



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
APRIL 22, 2014

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

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CITY COUNCIL MEETING FOR APRIL 22, 2014
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

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

1. PUBLIC COMMENTS

2. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

City of Hayward v. Depot Road LLC – Case No. HG13692328

City of Hayward v. Baryalai Feroz, et al. – Case No. HG13692333

City of Hayward v. OQ Enterprises, Inc. – Case No. HG13692335

City of Hayward v. Ghulam Rabani, et al. – Case No. HG13692337

City of Hayward v. Jasbir Nagra, et al. – Case No. RG13696610

3. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

BART v. PPF Industrial Whipple Road, et al., Alameda County Superior Court No. RG13708269

4. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

Sipple v. Hayward, et al., Court of Appeal, Second Appellate District, No. B24293

5. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Anticipated Litigation (Two cases)

6. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Under Negotiation: 9/11 Memorial Site

Lead Negotiators: City Manager David, City Attorney Lawson, Director of Public Works-
Engineering and Transportation Fakhrai, Development Services Director Rizk, and Assistant City
Manager McAdoo

7. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Deputy City Attorney Vashi; Director of Maintenance Services McGrath; Acting Human Resources Director Collins; Senior Human Resources Analyst Monnastes; Jack Hughes, Liebert, Cassidy and WhitmoreUnder Negotiation: All Groups
 8. Adjourn to City Council Meeting
-

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

CALL TO ORDER Pledge of Allegiance Council Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION Annual Environmental Achievement Awards

PUBLIC COMMENTS

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

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

CONSENT

1. Approval of Minutes of the City Council Meeting on April 1, 2014
[Draft Minutes](#)

April 22, 2014



2. Transportation Development Act Article 3 Funds FY 2015: Wheelchair Ramps - Authorization to File Application
[Staff Report](#)
[Attachment I](#)
[Attachment Ia](#)
[Attachment Ib](#)
[Attachment II](#)
3. Pavement Rehabilitation Gas Tax FY15: Approval of Plans and Specifications and Call for Bids
[Staff Report](#)
[Attachment I](#)
[Attachment II](#)
[Attachment III](#)
4. Adoption of a Resolution Approving an Amendment for \$36,000 to a Professional Services Agreement for Associate Planner Services in the Planning Division
[Staff Report](#)
[Attachment I Resolution](#)

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 REGULAR MEETING – 7:00 PM, TUESDAY, MAY 6, 2014

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. ***

April 22, 2014



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:



April 22, 2014





**MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 1, 2014, 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 Salinas.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that the Council met in closed session with labor negotiators pursuant to Government Code 54957.6 regarding all groups; met with property negotiators pursuant to Government Code 54956.8 regarding South Hayward Transit-Oriented Development Project, 28901 and 28937 Mission Boulevard and 22632 Main Street (APN 428-0066-024-00); and 22654 Main Street (APN 428-0066-039-00), 22696 Main Street (APN 428-0066-038-02), 1026 C Street (APN 428-0066-037-00), 1026 C Street (APN 428-0066-038-01); and met with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation. There were no reportable items.

PRESENTATION

Mayor Sweeney read a proclamation declaring April 1, 2014, as “The Mayors’ Day of Recognition for National Service” and the week of April 6 through 12, 2014, as “National Volunteer Week.” Mayor Sweeney presented the proclamation to Mr. Zachary Ebadi, Volunteer Coordinator for the City, Hayward Area Recreation and Park District and Hayward Unified School District. Mr. Ebadi thanked all the volunteers for their contributions and volunteers of the following local organizations were recognized: Police Department: Animal Shelter, Block Captains, Reserves, Police Services; Library: Friends of the Library, Homework Support Center, Literacy Plus, World Book Night; City Hall: City Hall Information Desk, Keep Hayward Clean & Green Task Force, Neighborhood Services; Fire Department: RACES.

PUBLIC COMMENTS

Mr. Gabriel Hernandez, Hayward Day Labor Center Executive Director, noted the Center’s proposal was collaboration between the Hayward Day Labor Center and the International Institute of the Bay Area and he was in agreement with the staff and Community Services Commission recommendations.

Ms. Eleonore Zwinges, International Institute of the Bay Area representative, spoke about the services the Institute provides in collaboration with the Hayward Day Labor Center and thanked the Council for considering the joint proposal.

Mr. Edward Bogue, Hayward resident, invited everyone to “Candidates Night for Hayward Mayor and City Council” sponsored by the Southgate Area Homeowners Association on April 9, 2014, at the Alameda County Flood Control Conference Room.

Ms. Sue Merrill, South Hayward Parish Executive Director, spoke about the services provided by the Parish and its Hayward Community Action Network (CAN) program which was not being recommended for funding. Ms. Merrill acknowledged she had administrative deficiencies and challenges entering forms into the City’s electronic system, but also noted the Parish was in dire need of funding.

Ms. Duce O’Bayley, City employee and Service Employees International Union (SEIU) Local 1021 member, asked the Council to lift the labor terms imposed by the City.

Ms. Jill Maughan, City employee and SEUI Local 1021 member, asked Council to lift the imposition and spoke about the financial hardship this has caused for the members.

Mr. Randy White, City employee and SEUI Local 1021 member, asked Council to lift the imposition and begin bargaining in good faith.

Ms. Kimberlee Burks, Hayward resident and Hayward CAN advocate and case manager, spoke in support of the CAN program and requested funding to continue CAN’s efforts.

Ms. Anna May, Hayward business owner, announced the 21st Asian American Heritage Festival on May 31, 2014, at City Hall Plaza, and a press conference on April 30, 2014.

Pastor Chuck Horner announced two candidate debates sponsored by Hayward Neighborhood Alert and Asian Pacific-Islander American Public Affairs (APAPA): Hayward Mayoral and City Council on April 2, 2014, and 15th Congressional District on May 2, 2014, at Hayward City Hall.

Ms. Danielle York, Hayward CAN Case Manager, spoke about the service CAN provides to the homeless population and urged the Council to continue to fund CAN.

Ms. Linda Simpson, Hayward resident, spoke in support of the Hayward CAN program.

Mr. Armand Harris, Hayward CAN advocate, spoke favorably of the Hayward CAN program and its partnership with other agencies.

Mr. Charlie Peters, Clean Air Performance Professionals’ representative, provided a document regarding a new report by the United Nations’ Intergovernmental Panel on climate change and the corn ethanol mandate.

Mr. Ramon Rios-Parado, Hayward CAN advocate, urged the Council to continue to fund CAN.

Mr. Michael Tiffany, HIM House Recovery Homes’ representative, spoke in support of the Hayward CAN program and asked a recommendation for its funding.



**MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 1, 2014, 7:00 p.m.**

Mr. Ray Bonilla, Hayward resident and Community Services Commission (CSC) Chair, spoke about the comprehensive and rigorous review conducted by the CSC and noted the CSC had reached unanimous consensus on all funding recommendations.

Ms. Diane Fagalde, Hayward resident and CSC member, spoke about the hard work that went into the funding recommendations and thanked the Commission for its commitment.

Ms. Silvia Brandon Pérez, Hayward resident and South Hayward Parish Board Member, noted the Hayward CAN program needed funding in order to continue to serve the homeless community with food and shelter.

Ms. Peggy Guernsey, Hayward resident, CSC Member, and Application Review Committee (ARC) Infrastructure Chair, spoke about the diligent work of the CSC during the funding review process and thanked the Council for its support.

Ms. Linda Moore, Hayward resident, CSC Vice-Chair, and ARC Services Chair, spoke about the numerous hours that CSC spent during the review process and the challenge of lack of funding. Ms. Moore urged the Council to adopt the CSC's unanimous funding recommendations.

Ms. Betty DeForest, Hayward resident, noted that South Hayward Parish had established the first winter shelter for the homeless in South Hayward and urged the Council to fund Hayward CAN and enable them to continue to help the homeless population.

Mayor Sweeney noted that he works for Spectrum Community Services, an applicant for Social Services funding, and to avoid a conflict of interest, he turned the gavel over to Mayor Pro Tempore Salinas to preside over the work session and he left the Council Chambers.

WORK SESSION

1. FY 2015 Community Agency Funding Recommendations including Community Development Block Grant (CDBG), Social Services, and Arts/Music

Staff report submitted by Administrative Analyst Kong and Community Services Manager Jaeger, dated April 1, 2014, was filed.

