experience in local government records management associated with City Clerk duties. The effective date of this Agreement is July 1, 2013.

Section 1 Term

Employee's current agreement with Employer shall remain in effect until June 30, 2013. The term of this Agreement is July 1, 2013, through June 30, 2014. Thereafter, this Agreement shall be renewed on or before its anniversary date for terms of one (1) year until terminated by either party or modified by mutual agreement as hereinafter provided. The anniversary date is every June 30.

Section 2 Duties and Authority

Employer agrees to employ Employee as City Clerk to perform the functions and duties specified in Article VIII section 800 et seq. of the Hayward City Charter and such other lawful and appropriate duties and functions as directed by the City Council. Employee shall be a Certified Municipal Clerk by the International Institute of Municipal Clerks (IICM) and Employee shall maintain current standing for the term of employment. Employee shall adhere to the IICM Code of Ethics. The Employer agrees to pay Employee's cost for certification.

Section 3 Compensation

The Employer agrees to pay Employee an annual base salary of \$114,067.20. This salary is the same as Employee's base salary during Fiscal Year 2013. During the term of this Agreement, Employer agrees to pay Employee in equal installments on the same schedule as other City of Hayward employees, which is currently bi-weekly.

Section 4 Health Disability Life Insurance and Other Benefits

Upon commencing employment, Employer agrees to provide and pay the premiums for health, hospitalization, surgical, vision, dental, and comprehensive medical insurance for Employee and her dependents equal to that which is provided to all unrepresented management employees of Employer.

Similarly, Employer agrees to obtain short term and long term disability insurance coverage for Employee while this Agreement is in effect. Employer shall obtain term life insurance for Employee in an amount equal to Employee's gross annual salary (including all salary increases during the life of this Agreement) or Employer's maximum allowable amount of term life insurance coverage under Employer's contract with its insurer, if said amount is less than

Employee's gross annual salary. Employee shall have the right to choose the beneficiary on such policies.

In addition to the benefits set forth herein, all actions taken by the City Council relating to benefits for Unrepresented Management Employees shall be considered actions granting the same level of benefits to Employee, unless mutually agreed otherwise between Employer and Employee.

Employer agrees to pay the equivalent cost of the above stated benefits at the same benefit plan level as provided for Unrepresented Management Employees.

Employee is not eligible for a vehicle allowance. Employer agrees to provide Employee mileage reimbursement at the same level as provided for Unrepresented Management employees.

Employer provides employees with access to a deferred compensation plan. Employer will not provide an employer contribution to the deferred compensation plan.

Section 5 Vacation and Sick Leave

Employee shall continue to accrue sick and vacation leave on an annual basis at the rate afforded Unrepresented Management Employees, unless and until this Agreement is amended.

Employee shall be entitled to eighty (80) hours of administrative leave annually as provided in the Salary and Benefits Resolution for Unrepresented Management Employees.

Employee shall take no more than fifteen (15) work days of vacation or administrative leave at any one time, exclusive of holidays recognized by Employer, to which Employee shall also be entitled. Upon approval of the Council, leave may be extended beyond the fifteen (15) work day limit established above.

In the event of termination, either voluntarily or involuntarily, Employee shall be compensated for accrued sick and vacation time as of the date of termination as provided in the Salary and Benefits Resolution for Unrepresented Management Employees.

Section 6 Retirement

Employee shall be required to pay the Employee portion of the PERS contribution by paying eight percent (8%).

Section 7 Employee Savings Commitment

Effective the pay period including July 1, 2012, Employee shall contribute equivalent to the same percentage of employee cost savings as the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended. Furthermore, any employee cost savings achieved through increased employee contributions towards PERS retirement contributions shall be credited towards the overall percentage cost savings established for the Unrepresented Management Employees.

Section 8 Termination

Termination of this Agreement may occur under any of the following circumstances:

- A. If a majority of the governing body votes to terminate Employee at a duly authorized public meeting;
- B. If Employer, citizens, or Legislature acts to amend any provisions of the Charter, Ordinances, or appropriate enabling legislation pertaining to the role, powers, duties, authority, and responsibilities of Employee's position, and such amendment substantially changes the form of government, Employee shall have the right to declare that such amendment constitutes termination;
- C. If Employee resigns following an offer by Employer to accept resignation, whether such offer is formal or informal, then Employee may declare a termination as of the date of Employee's acceptance of such formal or informal offer;
- D. If either party fails to cure a breach of contract as declared by either Employer or Employee within a 30-day period after the declaration of such breach of contract, provided written notice of such breach of contract is provided in accordance with provisions of Section 17;
- E. If Employee is convicted of a felony or misdemeanor involving moral turpitude, or if it is established that Employee's performance constitutes malfeasance or gross dereliction of duty;
- F. If Employee fails or refuses to follow a direct, lawful order by Employer; and

Section 9 Severance

- A. Except as expressly provided herein, severance shall be paid to Employee when employment is terminated in Section 8. If Employee is terminated, Employer shall provide a minimum severance payment equal to ninety (90) days salary and benefits at the then-current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. Severance does not include life insurance. Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave as provided in the Salary and Benefit Resolution for the Unrepresented Management Employees.
- B. If Employee is terminated under any of the circumstances set forth in items E, or F of the preceding Paragraph 8, Employer is not obligated to pay severance.

Section 10 Resignation

In the event that Employee voluntarily resigns her position with Employer, Employee shall provide a minimum of ninety (90) days' notice unless the parties agree otherwise.

Section 11 Performance Evaluation

Employer will review the performance of the Employee in February 2012, and at least annually in each succeeding year thereafter. Performance reviews will include at least the identification of

mutually agreed upon goals to be achieved by Employee in the ensuing year, as well as a review of compensation for the coming year.

Section 12 Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 13 Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment, unless otherwise agreed to by Employer prior to Employee engaging in any such other employment.

Section 14 Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Clerk or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities unless the act or omission involved willful or wanton conduct. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable other costs and expenses of legal proceedings including attorneys' fees, and any liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual, or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Section 15 Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 16 Other Terms and Conditions of Employment

Employer may set such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Hayward City Charter, or any other law.

Section 17 Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service postage prepaid addressed as follows:

- (1) EMPLOYER: Mayor of the City of Hayward
Hayward City Hall

777 B Street
Hayward California 94541

(2) EMPLOYEE: Miriam Lens
Address on File

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18 General Provisions; Integration; Severability

This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Dated June 25, 2013

Executed by:

Michael Sweeney
Mayor, City of Hayward

Miriam Lens
Employee (City Clerk)

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM

City Attorney of the City of Hayward



DATE: June 25, 2013

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Gann Appropriations Limit for FY 2014; and Revised Gann Appropriations Limits for FY 2012 and FY 2013

RECOMMENDATION

That City Council adopts a Resolution establishing an appropriations limit for Fiscal Year 2014; and adopt revised appropriations limits for FY 2012 and FY 2013.

BACKGROUND

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

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

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

DISCUSSION

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

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special

meeting and that the documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

The Finance Department of the City of Hayward compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2014 appropriations limit and the documentation substantiating this determination were available for review by the public in the Office of the City Clerk on or before June 10, 2013, at least fifteen days prior to adoption of the limit as required by statute.

