



6

DATE: July 22, 2008
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Sulphur Creek Enhancement Project: Award Contract, Increase the Professional Services Agreement, and Appropriate Additional Funds

RECOMMENDATION

That Council adopts the attached resolutions:

1. Approving Addenda No. 1, providing minor revisions to the Specifications;
2. Awarding the contract to HSR, Inc., in the amount of \$428,033;
3. Authorizing an increase of \$25,000 to the professional services agreement with WRA; and
4. Appropriating an additional \$45,000 to the project budget from the Airport Capital Improvement Fund in order to complete this project.

BACKGROUND

The Airport has long planned a project to enhance and improve a portion of Sulphur Creek. The scope of work, over time, has been revised so that it could also serve as mitigation for other construction projects. The Sulphur Creek Enhancement Project now also has sufficient enhanced area to address mitigation required by the Regional Water Quality Control Board (RWQCB) for having enclosed approximately 150 linear feet of an open drainage channel with a pipe culvert in West A Street near Skywest Drive and approximately 419 linear feet of the open drainage channel with a box culvert related to the public improvements in the Cannery Area.

DISCUSSION

The Sulphur Creek Enhancement Project will provide riparian habitat improvements along a 1,423-ft section of Sulphur Creek at the Hayward Executive Airport (see Exhibit A). Of this section, 850 linear feet of channel enhancements are to be provided as mitigation for impacts from the Cannery Area Public Improvement Project, while the remainder is mitigation for impacts pertaining to the West A Street Realignment Project. The section of Sulphur Creek proposed for improvement will

be reconfigured to provide a meandering, low-flow channel with more stable bank slopes. Native riparian vegetation will be planted along the re-contoured banks, while overgrown, exotic species will be removed to provide for better quality riparian habitat along Sulphur Creek.

On May 20, 2008, Council approved the plans and specifications for the Sulphur Creek Enhancement Project and called for bids to be received. On July 1, 2008, five bids were received for the project. HSR Inc., of Santa Clara submitted the low bid in the amount of \$428,033, which is 4.4 percent higher than the Engineer's Estimate of \$410,000. Fanfa Inc., of San Lorenzo submitted the second lowest bid in the amount of \$514,000, which is 25.4 percent higher than the Engineer's Estimate.

All bid documents and licenses are in order, and staff recommends awarding the contract to the low bidder HSR, Inc., in the amount of \$428,033.

On November 1, 2005, the City Council authorized the City Manager to enter into a professional services agreement (PSA) with WRA Environmental Consultants for the Sulphur Creek Enhancement Project for a fee not to exceed \$100,000. However, the length of time spent on the project by the consultant increased significantly, due to the amount of time taken by the RWQCB and changes required during its review of the project. Additional changes to the scope required by the FAA have also impacted the budget for consultant services. Staff recommends that the current PSA with WRA Environmental Consultants be increased by \$25,000 to cover the additional services, thereby increasing the total amount to \$125,000.

FISCAL AND ECONOMIC IMPACT

The estimated project costs are as follows:

Contract Construction	\$ 428,000
Design and Administration (includes increase for WRA)	172,000
Inspection and Testing	<u>45,000</u>
Total	\$ 645,000

The approved FY 2009 Capital Improvement Program includes \$600,000 in the Airport Capital Improvement Fund for this project. An additional appropriation of \$45,000 from the fund balance is being requested to complete this project.

Upon completion of the project, there will be a need for ongoing maintenance after the first year. Maintenance will involve weed abatement, tree and landscape maintenance, and debris pick up estimated at \$3,500 per year. This estimate is based on two laborers spending eight hours each per quarter. This is expected to be paid for with funds from the Airport Operating Budget.

PUBLIC CONTACT

Not applicable.