Director of Library and Community Services Reinhart acknowledged Community Services Commission (CSC) members who were in attendance, acknowledged the efforts of CSC members and Council Member Halliday as the CSC Council liaison during the funding review process, and provided a synopsis of the report.

Discussion ensued among City Council and City staff about the Hayward Day Labor Center's administrative cost, and the South Hayward Parish-Community Action Network's timely reporting and document accuracy and the U.S. Department of Housing and Urban Development (HUD) – Community Development Block Grant Program's requirement to hold recipient agencies to standards in terms of fiscal accountability and reporting standards. It was further noted that Hayward CAN was helpful in serving the needy.

Council Member Zermeño recommended that the South Hayward Parish: Community Action Network be funded with \$12,000 from the General Fund or Reserve Fund to enable them to continue to work with the homeless community.

Council Member Halliday, as the liaison to the Community Services Commission, spoke about the rigorous work done by the Commission during the funding review process and the importance of meeting HUD's stringent requirements to prevent jeopardizing future Federal funding. Ms. Halliday added that Hayward CAN was being provided with \$5,000 in order to come up with a plan for a larger facility and more services.

Discussion ensued among Council Members and City staff related to the funding recommendations. There was general Council consensus to commend the rigorous and detailed funding review process conducted by the Community Services Commission and the Application Review Committee and to support the funding recommendations at the forthcoming public hearing.

Mayor Pro Tempore Salinas recommended that next year, staff may want to consider increasing the funding for the South Hayward Parish-Food Pantry, given the nature of the work they deliver.

Mayor Sweeney returned to the Council Chambers at 8:50 p.m.

CONSENT

2. Approval of Minutes of the Special Joint City Council/Hayward Housing Authority Meeting on March 18, 2014

It was moved by Council/HA Member Peixoto, seconded by Council/HA Member Zermeño, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Housing Authority Meeting on March 18, 2014.

3. Fire Station No. 7 and Firehouse Clinic Construction Project: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Assistant City Engineer Owusu, dated April 1, 2014, was filed.

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

Resolution 14-040, "Resolution Approving Plans and Specifications for the Fire Station No. 7 and Firehouse Clinic Construction Project, Project No. 07472, and Call for Bids"



**MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 1, 2014, 7:00 p.m.**

4. Resignation of Aisha Wahab from the Keep Hayward Clean and Green Task Force

Staff report submitted by City Clerk Lens, dated April 1, 2014, was filed.

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

Resolution 14-041, “Resolution Accepting the Written Resignation of Aisha Wahab from the Keep Hayward Clean and Green Task Force”

LEGISLATIVE BUSINESS

5. Introduction of Ordinance Amending the Hayward Municipal Code by Adding Article 17 to Chapter 4 Relating to Camping and Storage of Personal Property on City-Owned Property

Staff report submitted by Assistant City Attorney Vigilia, dated April 1, 2014, was filed.

City Attorney Lawson announced the report and introduced Assistant City Attorney Vigilia who provided a synopsis of the report.

Discussion ensued among Council and City staff regarding the proposed ordinance.

Council Member Jones suggested that staff pursue a cooperation agreement to enable the City to enforce provisions of the ordinance on other public agency properties.

Mayor Sweeney opened the public hearing at 9:07 p.m.

Ms. Silvia Brandon Pérez, Hayward resident, spoke strongly against the proposed ordinance which would prohibit camping or the storage of personal property on City-owned property.

Mr. Kevin Valley, Hayward resident, spoke against the proposed ordinance.

Mr. Ramon Rios-Peralda, Hayward resident, urged Council not to introduce the proposed ordinance and added that Council ought to consider other measures that would alleviate and end homelessness and issues of economic injustice.

Ms. Betty Deforest submitted a card but did not speak.

Mayor Sweeney closed the public hearing at 9:15 p.m.

Council Member Jones offered a motion to introduce the ordinance relating to camping and storage of personal property on City-owned property. Mayor Sweeney seconded the motion.

Council Member Zermeño noted the proposed ordinance was going too far and noted he would be voting against the motion.

Council Member Halliday expressed support for the proposed ordinance noting that its intent was to address the public health and safety concerns and noted the ordinance would create a better quality of life for all residents.

Council Member Salinas supported the motion noting it was important to focus on the purpose of the ordinance which was to maintain a standard of cleanliness and safety for all residents including the homeless population.

It was moved by Council Member Jones, seconded by Mayor Sweeney, and carried with Council Member Zermeño voting no, to adopt the following:

Introduction of Ordinance 14-__, “Ordinance of the City of Hayward, California Adding Article 17 to Chapter 4 of the Hayward Municipal Code Regarding Camping and Storage of Personal Property on City-Owned Property”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Halliday noted she was not at the March 25, 2014 Council meeting because she was attending her mother’s funeral service and thanked community members who helped her mother during her last years and those who offered condolences. Ms. Halliday also commented on her attendance at a meeting of the Alameda County Waste Management Authority and shared that the Board will consider adopting a fee of \$9.55 per year per residential unit, collected through the property tax roll, at its meeting on April 23, 2014.

Council Member Salinas noted that April 1, 2014, was the first day of 2014 spring quarter for Cal State University East Bay students.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:26 p.m.

APPROVED:

Michael Sweeney
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: April 22, 2014

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: Transportation Development Act Article 3 Funds FY 2015: Wheelchair Ramps – Authorization to File Application

RECOMMENDATION

That Council adopts the attached resolution authorizing filing of an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2015 to construct wheelchair ramps at various locations in the City.

BACKGROUND

Each year, TDA funds are made available to the cities in Alameda County for construction of bicycle paths, sidewalks, wheelchair ramps, and other pedestrian facilities. One of the conditions for MTC’s approval of TDA funding is the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds.

DISCUSSION

Consistent with past City practice and Council direction, staff plans to submit an application to MTC for construction of wheelchair ramps at various locations for FY 2015 (Attachment Ia). The various ramp locations were selected in accordance with the Curb Ramp Guidelines established in the City’s Americans with Disabilities Act (ADA) Transition Plan. The City is now able to begin upgrading existing accessible ramps to current standards or installing new ramps at all the intersections in specific neighborhoods due to the success of the program in prior years. The proposed wheelchair ramp installations are in the Downtown and Sleepy Hollow-Depot neighborhoods as shown in Attachment II. Fifty ramps will be installed to the latest ADA standards. For cost effectiveness, the approximately fifty ramp locations were chosen for their close proximity to each other.

Alameda County has provided a preliminary estimate of \$123,408 available in TDA Article 3 Funds for the City of Hayward to construct the project. Per a recent revision to MTC’s TDA Article 3 policies, a local Bicycle Advising Committee, which will be provided through the Alameda County Transportation Commission’s Bicycle and Pedestrian Advisory Committee, must first review the City’s final project application before formal approval by MTC. The application materials are due

by May 27, 2014, to the Alameda County Public Works Agency. The County Board of Supervisors anticipates approval of all of the applications by June 24, 2014, and will submit the approved applications to MTC. Action by MTC is expected in August 2014, and the funds are anticipated to be available this fall.

FISCAL IMPACT

In the past, the City has supplemented TDA funds with Gas Tax funds, when needed; however no match is required for this application meaning the grant covers all project costs. Thus, there is no impact to the City’s General Fund. The TDA fund allocation would cover the entire project cost (design, construction, project/construction management, etc.).

PUBLIC CONTACT

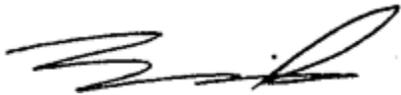
Past installation of the ramps has been very well received by the public. The accessible ramp process stems from ongoing requests from the public to improve access to sidewalks for pedestrians with special needs.

Construction of accessible ramps will coincide with the City’s sidewalk repair and rehabilitation projects to be scheduled for 2015. When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule.