The appropriations limits for FY 2012 and FY 2013 as previously adopted by City Council have been revised to reflect updated data. While there is not any material impact by making these revisions (the City is still well below the appropriations limit for these fiscal years), it is necessary for City Council to formally adopt the revised limits. The revised calculations actually provide for a higher appropriations limit for these fiscal years.

FISCAL IMPACT

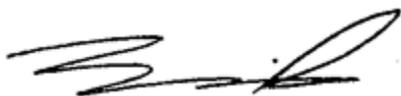
There are no present fiscal impacts related to establishing the limit for FY 2014. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit.

The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2014. The table below identifies the the appropriations limit and appropriations subject to the limits for FY 2014 and the revisions to FY 2012 and FY 2013.

	Appropriations Limit	Revised Appropriations Limit	Appropriations Subject to Limit
FY 2012	215,163,426	226,291,051	76,362,500
FY 2013	226,378,611	238,086,051	74,542,885
FY 2014	253,404,723	253,404,723	83,291,710

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments: Attachment I: Resolution
Attachment II: Historical Information Regarding Appropriations Limit Calculation

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

ADOPTION OF APPROPRIATIONS LIMIT
FOR FISCAL YEAR 2014 AND ADOPTING REVISIONS TO APPROPRIATIONS LIMITS
FOR FISCAL YEARS 2012 AND 2013 PURSUANT TO ARTICLE XIII B OF THE
CONSTITUTION OF THE STATE OF CALIFORNIA

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

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

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

WHEREAS, the Gann Limit for FY 2014 is calculated at \$253,404,723 and the appropriations in FY 2014 subject to this limit total \$83,291,710; and

WHEREAS, the Gann Limit for FY 2012 and FY 2103 are revised to reflect updated calculations and the limits are now calculated at \$226,291,051 and 238,086,051 respectively. The appropriations subject to the limits for FY 2012 and FY 2013 were \$76,362,500 and \$74,542,885, respectively.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hayward that at its meeting of June 25, 2013, Council will adopt a Resolution which establishes the appropriations limit for the 2014 Fiscal Year and revisions to the appropriations limits for fiscal years 2012 and 2013 pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2014 was be made available for public review in the Office of the City Clerk of the City of Hayward on or before June 10, 2013, as required by statute.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

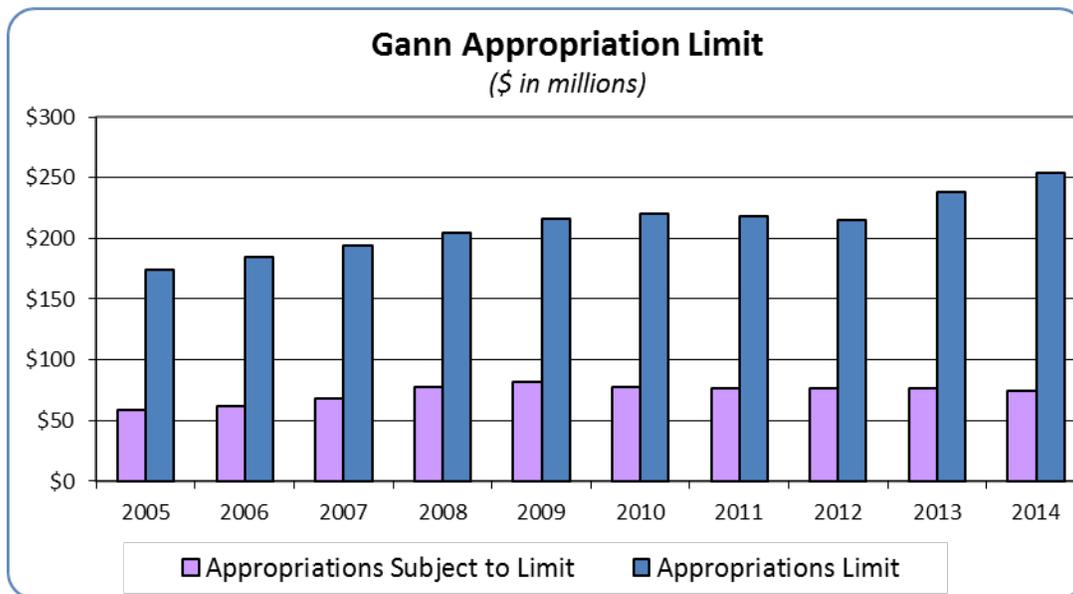
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Gann Appropriation Limit

Fiscal Year	Population		Total Adjustment Factor	Appropriations Limit	% Change	Appropriations Subject to Limit	% of Limit Appropriated
	Factor	Inflation Factor					
2005	0.7200	3.2800	1.0402	\$173,764,360	4.0%	\$62,165,120	35.8%
2006	1.0300	5.2600	1.0634	\$184,787,972	6.3%	\$68,399,894	37.0%
2007	0.7400	3.9600	1.0473	\$193,526,595	11.4%	\$78,021,824	40.3%
2008	1.0700	4.4200	1.0554	\$204,242,163	10.5%	\$82,136,688	40.2%
2009	0.0116	4.4500	1.0193	\$216,147,439	11.7%	\$77,285,005	35.8%
2010	1.3000	0.6200	1.0193	\$220,314,761	7.9%	\$76,355,082	34.7%
2011	1.4000	-2.5400	0.9882	\$217,723,860	0.7%	\$75,558,103	34.7%
2012	1.3900	2.5100	1.0394	\$226,291,051	2.7%	\$76,362,500	33.7%
2013	1.3900	3.7700	1.0521	\$238,086,051	9.4%	\$74,542,885	31.3%
2014	1.2500	5.1200	1.0643	\$253,404,723	12.0%	\$83,291,710	32.9%

DATE: June 25, 2013

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

FROM: Director of Finance

SUBJECT: Approval of the FY 2014 Mid-Biennial Operating Budget and Appropriations for FY 2014; Approval of the FY 2014 Capital Improvement Program Update and Appropriations for FY 2014; Approval of the Hayward Redevelopment Successor Agency Budget; Approval of the Hayward Housing Authority Budget

RECOMMENDATION

That the City Council, Successor Redevelopment Agency Board of Directors, and the Housing Authority Board of Directors approve the FY 2014 Mid-Biennial Operating Budget and Appropriations for FY 2014 as presented and recommended by the City Manager; and adopt their respective attached resolutions in six (6) separate actions:

1. Approving and Appropriating the FY 2014 Mid-Biennial Operating Budget;
2. Approving and Appropriating the FY 2014 General Fund Community Agency Budget;
3. Approving and Appropriating the Redevelopment Successor Agency Budget;
4. Approving and Appropriating the Housing Authority Budget;
5. Approving and Appropriating the Capital Improvement Program (CIP) Budget;
6. Approving and Appropriating the Capital Improvement Program Budget for Municipal Lot 6.

BACKGROUND

Since May 7, Council has held three budget work sessions (May 21, May 28, and June 4) to further discuss the proposed budget update. These work sessions included a presentation of the proposed CIP budget, presentations on department/program budgets and operations, a discussion on benefit liabilities, a time for public input, and Council discussion. In addition to the budget-focused work sessions, Council held a public hearing on the recommended budget on June 18 to further consider the proposed budget and seek additional public input.

This report transmits to City Council the biennial operating and CIP budgets for adoption as contained in the Proposed FY 2014 Mid-Biennial Operating Budget and the Proposed FY 2014 Capital Improvement Program Update, and as amended herein.

DISCUSSION

General Fund

The Economy & Impact on General Fund Revenues: Although the trend appears moving toward improvement, most economic forecasters are looking at the economy in 2013 and into 2014 as being something of an up-and-down ride. The City of Hayward is finally experiencing some economic improvement. Sales tax revenues are improving and the real estate market is beginning to see some increased activity, with some associated rebound of property values. Some revenue categories (e.g. Property Tax and Property Transfer Tax) have not reached the levels seen in prior years – such as FY 2007 and FY 2008. In 2007, revenues (many one-time in nature) exceeded expenditures; and in FY 2013 and FY2014, expenditures are projected to exceed revenues (as they did in FY 2012). So while revenues are improving, the City's cost of operations, benefit liabilities, and unmet capital needs continue to dramatically rise; hence, the City's ongoing structural gap.

While all City operating funds face similar economic pressures, none are as impacted as the City's General Fund. When Council considered the biennial budget in May 2012, the City faced a General Fund gap of \$15 million in FY 2013 that would grow to \$19.4 million in FY 2014 if we did nothing to solve the problem. When City Council adopted the biennial budget on June 26, 2012, they did so with the projected use of the General Fund Reserve for both FY 2013 and FY 2014 (\$6.9 million projected for FY 2014).

Balancing the General Fund Budget: Since the presentation of the Proposed FY 2014 Operating Budget Update, revenue and expenditure projections have been further refined. After incorporating all budget changes, the current General Fund gap is \$2.58 million, a significant reduction of the original estimates as adopted in June 2012. This is largely a direct reflection of the improved economy. The proposed FY 2014 General Fund budget assumes the continuation of existing employee concession savings, and assumes budgeted new concessions based on pending discussions with several bargaining groups.

As the organization shifts its limited resources to address service needs, staff proposes some operational and department reorganizations in the FY 2014 Update. However, we have worked toward identifying offsetting revenues or expenditure reductions to mitigate any new costs. The budget is largely balanced through structural savings from compensation and benefit concessions made by the incredible contributions of our City employees, operating expenditure cuts, gained efficiencies, new revenue, and a limited use of the General Fund Reserve.

The use of the Reserve (a one-time balancing measure) is intended to mitigate the need for further program and service reductions during this second year of our two-year budget, while phasing in concession agreements with the bargaining groups and identifying additional long-term balancing measures.

Changes to the FY 2014 Proposed Mid- Biennial Operating Budget

The budget process commenced on May 7 with the presentation of the Proposed FY 2014 Mid-Biennial Operating Budget and has progressed with three Council budget work sessions and a public hearing. Through this informative and engaged public process, Council has reviewed the budget document and has requested several changes to better align the budget with Council priorities. In addition, staff has proposed several changes as well. All of these changes were summarized in the June 18, 2013 report to City Council on the budget (Attachment VI). The only additional changes as represented in the final numbers presented in this report are revised concession savings assumptions for several bargaining units.

Below is a summary of the proposed changes to the FY 2014 Mid-Biennial Operating Budget:

Table 1 – Citywide Expenditure Budget Changes

Budget Summary in 1,000's	FY 2014 Adopted (June 2012)	FY 2014 Update (June 2013)	\$ Change	% Change
General Fund	127,094	127,482	388	0.3%
All Other Funds	122,328	121,730	(598)	-0.5%
Total Operating Budget	249,422	249,212	(210)	-0.1%

Capital Improvement Program (CIP)

The City's capital improvement program budget has followed a similar review and public process as the operating budget. On May 1, the Council Budget & Finance Committee reviewed and discussed the FY 2014 CIP Update. On May 9, the Planning Commission held a public hearing and found the document in conformance with the General Plan. During the May 28 Council Budget Work Session, Council reviewed the FY 2014 CIP Update along with the operating budget.

The CIP for FY 2014 totals approximately \$101.4 million (\$3.5 million General Fund contribution), with a total of about \$323 million budgeted through FY 2022. A vast majority of the expenditures for FY 2014 are focused on three categories of projects: sewer system projects (\$33.5 million), road and street projects (\$24.7 million), and water system projects (\$18.6 million). Another \$4.1 million is allocated towards projects associated with livable neighborhoods, which helps support Council's priorities pertaining to improving the attractiveness and safety of neighborhoods and the City overall. The CIP also continues to be focused on the maintenance, security, and upkeep at many of the City's government buildings, especially City Hall.

FISCAL IMPACT

Table 2 summarizes the Proposed FY 2014 Mid-Biennial Operating Budget and CIP Budgets.

Table 2 – Summary of Citywide Operating & CIP Budget

FY 2014 Mid-Biennial Budget Update	FY 2014
City Funds	
General Fund	127,482,322
Special Revenue Funds (excluding Agency Funds)	8,702,724
Debt Service Funds (excluding Agency debt service)	3,849,826
Enterprise Funds	72,388,562
Internal Service Funds	24,753,617
	237,177,051
Agency Funds	
Redevelopment Successor Agency Operating Fund	7,900,011
Redevelopment Successor Agency Debt Service	4,015,793
Housing Authority Fund	118,940
	12,034,744
Total City Operating Budget	249,211,795
Total CIP Budget	101,347,000
Total Citywide Operating & CIP Budgets	350,558,795

PUBLIC CONTACT

The Proposed FY 2014 Mid-Biennial Operating Budget Update and FY 2014 CIP Update have been discussed in a variety of public forums over the past several months. Following the presentation of the Proposed FY 2014 Budget Update on May 7, 2013 to City Council, Council held public work sessions on May 21, May 28, and June 4 to discuss and receive input on the proposed operating and capital budgets for FY 2014. On June 18, 2013, the Council conducted a public hearing to discuss and receive further public input; the meeting was publicly noticed in The Bay Area News Group – Daily Review on June 8 and June 13, 2013, announcing the date, time, location, and subject matter of the public hearing. In addition, the proposed FY 2014 operating and CIP budgets have been discussed by the Council Budget & Finance Committee over the last several months.

A notice advising residents about the Planning Commission’s public hearing on the CIP was published in the *Daily Review* newspaper more than the requisite 10 days in advance. Furthermore, staff members from Alameda County Transportation Commission (ACTC) were contacted in the event that any members from the organization’s Measure B Citizen Watchdog Committee were interested in learning more about City projects funded through Measure B.

The FY 2014 Proposed Operating Budget Update is currently available for public review in the City Clerk’s Office at City Hall, at the Main Library and the Weekes Branch, and on the City’s website at: [Proposed FY 2014 Mid-Biennial Operating Budget Update](#)

A schedule of the FY 2014 Proposed Operating Budget work sessions is available for public information on the City’s website at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/>

The FY 2014 Capital Improvement Program Update is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Branch, and on the City's website at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/>

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments:

- I. FY 2014 Operating Budget Resolution
- II. FY 2014 General Fund Community Agency Budget Resolution
- III. FY 2014 Successor Redevelopment Agency Budget Resolution
- IV. FY 2014 Housing Authority Budget Resolution
- V. FY 2014 Capital Improvement Program Budget Resolution
- VI. FY 2014 Capital Improvement Program Budget for Municipal Lot 6 Resolution
- VII. May 7, 2013: [Proposed FY 2014 Mid-Biennial Operating Budget Update](#)
- VIII. June 18, 2013 report: [Public Hearing for the Proposed FY 2014 Mid-Biennial Operating Budget Update for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and the FY 2014 Capital Improvement Program Budget Update](#)

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPROVING THE OPERATING BUDGET OF
THE CITY OF HAYWARD FOR FISCAL YEAR 2014;
ADOPTING APPROPRIATIONS FOR FISCAL YEAR 2014,
EXCEPT FOR GENERAL FUND COMMUNITY AGENCY
FUNDING

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for fiscal year 2014 contained in those documents entitled "City of Hayward Proposed FY 2014 Mid-Biennial Operating Budget Update," with adjustments to the Proposed Budget as approved at the June 18, 2013 Council Public Hearing; and

WHEREAS, three Council Work Sessions and a public hearing were held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the budget recommended by the City Manager.