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 Ia: TDA Article 3 Project Application Form
- Attachment Ib: City of Hayward Statement
- Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
SUPPORTING SUBMISSION OF CLAIM TO THE METROPOLITAN
TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR
2015 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3
PEDESTRIAN/BICYCLE PROJECT FUNDING FOR INSTALLATION OF
WHEELCHAIR RAMPS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled “Transportation Development Act, Article 3, Pedestrian/Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of TDA Article 3 funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, per a recent revision to MTC’s TDA Article 3 policies, the projects described in Attachment I-a have been reviewed by the Alameda County Transportation Commission’s Bicycle and Pedestrian Advisory Committee prior to submitting the request to MTC; and

WHEREAS, the CITY OF HAYWARD desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment I-a to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the CITY OF HAYWARD declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED, that there is no pending or threatening litigation that might adversely affect the project or projects described in Attachment I-a to this resolution, or

that might impair the ability of the CITY OF HAYWARD to carry out the project.

BE IT FURTHER RESOLVED that the CITY OF HAYWARD attests to the accuracy of and approves the statements in Attachment I-b to this resolution.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute all related documents, including the acceptance and appropriation of such funds for the intended purpose.

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

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

Resolution No. _____

TDA Article 3 Project Application Form

Fiscal Year of this Claim: FY 2015 Applicant: City of Hayward

Contact person: Don Frascinella

Mailing Address: 777 B Street, Hayward CA 94541

E-Mail Address: Abhishek.Parikh@hayward-ca.gov Telephone: 510-583-4791

Secondary Contact (in event primary not available) Mir Ali

E-Mail Address: Mir.Ali@hayward-ca.gov Telephone: 510-583-4764

Short Title Description of Project: Installation of wheelchair ramps in the Downtown and Sleepy Hollow-Depot Neighborhoods

Amount of claim: \$123,408

Functional Description of Project:
Installation of wheelchair ramps in the– Downtown and Sleepy Hollow-Depot Neighborhoods in accordance with ADA requirements in order to provide greater mobility to disabled pedestrians.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements:

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	1,364,499	123,408	120,000	120,000	1,727,907
list all other sources:					
1.					
2.					
3.					
4.					
Totals	1,364,499	123,408	120,000	120,000	1,727,907

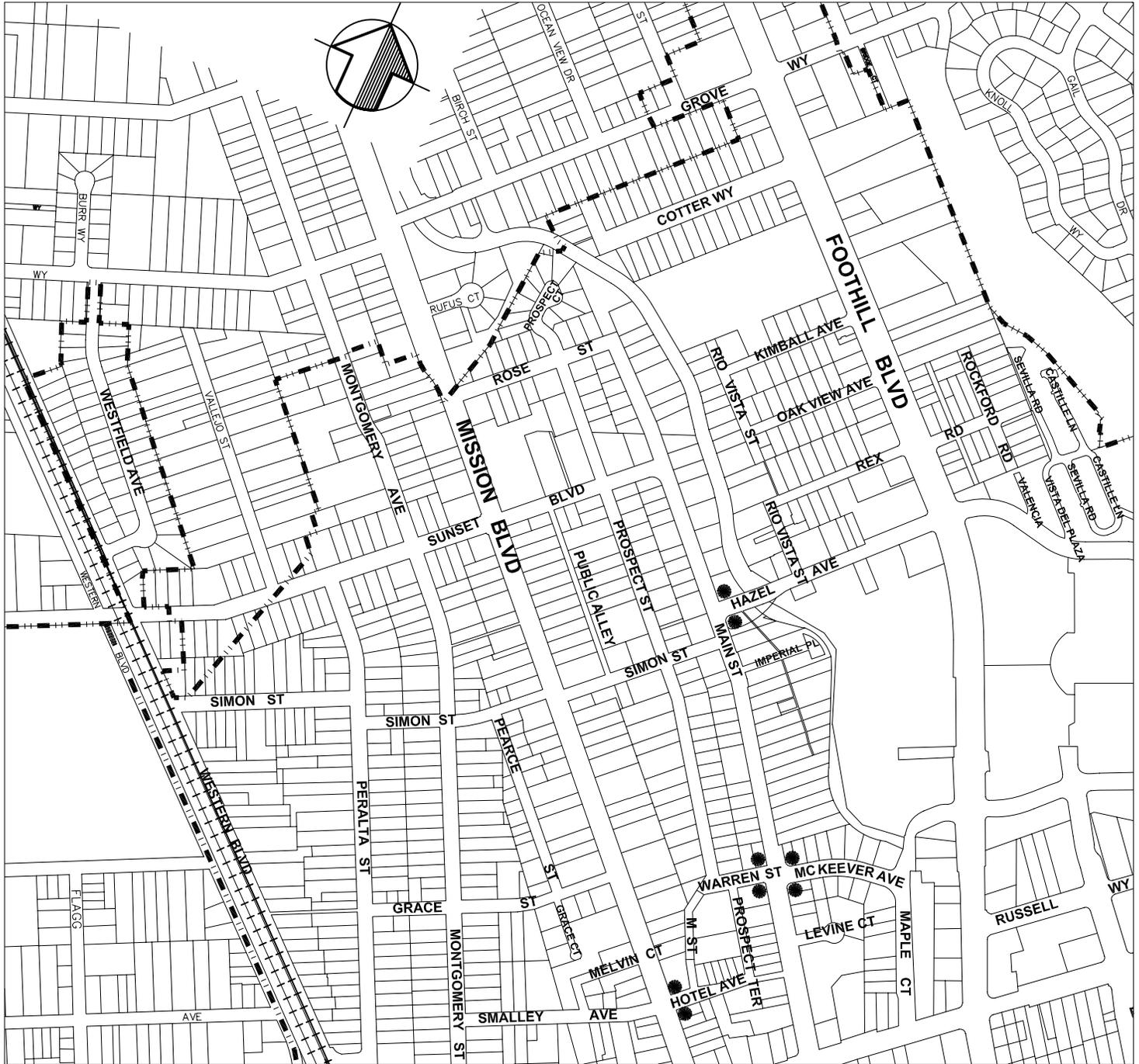
Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	Yes
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	n/a
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	n/a
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