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

1. That the budget presented by the City Manager in the document entitled "City of Hayward Proposed FY 2014 Mid-Biennial Operating Budget Update," with adjustments to the Recommended Budget as outlined in the June 18, 2013 Public Hearing Budget Report is hereby approved and adopted as the budget of the City of Hayward for FY 2014, with specific exception of Community Agency funding, which is separately addressed in Resolution No. 13-____. Copies of the budget documents and the staff reports presented by the City Manager are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That except as may be otherwise provided, any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.
3. That for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection 8, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the priorities and service delivery outcomes of the Council's appropriations as set forth in this budget.

4. The City Manager shall have the authority to bind and prepay all coverage and to negotiate and execute all documents necessary to obtain the insurance, third party administration services, loss fund stabilization and defense of claims budgeted for in the Liability Insurance Fund. In consultation with the City Attorney, the City Manager and/or City Attorney shall be authorized to represent the City on the board of the Exclusive Risk Management Authority of California and take any and all actions necessary or appropriate to advance the City's interests in connection with risk management services and procuring of insurance coverage.
5. The Director of Finance is hereby authorized to transfer the amounts from one fund to another as indicated in Exhibit A at such time as he/she may determine, giving consideration to the intended purposes for which the transfers are made and available balances in each of the funds.
6. The amounts as reflected in Exhibit B are hereby appropriated for expenditure.
7. Any monies received during FY 2014 as a consequence of a grant application approved by the City Council are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the City Manager to expend such monies and for the Director of Finance to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.
8. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the City's financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.
9. There are hereby appropriated the following amounts to Reserves and Designations of Fund Balances, which the Director of Finance shall enter upon the records and reflect in the financial statement of the City:

Cash Fund Balance Designations	FY 2014
Unassigned	
Contingencies	\$ 5,000
Economic Uncertainty	3,843
Liquidity	5,000
Emergencies	5,000
Undesignated Fund Balance	-
Total Designated Fund Balance	\$ 18,843
Proposed Use of the Reserve	2,579
Total Reserves & Designated	\$ 21,422

In addition to the above specified amounts, the balances in each fund that are not otherwise appropriated are hereby appropriated to Contingency Reserves in those funds.

Expenditures from Reserves or Designated Fund Balances shall require the approval of the City Council.

10. The Director of Finance is hereby authorized and directed to distribute the above appropriations, transfers, and reserves to the various accounts of the City in accordance with generally accepted accounting principles and consistent with the purposes and objectives as outlined in the approved budget.
11. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.
12. The City Manager or designee is hereby authorized to enter into settlement agreements for Workers' Compensation claims in an amount not to exceed \$50,000 per claim; and the City Attorney or designee is hereby authorized to enter into settlement agreements for claims and litigation in an amount not to exceed \$50,000 per claim.
13. The City Manager is hereby authorized to enter into a revolving loan Credit Agreement with Bank of the West, in a form which is satisfactory to the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA June 25, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

General Fund Transfers In

100	9801	215	Cost Allocation From Recycling Fund	(72,573)
100	9801	225	Cost Allocation From CDBG Fund	(44,040)
100	9801	241	Cost Allocation From Low & Mod Fund	(40,531)
100	9801	246	Cost Allocation From Paratransit	(11,132)
100	9801	602	Cost Allocation From StormWater	(90,363)
100	9801	611	Cost Allocation From Sewer Revenue	(418,725)
100	9801	621	Cost Allocation From Water	(824,700)
100	9801	631	Cost Allocation From Airport	(114,181)
100	9801	710	Cost Allocation From Workers Comp	(152,438)
100	9801	711	Cost Allocation From Liability Insurance	(327,546)
100	9801	720	Cost Allocation From Facilities Fund	(108,187)
100	9801	725	Cost Allocation From Tech Services Fund	(131,713)
100	9801	730	Cost Allocation From Equipment Mgmt	(113,170)
100	9804	210	Tranfer From Gas Tax Fund	(1,148,000)
100	9835	278	Tranfer From Citizens Option Pub	(184,000)
100	9840	273	Transfer-Byrnes Justice Assist Grant	(55,000)
100	9892	870	Misc Transfer From CFD #1 Trustee	(8,000)
Transfers In Total				(3,844,299)

General Fund Transfers Out

100	9905	410	Transfer To Capital Projects	1,102,000
100	9905	415	Transfer To Police Capital FD	349,000
100	9905	416	Transfer to Fire Capital FD	1,369,000
100	9909	711	Liability Insurance Allocation	2,620,816
100	9919	420	Capital Transfer To Transp Sys Improve	350,000
100	9921	417	Supplemental To Maintenance Services	10,000
100	9921	726	Supplemental To Tech Rplcmt Fund	216,000
100	9937	320	D/S ABAG 2001-02 (ABAG 33)	86,806
100	9947	320	D/S City Hall Debt Service	2,620,175
100	9967	330	D/S Promissory Note-Fire S Equipment	100,000
100	9992	320	Misc Trsfr To COP	1,665
100	9992	710	Misc Trsfr To Workers Comp Fund	310,000
100	9992	725	Misc Trsfr To Information Technology Fund	130,000
100	9992	740	Misc Trsfr To Retiree Medical Fund	918,000
100	9992	731	Misc Trsfr To Fleet Capital	600,000
Transfers Out Total				10,783,462

Recycling Fund

215	9901	100	Trsfr Out Cost Allocation to General Fund	72,573
215	9909	711	Trsfr Out Liability Insurance Allocation	9,615
Recycling Fund				82,188

Community Development Block Grant Fund (CDBG)

225	9901	100	Trsfr Out Cost Allocation to General Fund	44,040
225	9909	711	Trsf Out To Liability Insurance Allocation	12,821
Com Devel Block Grant Fund (CDBG)				56,861

Housing Authority-Low/Mod HSG

241	9892	433	Trsfr In From RT 238 Admin	(738,672)
241	9892	470	Trsfr In From Successor Agency	(2,584,344)
241	9901	100	Trsfr Out Cost Alloc To General Fund	40,531
Housing Authority-Low/Mod HSG				(3,282,485)