B. Yes, funding for installation of wheelchair ramps is an ongoing project.

D. No, since the project does not pertain to bicycles.

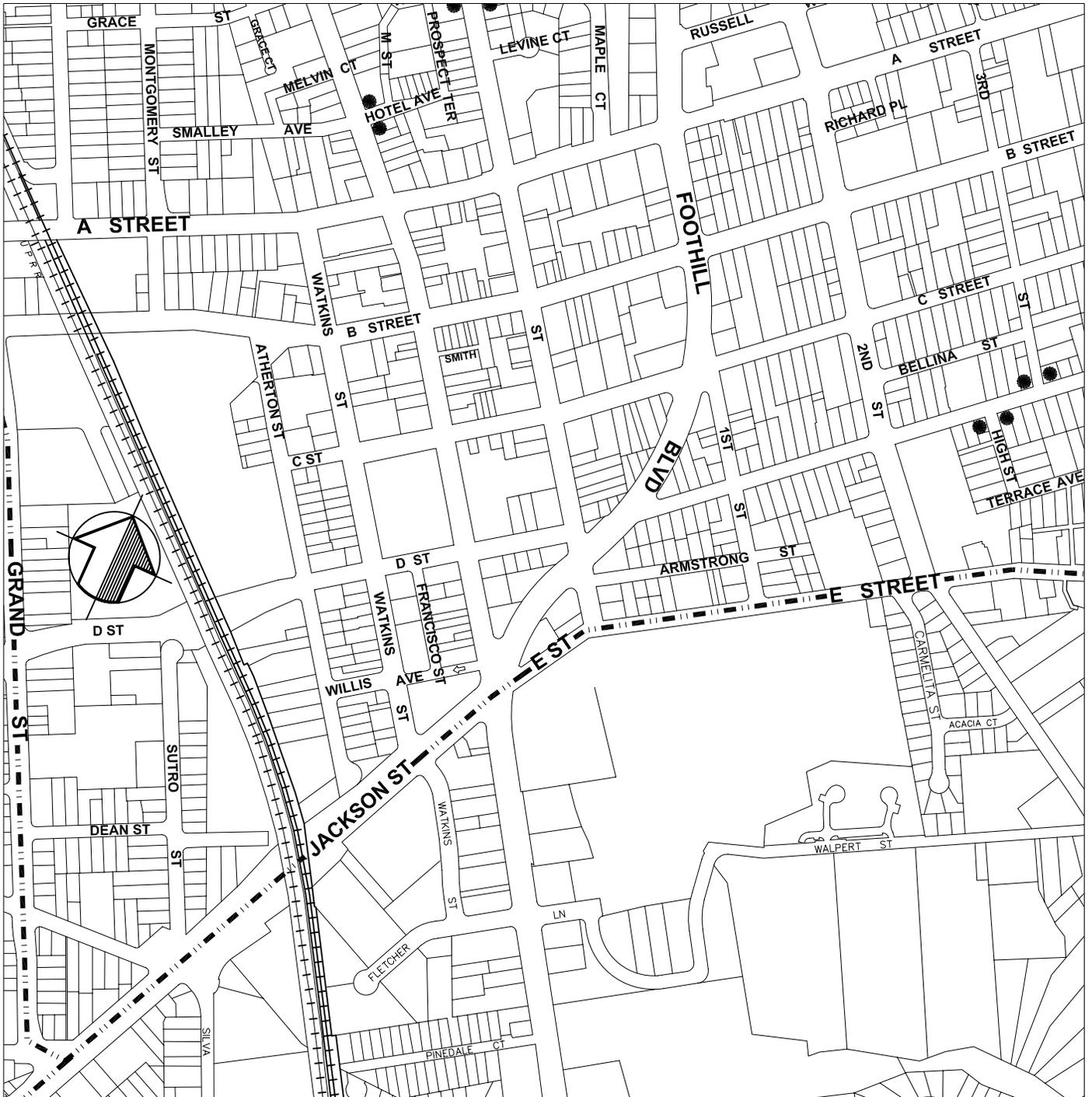
STATEMENT

1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission (MTC) for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in Attachment I-a of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment I-a.
3. A review of the projects(s) described in Attachment I-a has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attended to the successful completion of project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment I-a have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the projects described in Attachment I-a comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the City of Hayward is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the City Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment I-a, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. The project(s) described in Attachment I-a are for capital construction and/or design engineering.
8. That the project(s) described in Attachment I-a are ready to commence implementation during the fiscal year of the requested allocation.
9. That the City of Hayward agrees to maintain, or provide for the maintenance of the project(s) and facilities described in Attachment I-a, for the benefit of and use by the public.



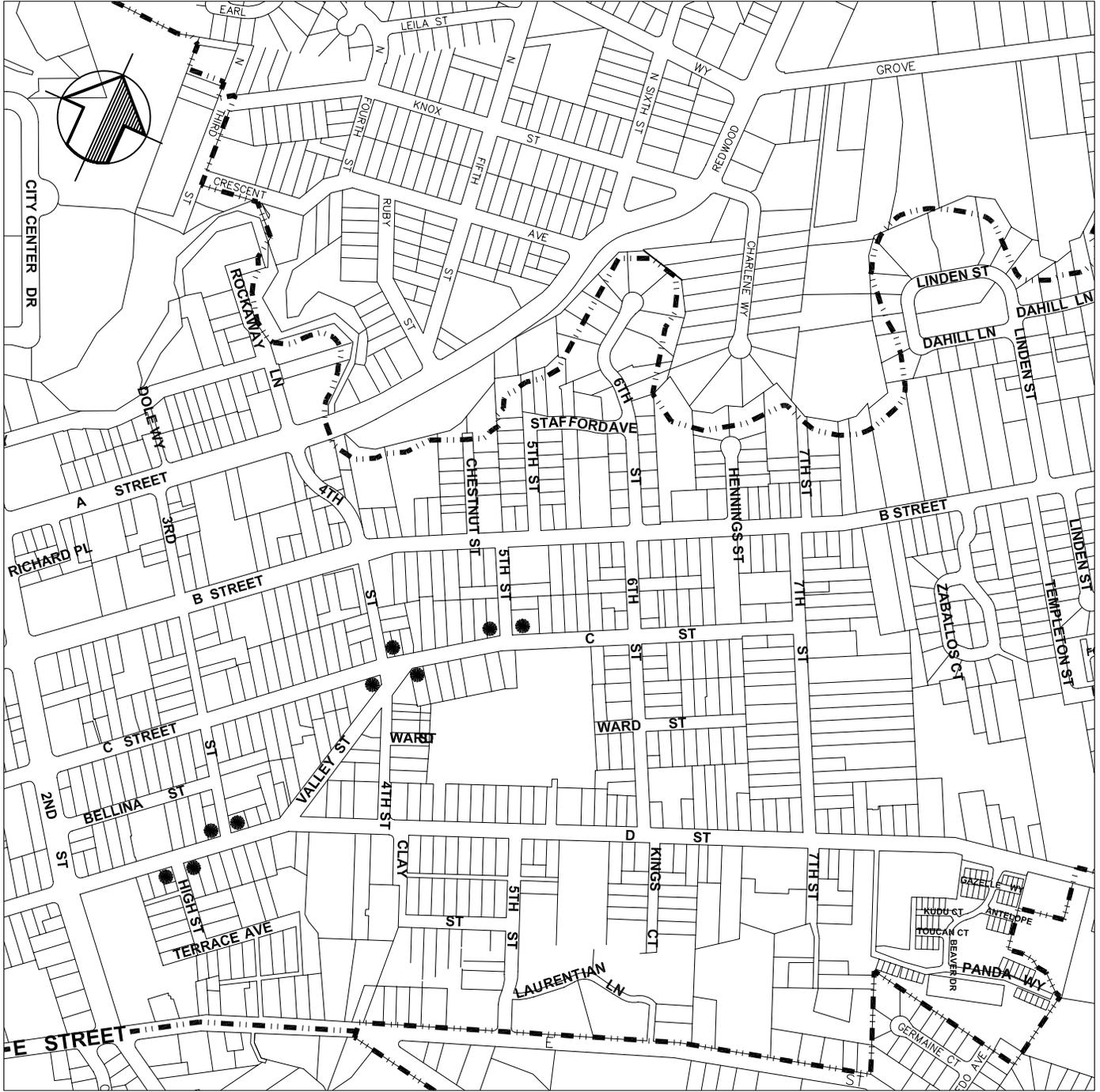
--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 1 - PROJECT NO. TBD**



--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 1 - PROJECT NO. TBD**



--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 1 - PROJECT NO. TBD**



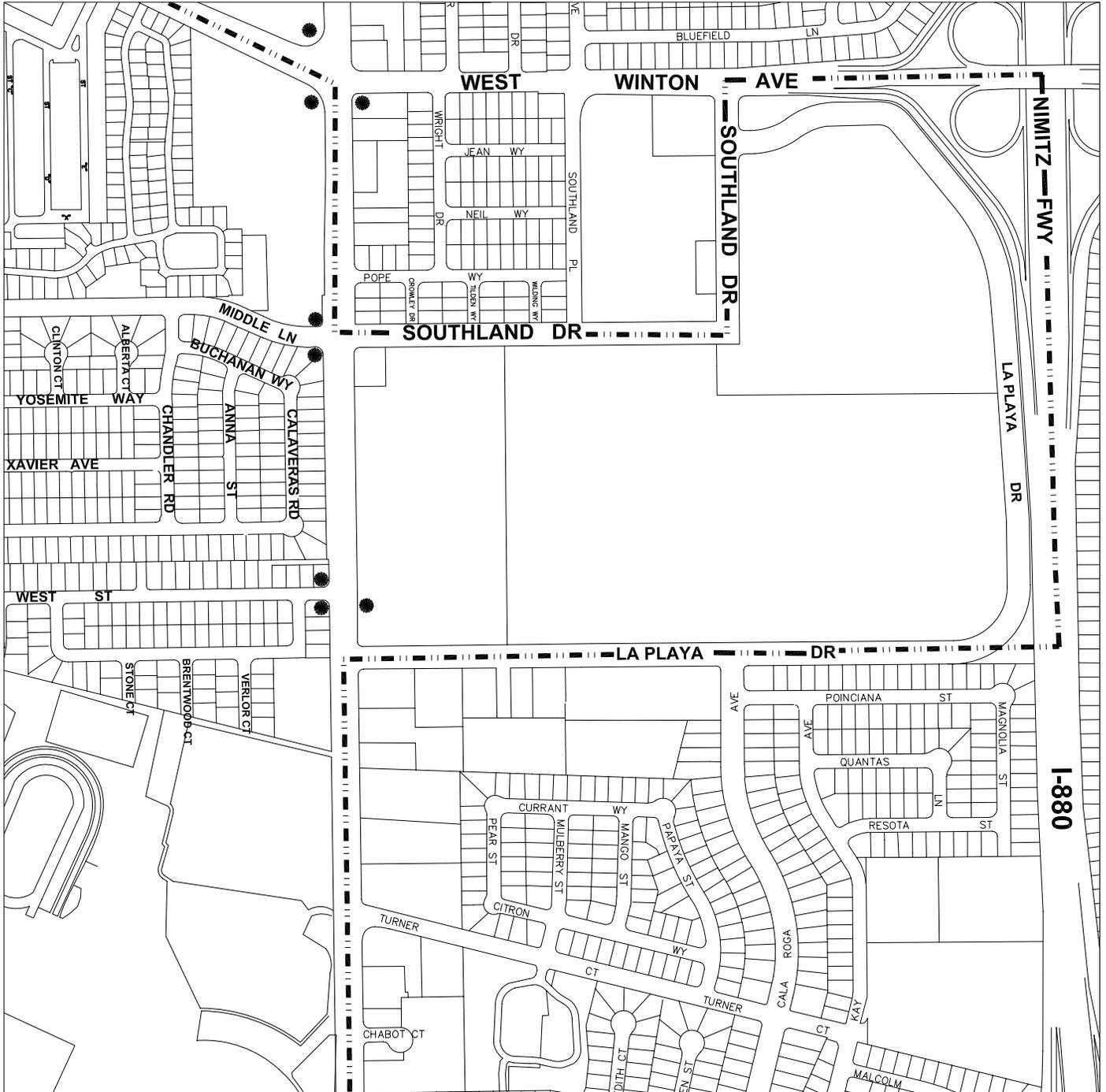
--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 1 - PROJECT NO. TBD**