FY 2014 Fund Transfers To/From

ATTACHMENT I
EXHIBIT A

Housing Mortgage Bond Fund				
245	9909	711	Trsfr Out To Liability Insurance Allocation	3,205
<hr/>				
<i>Housing Mortgage Bond Fund</i>				3,205
Housing Mortgage Bond Fund				
246	9901	100	Trsfr Out Cost Alloc To General Fund	11,132
246	9909	711	Trsfr Out To Liability Insurance Allocation	3,205
<hr/>				
Housing Mortgage Bond Fund				14,337
Byrnes Justice Assist Grant Fund				
273	9940	100	Trsfr Out Byrnes Justice Assist G	55,000
<hr/>				
<i>Byrnes Justice Assist Grant Fund</i>				55,000
Citizen's Option in for Public Safety Fund				
278	9935	100	Trsfr Out To Gen'l Fr Citizens Opt	184,000
<hr/>				
<i>Citizen's Opt in for Public Safety Fund</i>				184,000
Successor Agency RDA Debt Svc				
312	9817	470	Trsfr In D/S-Tabs RDA Success Agency	(3,370,357)
312	9847	470	Trsfr In D/S-06Tabs Fr RDA Suc Agency	(638,300)
312	9892	470	Trsfr In Misc Trsfr Fr Success Agency	(4,500)
<hr/>				
<i>Successor Agency RDA Debt Svc</i>				(4,013,157)
Certificates of Participation Fund				
320	9837	100	Trsfr In D/S ABAG 2001-02 (ABAG 33)	(86,806)
320	9847	100	Trsfr In D/S City Hall Debt Service	(2,620,175)
320	9892	100	Trsfr In Misc Trsfr From General Fund	(1,665)
<hr/>				
<i>Certificates of Participation</i>				(2,708,646)

FY 2014 Fund Transfers To/From

ATTACHMENT I

EXHIBIT A

Successor Agency-RDA of COH

470	9917	312	Trsfr Out D/S-Tabs RDA Suc Agcy Dbt Svc	3,370,357
470	9947	312	Trsfr Out D/S-06Tabs RDA Suc Agency	638,300
470	9992	241	Trsfr Out To Housing Authority	2,584,344
470	9992	312	Trsfr Out Misc Trsfr-D/S Tabs Suc Agency	4,500
<hr/>				
Successor Agency-RDA of COH				6,597,501

Stormwater Maint. & Operations Fund

602	9901	100	Trsfr Out Cost Allocation To Gen Fund	90,363
602	9909	711	Trsfr Out To Liability Insurance Alloc	28,851
<hr/>				
Stormwater Maint. & Operations Fund				119,214

Sewer Revenue Fund

611	9817	613	Trsfr In D/S ABAG 2001-02 (ABAG XXIV)	-
611	9837	616	Trsfr In D/S07 Sewer Rev Refund Bds	(364,851)
611	9877	613	Trsfr In D/S CA SWRCB Loan/Sewer	(1,583,464)
611	9892	616	Trsfr In Misc Trsfr Fr WWTP Replace	(500)
611	9901	100	Trsfr Out Cost Allocation to Gen Fund	418,725
611	9908	614	Trsfr Out Capital Reserves to Sewer	1,000,000
611	9908	616	Trsfr Out Capital Reserves to WWTP	2,000,000
611	9919	726	Trsfr Out Capital Trsfr to Tech Serv ERP	124,500
611	9932	613	Trsfr Out Connect Fee Tran To Sewer Imp	5,000,000
<hr/>				
Sewer Revenue Fund				6,594,410

Wastewater Revenue & Oper. Fund

612	9909	711	Trsfr Out To Liability Insurance Allocation	331,904
<hr/>				
Wastewater Revenue & Oper. Fund				331,904

Water Maintenance & Oper. Fund

621	9837	622	Trsfr In D/S 04 Water Sys Transfer	(300,297)
621	9892	631	Trsfr In Misc Trsfr From Airport	(190,019)
621	9901	100	Trsfr Out Cost Alloc To General Fund	824,700
621	9909	711	Trsfr Out To Liability Insurance Allocation	285,076
621	9916	623	Trsfr Out Capital Reserves To Water	2,000,000
621	9919	726	Trsfr Out Capital Trsfr to Tech Serv ERP	152,500
<hr/>				
Water Maintenance & Oper. Fund				2,771,960

Airport Operations Fund

631	9901	100	Trsfr Out Cost Alloc To General Fund	114,181
631	9909	711	Trsfr Out To Liability Insurance Allocation	62,189
631	9916	632	Trsfr Out Cap Reserves To Airport Capital	1,100,000
631	9919	726	Trsfr Out Cap Trsfr to Tech Serv ERP	26,000
631	9992	621	Trsfr Out Misc Trsfr to Water Maintenance	190,019
<hr/>				
Airport Operations Fund				1,492,389

Workers' Compensation Fund

710	9805	100	Trsfr In From General Fund	(310,000)
710	9901	100	Trsfr Out Cost Allocation To Gen Fund	152,438
710	9909	711	Trsfr Out To Liability Insurance Alloc	6,410
<hr/>				
Workers' Compensation Fund				(151,152)

FY 2014 Fund Transfers To/From

ATTACHMENT I

EXHIBIT A

Risk Management Fund

711	9809	100	Trsfr In Liab Ins Alloc-General Fund	(2,620,816)
711	9809	215	Trsfr In Liab Ins Alloc-Recycling	(9,615)
711	9809	225	Trsfr In Liab Ins Alloc-Block Grant	(12,821)
711	9809	245	Trsfr In Liab Ins Alloc-Housing Mortg	(3,205)
711	9809	246	Trsfr In Liab Ins Alloc-Meas B2 PRTRNST	(3,205)
711	9809	602	Trsfr In Liab Ins Alloc-Stormwater	(28,851)
711	9809	612	Trsfr In Liab Ins Alloc-WWTP M & O	(331,904)
711	9809	621	Trsfr In Liab Ins Alloc-Water M & O	(285,076)
711	9809	631	Trsfr In Liab Ins Alloc-Airport	(62,189)
711	9809	710	Trsfr In Liab Ins Alloc-Workers Comp	(6,410)
711	9809	720	Trsfr In Liab Ins Alloc-Facilities FD	(29,093)
711	9809	725	Trsfr In Liab Ins Alloc-Tech Services FD	(61,816)
711	9809	730	Trsfr In Liab Ins Alloc-Equip Mgmt	(41,795)
711	9901	100	Trsfr Out Cost Alloc to General Fund	327,546
<i>Risk Management Fund</i>				(3,169,250)

Facilities Management Fund

720	9901	100	Trsfr Out Cost Alloc To General Fund	108,187
720	9909	711	Trsfr Out To Liability Insurance Alloc	29,093
720	9919	721	Trsfr Out Cap Proj Trsfr To Fac Cap FD	180,000
<i>Facilities Management Fund</i>				317,280

Technology Services Fund

725	9892	100	Misc Trsfr In From General Fund	(130,000)
725	9901	100	Trsfr Out Cost Alloc To General Fund	131,713
725	9909	711	Trsfr Out To Liability Insurance Alloc	61,816
<i>Technology Services Fund</i>				63,529

Fleet Management Fund

730	9901	100	Trsfr Out Cost Alloc To General Fund	113,170
730	9909	711	Trsfr Out To Liability Insurance Fund	41,795
730	9992	731	Trsfr Out Misc Trsfr to Fleet Mgmt Cap	1,385,000
<i>Fleet Management Fund</i>				1,539,965

Retiree Medical Fund

740	9892	100	Misc Trsfr In From General Fund	(918,000)
<i>Retiree Medical Fund</i>				(918,000)

Comm. Facility Dist. #1-Trustee Fund

870	9992	100	Trsfr Out Misc Trsfr To General Fund	8,000
870	9992	871	Trsfr Out To CFD #1 Adm FD	27,000
<i>Comm. Facility Dist. #1-Trustee Fund</i>				35,000