--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 8 - PROJECT NO. TBD**



--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 8 - PROJECT NO. TBD**



--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 8 - PROJECT NO. TBD**



--- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 8 - PROJECT NO. TBD**



--- -- LIMIT OF WORK
● LOCATION OF RAMP

**LOCATION MAP
WHEELCHAIR RAMPS FY15
DISTRICT 8 - PROJECT NO. TBD**



DATE: April 22, 2014
TO: Mayor and City Council
FROM: Director of Public Works – Engineering & Transportation
SUBJECT: Pavement Rehabilitation Gas Tax FY15: Approval of Plans and Specifications and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution that approves the plans and specifications for the Pavement Rehabilitation Gas Tax FY15 project and calls for bids to be received on May 20, 2014.

BACKGROUND

This is a continuation of the City’s ongoing program to provide preventive maintenance for street pavement and to repair failed pavement sections. The work consists of localized pavement section repairs and the application of slurry seal. Slurry seal is applied on streets every six to seven years after pavement overlay or reconstruction to extend the life of the pavement before it deteriorates to the point where more costly rehabilitation work is needed.

DISCUSSION

The slurry seal treatment involves the application of a slurry sand emulsion that seals the street surface against water intrusion. Slurry seal is typically used on streets in reasonably good condition and where such treatment will prolong the life of the street. Areas of pavement that are failed will require removal of four to six inches of pavement material and replacement with a new section of hot mix asphalt concrete.

The selection of streets for slurry seal is based on staff’s analysis of the pavement condition indices identified through the City’s computerized Pavement Management Program (PMP), field examination, and the functional classification of each street. Please see Attachment II, which provides the limits and locations of streets scheduled for slurry seal. This project will cover 16.4 lane- miles. Overall, the City is responsible for the maintenance of 657 lane-miles of roadway.

This project is categorically exempt from environmental review 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:

Construction Contract	\$819,000
Design and Administration	43,000
Construction Inspection and Testing	65,000
Striping By City Crew	73,000
Total	<u>\$1,000,000</u>

The Recommended FY 2015 Capital Improvement Program includes \$1,000,000 for the Pavement Rehabilitation Gas Tax FY15 project in the Gas Tax Fund.

PUBLIC CONTACT

Because of the temporary inconvenience that is expected to be caused by the slurry seal work, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets after the construction contract is awarded. When the construction work has been scheduled, a detailed notice indicating the date and time of work for each street will be distributed to all affected residents and businesses. The notice will explain the necessity for allowing the slurry seal coats to dry (for approximately four hours) before the street can be reopened to traffic. Residents and businesses will be advised to park their vehicles on side streets outside of the project area while work is being done on their street. Attachments II and III show the list of streets and maps of streets selected for treatment this year.

COMPLETE STREETS

Accommodations under the Complete Streets Policy are not necessary for the slurry seal project as it is considered routine maintenance and does not change the roadway geometry. Existing accommodations such as crosswalks and bicycle lanes will be restriped. Additionally, the project includes striping of new sharrow (shared-lane markings) pavement markings on Class III Bike Routes and installation of bicycle racks at two locations for public use. On-going and future annual projects will make improvements where there are missing or non-compliant ADA curb ramps and sidewalks. These measures are consistent with the City's recently adopted Complete Streets Policy, where consideration is to be given to all users of the street, in addition to vehicular traffic.

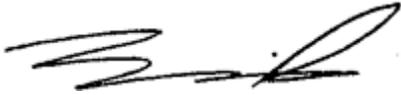
SCHEDULE

Open Bids	May 20, 2014
Award Contract	June 17, 2014
Begin Work	July 14, 2014
Complete Work	September 9, 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 List
Attachment III:	Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE PAVEMENT REHABILITATION GAS TAX FY15 PROJECT, PROJECT NO. 05191, AND CALL FOR BIDS

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

WHEREAS, those certain plans and specifications for the Pavement Rehabilitation Gas Tax FY15 Project, Project No. 05191, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, May 20, 2014, and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room, 4D, located on the 4th Floor of City Hall, Hayward, California.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the project is categorically exempt under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