Comm. Facility Dist. #1 -Adm Fund

871	9892	870	Trsfr In Misc From CFD #1 Trustee	(27,000)
<i>Comm. Facility Dist. #1 -Adm Fund</i>				(27,000)

General Fund

100 127,482,322

Special Revenue Funds

213	Recycling Fund	42,500
214	Recycling Fund	40,000
215	Recycling Fund	590,947
223	HRLP Revolving Loan Prog	-
225	CDBG	1,293,206
227	Small Business Loan	-
228	Home Loan Fund	242,507
229	Revolving Fund Loan	175,000
231	Small Business Revolving	500,000
235	Neighborhood Svcs-Promise Grant	370,962
245	Housing Mortgage Bond Fund	212,448
246	Paratransit Fund	1,002,835
261	Park Dedication - Zone A	1,753,281
262	Park Dedication - Zone B	451,300
263	Park Dedication - Zone C	801,300
264	Park Dedication - Zone D	60,650
265	Park Dedication - Zone E	60,650
270	Downtown Bus Improvement	55,000
272	DOT	-
273	Byrne Justice Assistance	55,000
278	Citizen's Option for Public Safety	184,000
818	MD 2	88,230
820	LLD Zone 6	9,725
821	LLD Zone 9	1,815
822	LLD Zone 10	157,445
823	LLD Zone 11	143,658
824	LLD Zone 12	44,915
825	LLD Zone 13	6,295
831	LLD Zone 1	6,780
832	LLD Zone 2	7,775
833	LLD Zone 3	110,845
834	LLD Zone 4	20,815
835	LLD Zone 5	5,195
836	MD 1	35,195
837	LLD Zone 7	164,195
839	LLD Zone 8	8,255
	Special Revenue Fund Total	8,702,724

Enterprise Funds

602	Stormwater	2,678,807
611	Wastewater Revenue	15,310,037
612	Wastewater	11,026,964
621	Water	39,598,841
631	Airport	3,690,413
628	Regional Intertie	83,500
	Enterprise Fund Total	72,388,562

Debt Service Funds

312	SRDA Debt Service	4,015,793
320	Certificate of Participation	2,708,899
529	LID 16 Debt Service	245,768
534	LID 17 Debt Service	36,704

FY 2014 Fund Expenditure Appropriations - Operating Budget

ATTACHMENT I
EXHIBIT B

870	CFD #1	842,297
871	CFD #1 Adm Fund	<u>16,158</u>
	<i>Debt Service Fund Total</i>	7,865,619

Internal Service Funds

710	Worker's Compensation	5,925,838
711	Risk Management	2,556,359
720	Facilities	3,559,358
725	Technology Services	4,472,511
730	Fleet	5,642,143
740	Employee Benefits	<u>2,597,408</u>
	<i>Internal Service Fund Total</i>	24,753,617

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPROVING AND APPROPRIATING THE
GENERAL FUND COMMUNITY AGENCY FUNDING
RECOMMENDATIONS FOR FISCAL YEAR 2014

BE IT RESOLVED that the City Council of the City of Hayward hereby approves and adopts the Community Agency Funding recommendations for Fiscal Year 2014 in Exhibit A, in a total amount not to exceed \$433,644 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the General Fund Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

IN COUNCIL, HAYWARD, CALIFORNIA June 25, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:
MAYOR:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**FY 2013-14
Community Agency Funding Allocations
(General Fund)**

ATTACHMENT II - EXHIBIT A

SOCIAL SERVICES			
#	Agency	CSC Recommendation	Council Authorized Allocation 4/16/2013
1	Alameda County Community Food Bank	\$20,750	\$20,750
2	Community Initiatives: Day Labor Center	\$39,342	\$39,342
3	Eden I&R: 2-1-1 Communications	\$50,000	\$50,000
4	International Institute of the Bay Area	\$8,300	\$8,300
5	SAVE/COPS	\$15,000	\$15,000
6	South Hayward Parish: Food Pantry	\$12,201	\$12,201
7	Tri-City Health Center	\$20,667	\$20,667
8	BACS: Friendly Visitor Program	\$10,375	\$10,375
9	BACS: Hedco House Wellness Center	\$14,110	\$14,110
10	Community Resources for Independent Living	\$20,750	\$20,750
11	Legal Assistance for Seniors	\$18,260	\$18,260
12	Spectrum Community Services	\$20,750	\$20,750
13	CALICO	\$14,525	\$14,525
14	East Bay Agency for Children	\$15,355	\$15,355
15	Horizon Services, Inc.	\$28,775	\$28,775
16	Tiburcio Vasquez Health Center: Keepin' It Real	\$18,400	\$18,400
SOCIAL SERVICES SUBTOTAL		\$327,560	\$327,560

ARTS AND EVENTS			
#	Agency	CSC Recommendation	Council Authorized Allocation 4/16/2013
1	*4Cs of Alameda County: Children's Faire	\$500	\$500
2	Hayward Arts Council: Band & Orchestra Festival	\$7,400	\$7,400
3	Hayward Arts Council: Operations	\$16,485	\$16,485
4	Hayward Municipal Band	\$14,695	\$14,695
5	Pacific Chamber Symphony: Music is Fun!	\$4,705	\$4,705
6	Sun Gallery: Hayward Area Forum of the Arts	\$27,450	\$27,450
7	Youth Orchestra of Southern Alameda County	\$3,765	\$3,765
ARTS & EVENTS SUBTOTAL		\$75,000	\$75,000

COMMUNITY PROMOTIONS / CIVIC PROGRAMS			
#	Agency	CSC Recommendation	Council Authorized Allocation 4/16/2013
1	Bay Area Blues Society: Hayward Blues Festival	\$21,500	\$21,500
2	Hayward Zucchini Festival	\$4,000	\$4,000
3	Cinco de Mayo Celebration	\$2,524	\$2,524
4	Lone Tree Cemetery Association: 111th Memorial Day Event	\$800	\$800
5	Martin Luther King Celebration	\$1,910	\$1,910
6	Veteran's Day Observance	\$350	\$350
COMMUNITY PROMOTIONS / CIVIC PROGRAMS SUBTOTAL		\$31,084	\$31,084

TOTALS	
Social Services	\$327,560
Arts & events	\$75,000
Community Promotions / Civic Pro	\$31,084
GRAND TOTAL	\$433,644

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RSA- 13-

Introduced by Agency Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HAYWARD, ACTING AS THE GOVERNING
BOARD OF THE SUCCESSOR AGENCY FOR THE
REDEVELOPMENT AGENCY OF THE CITY OF
HAYWARD, APPROVING THE BUDGET OF THE
REDEVELOPMENT SUCCESSOR AGENCY OF
THE CITY OF HAYWARD AND ADOPTING
APPROPRIATIONS FOR FISCAL YEAR 2014

WHEREAS, the City Manager has submitted to the Successor Agency of the Redevelopment Agency (the "Redevelopment Successor Agency") of the City of Hayward estimates of revenue from all sources and estimates of expenditures required for the proper conduct of the activities of the Redevelopment Successor Agency of the City of Hayward for fiscal year 2014; and

WHEREAS, a public hearing was held by the Redevelopment Successor Agency of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the recommended budget.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Successor Agency of the City of Hayward that:

1. The budget presented by the City Manager is hereby approved and adopted as the budget of the Redevelopment Successor Agency of the City of Hayward for FY 2014.
2. Any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Finance Director of the City of Hayward.