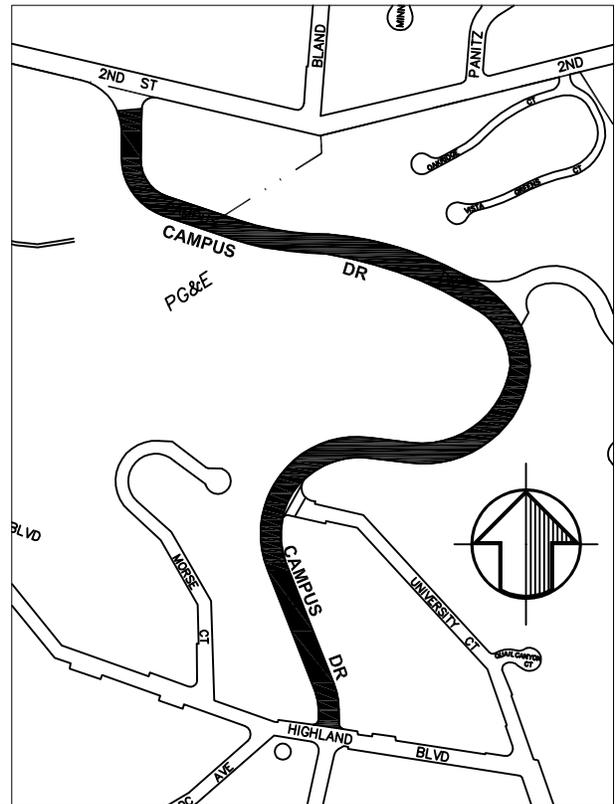
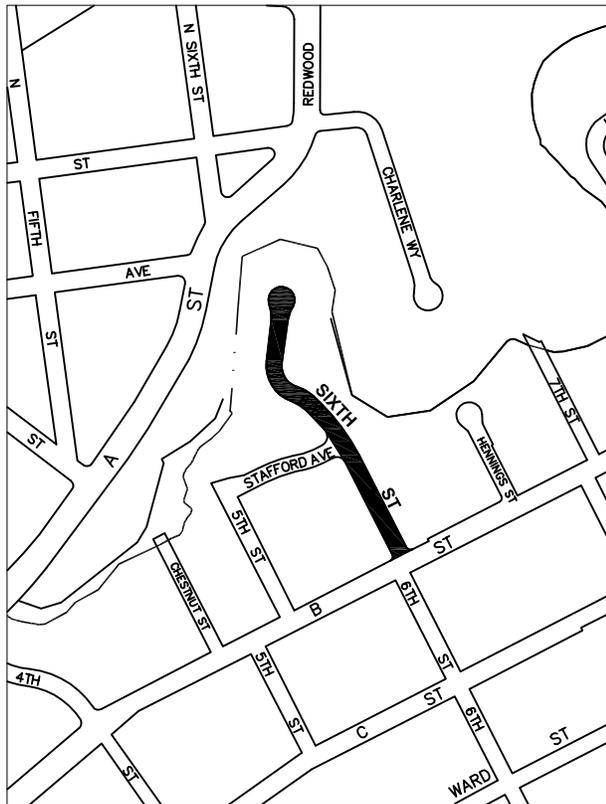
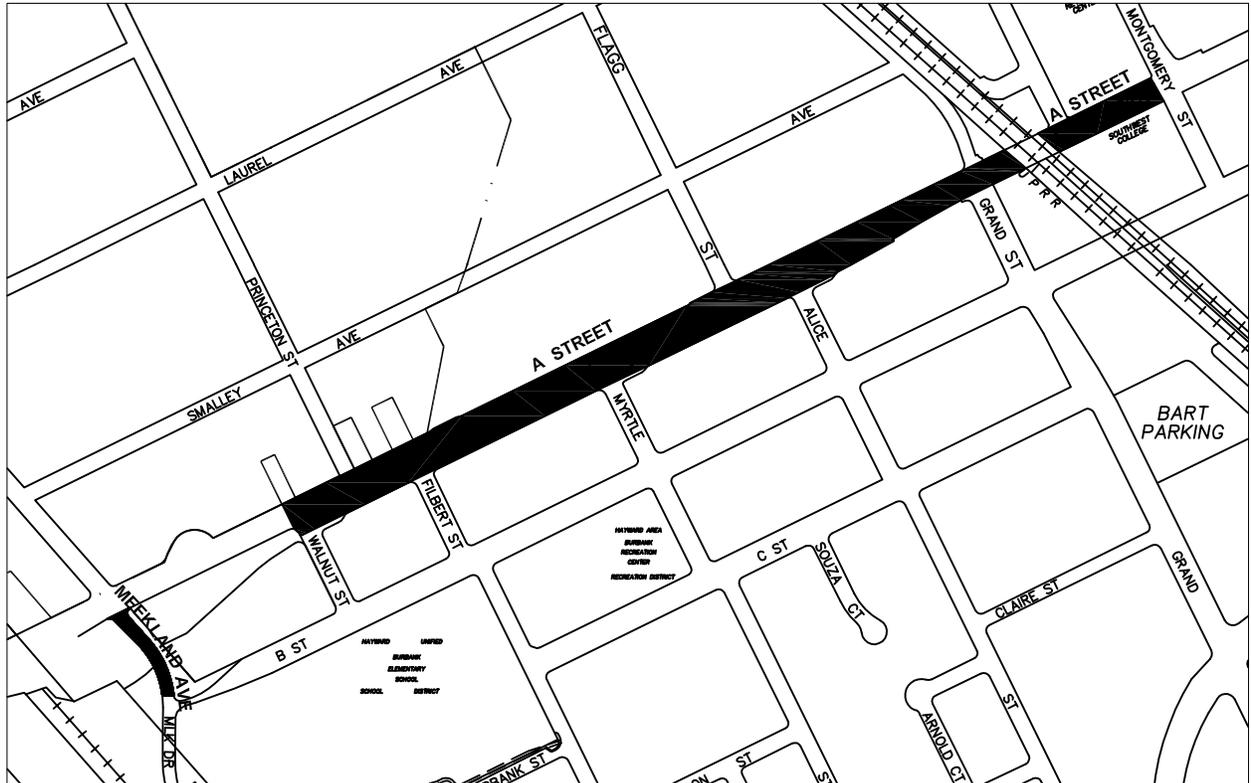
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

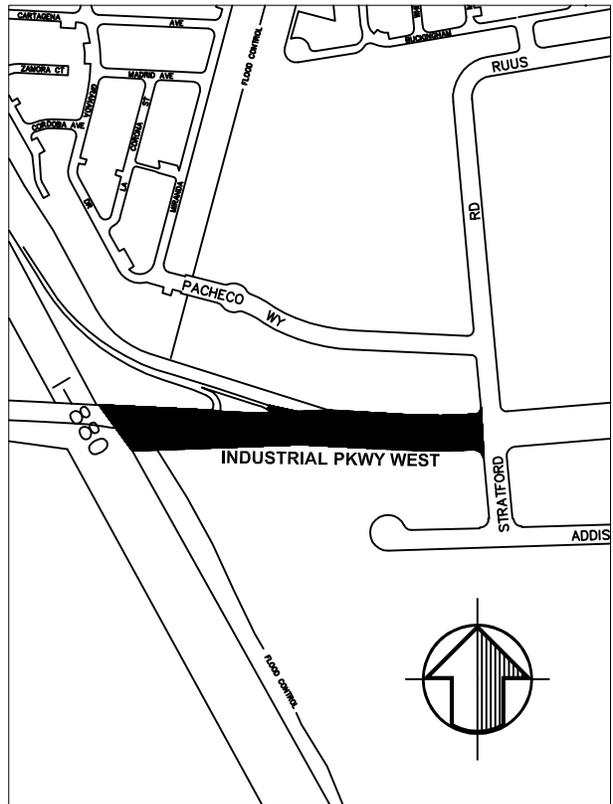
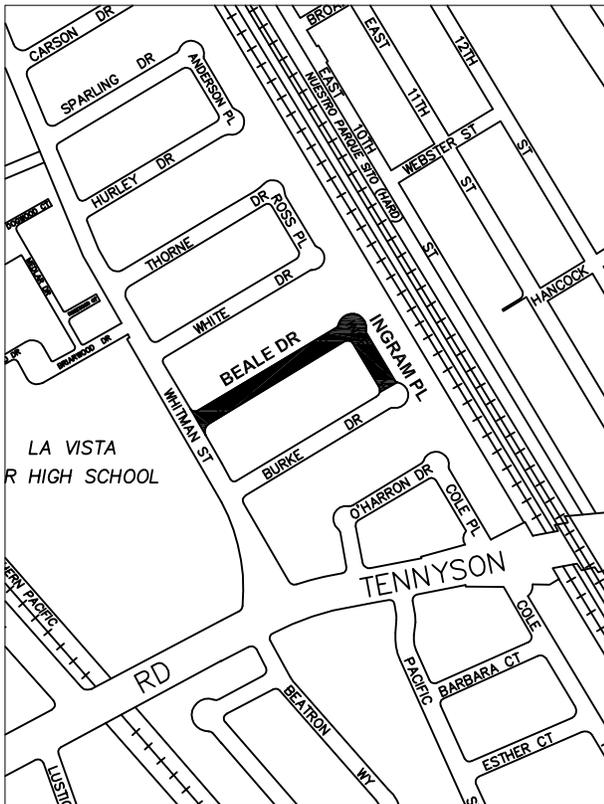
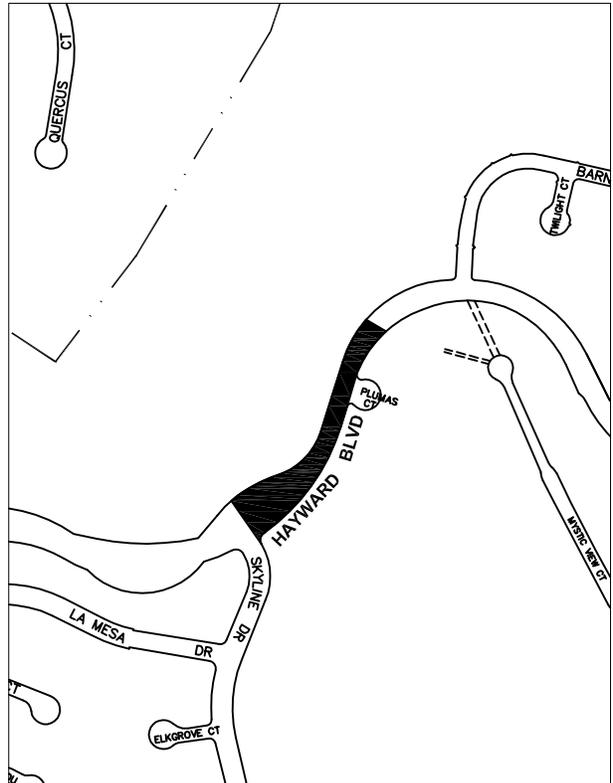
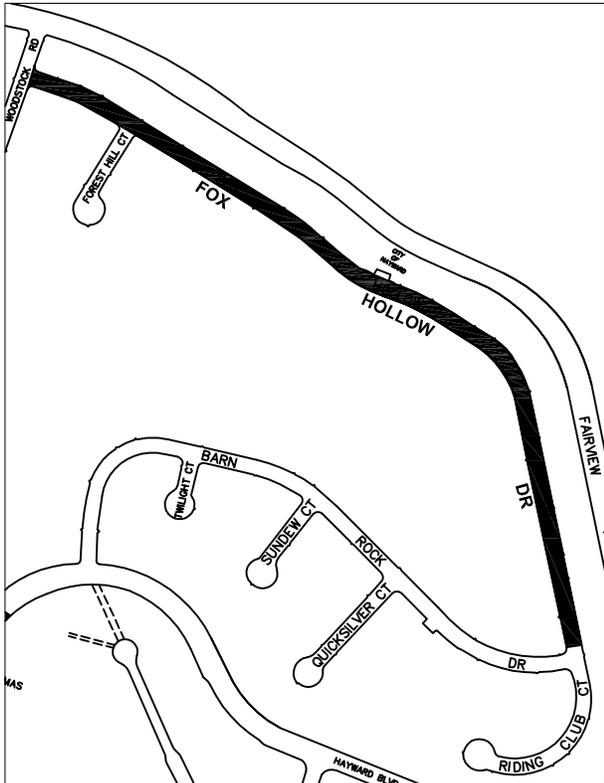
City Attorney of the City of Hayward

STREETS SCHEDULED FOR SLURRY SEAL

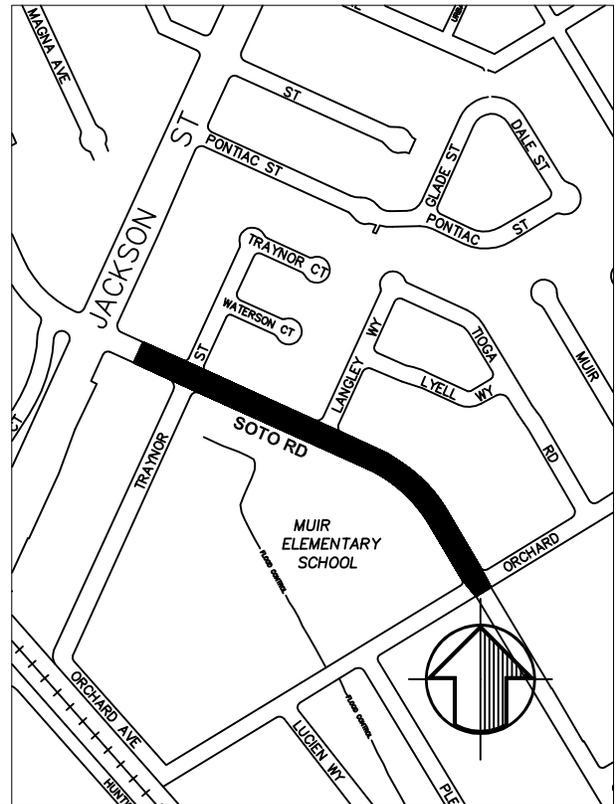
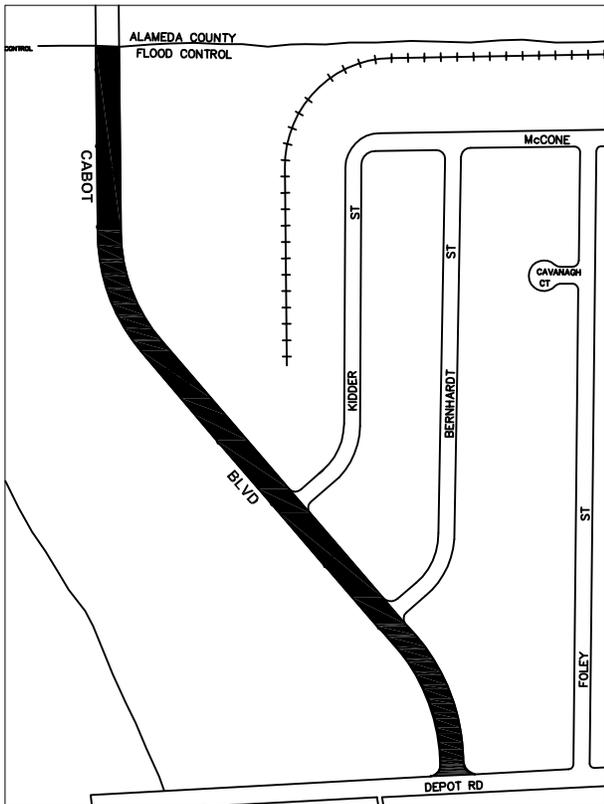
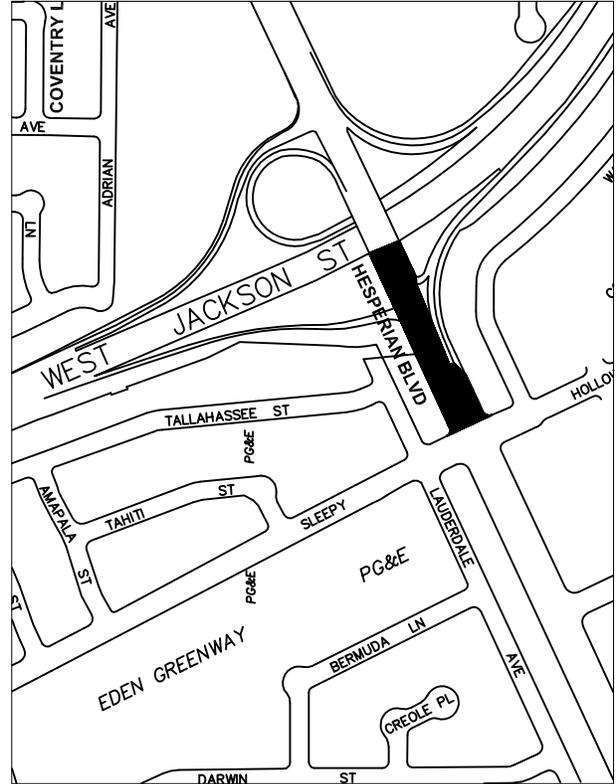
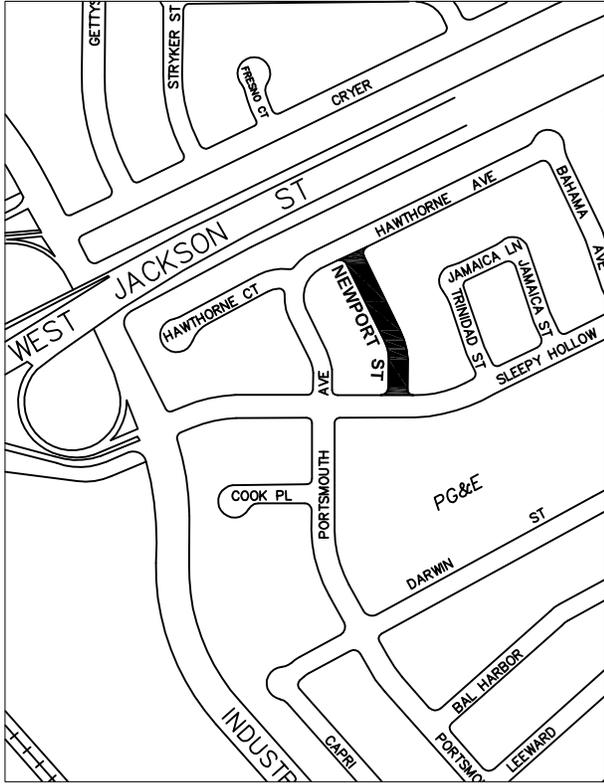
STREET NAME	BEGIN	END
A ST	WALNUT ST	MONTGOMERY ST
BEALE DR	WHITMAN	INGRAM
CABOT BLVD	DEPOT RD	ACFC DITCH
CAMPUS DR	HIGHLAND	2ND ST
DEAN ST	SUTRO ST	117 FT E/O SUTRO
FOX HOLLOW DR	WOODSTOCK RD	BARN ROCK DR
HARDER ROAD	SOTO RD	DOLLAR ST
HAYWARD BLVD	SKYLINE	693 FT. E/O SKYLINE
HESPERIAN BLVD	SLEEPY HOLLOW AV (SE EDGE)	BEGIN PCC
INDUSTRIAL PKWY WE	END PCC OVERPASS	STRATFORD RD
INGRAM PL	BEALE	BURKE
JOSHUA ST	EDWIN WAY	STANISLAUS WAY
MEEKLAND AV	B STREET	A STREET
NEWPORT ST	SLEEPY HOLLOW	HAWTHORNE
ONEIL AVE	SYCAMORE AVE	ORCHARD AVE
SIXTH ST	B ST	END
SOTO ROAD	ORCHARD AV	JACKSON ST
SYCAMORE AV	SILVA AV	WHITMAN ST
WEST A ST	SKYWEST DR	HESPERIAN BLVD
WEST HARDER ROAD	SANTA CLARA ST	GADING RD
WINTON AV	EASTERN ABUTMENT	PVT CHG 72 E/O SOTO RD