3. The following amounts are hereby estimated resources and appropriated expenditures:

I. Hayward Redevelopment Successor Agency (HRSA) Fund (470) Expenditures		FY 2014	
Operating Expenses			
Salary & Benefits		218,266	
Charges to/from other programs		97,469	
Supplies & Services		151,801	
Maintenance & Utilities		26,151	
Internal Service Fees		1,823	
Loan Interest		27,289	
Principal Retirement		772,711	
Project Expenditures		7,000	
Total Operating Expenses		1,302,510	
SRDA Fund Transfers			
470	9917 312	Funding for SRDA Debt Service, 2004 TABS	3,370,357
470	9947 312	Funding for SRDA Debt Service, 2006 TABS	638,300
470	9992 241	Transfer to Housing Authority	2,584,344
470	9992 312	Funding for SRDA Debt Service, misc charges	4,500
Transfers out of the SRDA Op Fund			6,597,501
II. Hayward Redevelopment Successor Agency Debt Service Fund (312) Expenditures			
Operating Expenditures			
Supplies & Services		7,136	
Loan Interest		2,328,657	
Principal Retirement		1,680,000	
Net Operating Expense		4,015,793	
SRDA Debt Service Fund Transfers			
312	9817 470	DS funding from SRDA Op Fund for 2004 TABS DS	3,370,357
312	9847 470	DS funding from SRDA Op Fund for 2006 TABS DS	638,300
312	9892 470	DS funding from SRDA Op Fund for misc charges	4,500
Transfers into the SRDA DS Fund			4,013,157

4. Except as limited in paragraph 6 of this resolution, the City Manager is authorized without further action from Council to enter into a contract or agreement for any commodity or service included in the annual budget of the Redevelopment Successor Agency.
5. For the purposes of determining whether the City Manager has the authority to execute a contract for a commodity or service pursuant to section 4 above, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Redevelopment Successor Agency's appropriations as set forth in this budget.

6. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the Executive Director only upon approval of the contract by the Redevelopment Successor Agency Board given at a meeting of the Redevelopment Successor Agency.

IN COUNCIL, HAYWARD, CALIFORNIA June 25, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
CHAIR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

Secretary of the Successor Redevelopment Agency
of the City of Hayward

APPROVED AS TO FORM:

General Counsel

HAYWARD HOUSING AUTHORITY

RESOLUTION NO. HA-13-___

Introduced by Board Member _____

RESOLUTION ADOPTING THE HAYWARD HOUSING
AUTHORITY BUDGET FOR FISCAL YEAR 2014 AND
ADOPTING APPROPRIATIONS FOR FISCAL YEAR 2014

WHEREAS, the Executive Director has submitted to the Hayward Housing Authority Board of Directors estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the Hayward Housing Authority for fiscal year 2014 contained in those documents entitled "Proposed FY 2014 Mid-Biennial Operating Budget" with adjustments to the Proposed Budget as specified in the budget report of June 18, 2013; and

WHEREAS, a public hearing was held by the Housing Authority Board of Directors, on June 18, 2013, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the budget recommended by the Executive Director; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Hayward Housing Authority as follows:

1. That the budget for FY2014 presented by the Executive Director in the document entitled Proposed FY 2014 Mid-Biennial Operating Budget, with adjustments to the Proposed Budget Update as outlined in the June 18, 2013 budget report are hereby accepted and confirmed as the budget of the Hayward Housing Authority for FY 2014. Copies of the budget documents and the staff reports presented by the Executive Director are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full; and
2. Any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Finance Director of the City of Hayward; and
3. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the Housing Authority's financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.
4. Except as limited in paragraph 6 of this resolution, the Executive Director is authorized without further action from the Hayward Housing Authority to enter into a contract or agreement for any commodity or service included in the annual budget of the Hayward Housing Authority.

5. For the purposes of determining whether the Executive has the authority to execute a contract for a commodity or service pursuant to section 4 above, the Executive Director shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Hayward Housing Authority's appropriations as set forth in this budget.

6. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the Executive Director only upon approval of the contract by the City Council acting as the Hayward Housing Authority's Board of Directors.

IN COUNCIL, HAYWARD, CALIFORNIA June 25, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST:

 City Clerk of the Hayward Housing Authority

APPROVED AS TO FORM:

 City Attorney of the Hayward Housing Authority

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPROVING CAPITAL IMPROVEMENT
PROJECTS FOR FISCAL YEAR 2014

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for Fiscal Year 2014 contained in the document entitled "Capital Improvement Program FY 2014 Update"; and

WHEREAS, a public hearing was held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the Capital Improvement Program budget recommended by the City Manager; and

WHEREAS, by Resolution No.12-121, dated June 26, 2012, the City Council adopted the budget and appropriated funds for operating expenses for Fiscal Year 2013.

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

1. That the Capital Improvement Projects for Fiscal Year 2014, as embodied in the Capital Improvement Program FY 2014 Update, are hereby adopted as the Capital Improvement Program for Fiscal Year 2014. Copies of the budget documents and the staff reports presented by the City Manager are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That except as may be otherwise provided, any and all expenditures relating to the objectives described in the Capital Improvement Program budget are hereby approved and authorized and payments therefore may be made by the Director of Finance without further action of Council.
3. That for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection 8, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Council's appropriations as set forth in this Capital Improvement Program budget.
4. The following are hereby approved for expenditure:

I. CAPITAL PROJECTS EXPENDITURE APPROPRIATIONS

Gas Tax Fund (210)	2,514,000
Measure B Tax Fund [Local Transportation] (211)	2,462,000
Measure B Tax Fund [Pedestrian & Bicycle] (212)	425,000
Vehicle Registration Fee Fund (217)	800,000
Capital Improvement Fund (410)	1,533,000
Street System Improvement Fund (413)	17,909,000
Police Capital Project (415)	129,000
Fire Capital Project (416)	9,472,000
Maintenance Services Capital (417)	10,000
Library and Community Services Capital (418)	700,000
Transportation System Improvement Fund (420)	350,000
Route 238 Fund (430)	4,308,000
Sewer Capital Improvement Fund (613)	20,370,000
Sewer Replacement Fund (614)	2,485,000
Wastewater Treatment Plant Replacement Fund (616)	10,700,000
Water Improvement Fund (622)	13,827,000
Water Replacement Fund (623)	5,119,000
Airport Capital Fund (632)	4,006,000
Facilities Internal Service Fund (721)	180,000
Technology Services Internal Service Fund (726)	1,468,000
Fleet Management General Fund (731)	2,035,000
Fleet Management Enterprise (732)	545,000
TOTAL: ALL CAPITAL FUNDS	101,347,000

5. The Director of Finance is hereby authorized to transfer the following amounts from one fund to another as indicated below at such time as she may determine, giving consideration to the intended purposes for which the transfers are made and available balances in each of the funds.

II. FUND TRANSFERS

FROM FUND:	TO FUND:	AMOUNT:
Gas Tax (210)	General (100)	702,000
Route 238 (430)	Gas Tax (210)	100,000
General (100)	Capital Fund (410)	656,000
Gas Tax (210)	Street System Improvements (413)	1,700,000
Route 238 (430)	Street System Improvements (413)	250,000
General (100)	Police Capital Project (415)	349,000

Narcotics Asset Forfeiture (272)	Police Capital Project (415)	174,000
General (100)	Fire Capital Project (416)	1,369,000
General (100)	Maintenance Services Capital (417)	10,000
General (100)	Transp System Improvement (420)	350,000
Sewer Operations (611)	Sewer Capital (613)	5,000,000
Water System Capital (622)	Sewer Capital (613)	185,000
Technology Svcs Operating (725)	Sewer Capital (613)	398,000
Sewer Operations (611)	Sewer Replacement (614)	1,000,000
Sewer Capital (613)	WPCF Replacement (616)	500,000
Sewer Operations (611)	WPCF Replacement (616)	2,000,000
Water Operating (621)	Water System Replacement (623)	2,000,000
Water System Capital (622)	Water System Replacement (623)	500,000
Airport Operations (631)	Airport Capital (632)	1,100,000
Facilities Operating (720)	Facilities Capital (721)	180,000
General (100)	Technology Services Capital (726)	216,000
Sewer Operations (611)	Technology Services Capital (726)	124,000
Water Operating (621)	Technology Services Capital (726)	153,000
Airport Operating (631)	Technology Services Capital (726)	26,000
General (100)	Fleet Capital (731)	600,000
Fire Capital Project (416)	Fleet Capital (731)	70,000
Fleet Operating (730)	Fleet Capital (731)	1,385,000
Stormwater Operating (602)	Fleet Management Enterprise (732)	85,000
Sewer Operating (612)	Fleet Management Enterprise (732)	240,000
Water Operating (621)	Fleet Management Enterprise (732)	286,000
Airport Operations (631)	Fleet Management Enterprise (732)	71,000

In order to provide for completion of work on projects previously authorized but not completed as of June 30, 2012, in addition to the above appropriations for capital expenditures, appropriation balances remaining as of June 30, 2013, for capital projects previously authorized but uncompleted, are hereby appropriated for expenditure in fiscal year 2014.

6. Any monies received during fiscal year 2014 as a consequence of a grant application approved by the City Council are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the City Manager to expend such monies and for the Finance Director to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.
7. The Director of Finance is hereby authorized and directed to distribute the above appropriations to the various accounts of the City in accordance with generally accepted accounting practices and consistent with the purposes and objectives as outlined in the approved budget.

8. The budget for capital projects for fiscal year 2014, as contained in the document entitled "Capital Improvement Program FY 2014 Update," is hereby approved.
9. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA June 25, 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

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION INCLUDING MUNICIPAL PARKING LOT NO. 6
IN THE LIST OF CAPITAL IMPROVEMENT PROJECTS FOR
FISCAL YEAR 2014

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for Fiscal Year 2014 contained in the document entitled "Capital Improvement Program FY 2014 Update"; and

WHEREAS, a public hearing was held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the Capital Improvement Program budget recommended by the City Manager; and

WHEREAS, by Resolution No.12-121, dated June 26, 2012, the City Council adopted the budget and appropriated funds for operating expenses for Fiscal Year 2013.

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

1. That the Municipal Parking Lot No. 6 project, as embodied in the Capital Improvement Program FY 2014 Update, is hereby included in the Capital Improvement Program for Fiscal Year 2014. Copies of the budget documents and the staff reports presented by the City Manager associated with this project are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That except as may be otherwise provided, any and all expenditures relating to the Municipal Parking Lot No. 6 project as described in the Capital Improvement Program budget are hereby approved and authorized and payments therefore may be made by the Director of Finance without further action of Council.
3. That for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection

8, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Council's appropriation for the Municipal Parking Lot No. 6 project as set forth in this Capital Improvement Program budget.

4. An appropriation of \$260,000 for the Municipal Parking Lot No. 6 project is hereby approved for expenditure.
5. The Director of Finance is hereby authorized and directed to distribute the above appropriation to the various accounts of the City associated with the Municipal Parking No. 6 project in accordance with generally accepted accounting practices and consistent with the purposes and objectives as outlined in the approved budget.
6. The appropriation for the Municipal Parking Lot No. 6 project, as contained in the document entitled "Capital Improvement Program FY 2014 Update," is hereby approved.
7. Any contract for professional services included in the Municipal Parking Lot No. 6 project that will cost more than \$25,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA

June 25, 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: June 25, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Election of Mayor Pro Tempore

RECOMMENDATION

That the City Council elects the Mayor Pro Tempore for FY 2014.

BACKGROUND

It is the Council's policy to elect the Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability: terms are concurrent with the City's fiscal year. The current term is July 1, 2012 through June 30, 2013, with the new term starting July 1, 2013 and ending June 30, 2014. Below is the pertinent excerpt from the City Council Handbook. Attachment II is a list of members who have previously served as Mayor Pro Tempore.

MAYOR PRO TEMPORE

In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. In odd years, the Council shall elect the Mayor Pro Tempore at the end of June.

The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year, and shall be elected and removed by the affirmative votes of at least five (5) members of Council.

The Council shall elect a Council Member with the most seniority as a Council Member and who has not previously served as Mayor Pro Tempore. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See [City Council Minutes, 4/28/92](#))

Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the fiscal year of July 1 to June 30. ([Resolution 98-120](#) and [Council Minutes, 6/26/2001](#))

The Mayor Pro Tempore shall perform the duties of the Mayor during her/his absence or disability. ([Sec. 605, City Charter](#))

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment:

Attachment I Resolution for Mayor Pro Tempore

Attachment II List of Previous Mayors Pro Tempore

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE ELECTION OF MAYOR PRO TEMPORE OF THE CITY OF HAYWARD FOR 2013-2014

WHEREAS, the City Council conducted an election to select the Mayor Pro Tempore on June 25, 2013,

BE IT RESOLVED by the City Council of the City of Hayward that it hereby elects Council Member _____ as Mayor Pro Tempore of the City of Hayward, from July 1, 2013 through June 30, 2014.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Quirk

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

MAYOR PRO TEMPORE

COUNCILMEMBER	RESOLUTION	DATE
William Ward	92-100	04/28/92
Nicholas Randall	93-084	04/20/93
Doris Rodriquez	94-069	04/19/94
Joseph Hilson	95-71	04/18/95
Ron Hulteen	96-067	04/02/96
Olden Henson	97-063	05/13/97
Matt Jimenez	98-122	06/30/98
William Ward	99-112	06/22/99
Joseph Hilson	00-043	Term 4/04/00 thru 6/30/01
Kevin Dowling	01-101, adopted 6/26/01	Term 7/1/01 thru 6/30/02
Doris Rodriquez	02-093, adopted 6/25/02	Term 7/1/02 thru 6/30/03
Olden Henson	03-117, adopted 7-15-03	Term 7/1/03 thru 6/30/04
Matt Jimenez	04-106, adopted 6-22-04	Term 7/1/04 thru 6/30/05
Matt Jimenez	05-089, adopted 6-28-05	Term 7/1/05 thru 6/30/06
Barbara Halliday	06-091, adopted 7-11-06	Term 7/1/06 thru 6/30/07
Bill Quirk	07-105, adopted 7/10/07	Term 7/1/07 thru 06/30/08
Kevin Dowling	08-109, adopted 7/8/08	Term 7/1/08 thru 06/30/09