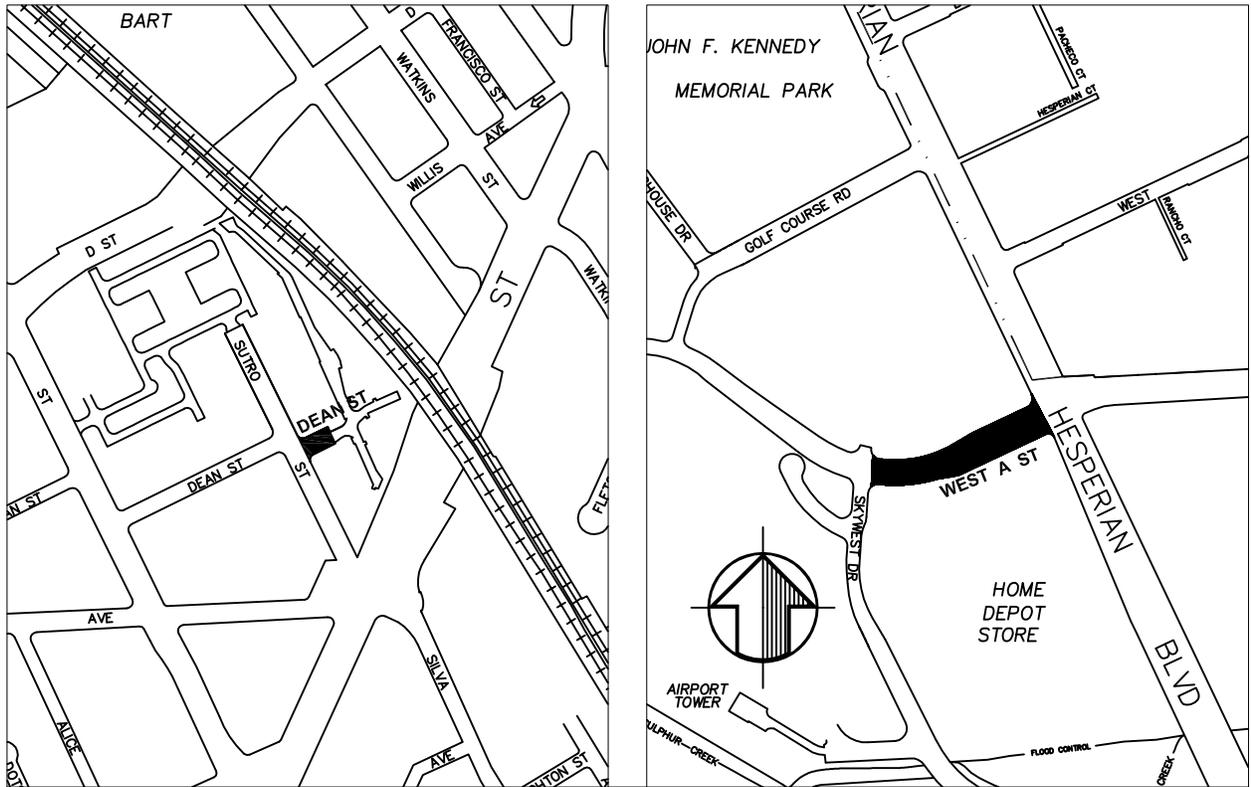
**LOCATION MAP
PAVEMENT REHABILITATION GAS TAX FY15
PROJECT NO. 05191**



**LOCATION MAP
PAVEMENT REHABILITATION GAS TAX FY15
PROJECT NO. 05191**



**LOCATION MAP
PAVEMENT REHABILITATION GAS TAX FY15
PROJECT NO. 05191**



**LOCATION MAP
PAVEMENT REHABILITATION GAS TAX FY15
PROJECT NO. 05191**

DATE: April 22, 2014

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Adoption of a Resolution Approving an Amendment for \$36,000 to a Professional Services Agreement for Associate Planner Services in the Planning Division

RECOMMENDATION

That the Council adopts the attached resolution authorizing the City Manager to amend a contract for professional services with West Coast Code Consultants (WC3) and to increase the contract amount by \$36,000 to perform the duties of the Associate Planner position in the Planning Division of the Development Services Department through the end of the fiscal year due to the extended absence of a permanent employee and recent resignation of the Planning Manager. The total contract amount will not exceed \$61,000.

BACKGROUND

The Associate Planner position is a journey level position that is vital to the day-to-day operation of the Planning Division, and whose primary function is to review building, site and architectural plans, use permits, zone changes, variances, development proposals, applications and other related documents. The position also serves as primary point of contact to developers and property owners in meeting these standards, and requires coordination with the Public Works Departments, and other City departments.

Associate Planners are responsible for processing most planning applications in the Planning Division and providing support at Hayward's One Stop Permit Center in relation to land use and zoning inquiries. The Associate Planners respond to inquiries and assure conformance with state and city policies and regulations regarding zoning and other land use development controls.

DISCUSSION

The Development Services Department currently employs three Associate Planners in the Planning Division. One of the three Associate Planners was absent for 10 weeks on approved leave, from February 10 through April 18. Due to the demand for planning services related to the employee's absence, the Development Services Department originated an agreement with West Coast Code

Consultants (WC3) on January 31, 2014, to provide professional planning services not to exceed \$25,000. However, with the resignation of the Planning Manager on April 8, and with the recent appointment of Senior Planner Sara Buizer as Interim Planning Manager, additional assistance from the planner from WC3 will be needed through June 30, 2014. That planner will continue to perform Associate Planner duties and tasks, including providing technical support to Senior Planner Damon Golubics and Interim Planning Manager Sara Buizer in the Planning Division. This amendment would allow a total contract amount of \$61,000, which is \$36,000 over and above the initial \$25,000 contract.

FISCAL IMPACT

All costs for this professional services agreement will be offset by salary savings within the Development Services Department FY 2014 approved budget.

PUBLIC CONTACT

No public contact has occurred associated with this action.

NEXT STEPS

Upon Council approval of this resolution, staff will execute a contract amendment.

Prepared by: Jade Kim, Administrative Analyst

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution

HAYWARD CITY COUNCIL
RESOLUTION NO. 14-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO
NEGOTIATE AND EXECUTE AN AMENDMENT TO THE
AGREEMENT WITH WEST COAST CODE CONSULTANTS (WC3)
FOR ASSOCIATE PLANNER SERVICES

WHEREAS, one of three Associate Planners in the Planning Division of the Development Services Department was on approved leave for 10 weeks from February 10 through April 18, 2014; and

WHEREAS, a contract for \$25,000 was executed with WC3 in early February 2014 to provide Associate Planner services; and

WHEREAS, the City’s Planning Manager resigned on April 8, 2014, and a Senior Planner in the Planning Division has been appointed Interim Planning Manager; and

WHEREAS, the level of activity and demand for planning services necessitates additional Associate Planner services through the end of the fiscal year; and

WHEREAS, the additional cost for such services can be accommodated with salary savings in the Planning Division budget.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to negotiate and execute an amendment to the City’s agreement with West Coast Code Consultants to allow an additional \$36,000 in compensation for Associate Planner services, for a total not-to-exceed contract amount of \$61,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014.

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