SCHEDULE

Begin Work
Complete Work

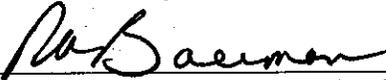
August 6, 2008
November 7, 2008

Prepared by



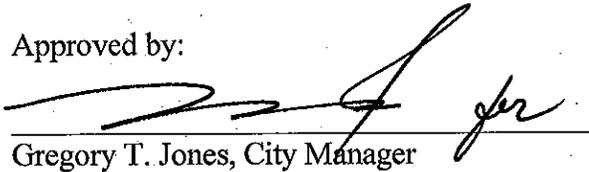
Morad Fakhrai, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachments: Exhibit A: Project Location Map
Exhibit B: Summary of Bids
Resolutions

**THE REFERENCED EXHIBIT(S) IS/ARE
ATTACHED AS A SEPARATE LINK**

CITY OF HAYWARD
 CONSTRUCTION OF SULPHUR CREEK ENHANCEMENT PROJECT
 PROJECT NO. 6847
 BIDS OPENED: JULY 1, 2008
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		HSR GENERAL ENGINEERING CONTRACTORS, DBA HSR, INC 3150 ALMADEN EXPWY, STE 250 SAN JOSE, CA 95118 PHONE: (408) 562-9956 FAX: (408) 562-9957		FANFA, INC. 2401 GRANT AVENUE SAN LORENZO, CA 94580 PHONE: (510) 278-8410 FAX: (510) 278-3095	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	1	LS	Mobilization	18,000.00	18,000.00	20,000.00	20,000.00	6,560.80	6,560.80
2.	1	LS	Dewatering Equipment, Materials, Installation	20,000.00	20,000.00	24,000.00	24,000.00	17,836.60	17,836.60
3.	30	DAYS	Dewatering Pump Operation	160.00	4,800.00	1,200.00	36,000.00	251.80	7,554.00
4.	1	LS	Clearing & Grubbing	4,200.00	4,200.00	7,000.00	7,000.00	13,210.60	13,210.60
5.	20	EA	Tree Removal and Chipping	700.00	14,000.00	182.00	3,640.00	1,089.30	21,786.00
6.	8	EA	Remove Trees, Trim and Salvage Rootwads	1,000.00	8,000.00	500.00	4,000.00	780.80	6,246.40
7.	1	LS	Surveying and Staking	5,000.00	5,000.00	7,500.00	7,500.00	13,910.80	13,910.80
8.	1,700	LF	Install Barricades and Temporary Fencing	14.00	23,800.00	3.50	5,950.00	22.20	37,740.00
9.	2,700	SF	Remove Sacrete Bank Protection	1.50	4,050.00	4.00	10,800.00	9.30	25,110.00
10.	3	EA	Demolition, Catch Basin and Drain Pipe	500.00	1,500.00	1,200.00	3,600.00	2,336.60	7,009.80
11.	25	LF	Saw Cut and Remove Culvert Headwall	73.00	1,825.00	300.00	7,500.00	123.40	3,085.00
12.	570	LF	Saw Cut AC Pavement	1.50	855.00	2.20	1,254.00	2.90	1,653.00
13.	2,900	SF	Remove AC Pavement	1.70	4,930.00	2.00	5,800.00	0.80	2,320.00
14.	580	LF	Remove AC Curb	3.00	1,740.00	6.00	3,480.00	2.40	1,392.00
15.	170	CY	Load and Off-haul Concrete and AC (including dump fees)	130.00	22,100.00	30.00	5,100.00	38.50	6,545.00
16.	1	LS	SWPP and Construction BMP's	6,000.00	6,000.00	7,200.00	7,200.00	4,993.20	4,993.20
17.	2,800	CY	Earthwork, Excavation	4.00	11,200.00	7.00	19,600.00	14.50	40,600.00
18.	350	CY	Trenching for Bank Protection Boulders	10.00	3,500.00	17.00	5,950.00	4.60	1,610.00
19.	850	CY	Earthwork, Haul and Stockpile	2.00	1,700.00	6.00	5,100.00	16.80	14,280.00
20.	850	CY	Earthwork, Place Fill and Compact	10.00	8,500.00	7.00	5,950.00	7.70	6,545.00
21.	2,300	CY	Earthwork, Off-Haul Excess Material	20.00	46,000.00	26.00	59,800.00 *	23.00	52,900.00
22.	175	TON	Boulders (1-ton), purchase and haul	100.00	17,500.00	60.00	10,500.00	57.50	10,062.50
23.	175	TON	Place Boulders and Trenchfill	75.00	13,125.00	51.00	8,925.00	133.90	23,432.50
24.	8	EA	Place and Secure Rootwads	900.00	7,200.00	540.00	4,320.00	506.90	4,055.20
25.	24	CY	Class 2 Rock Fill for Outfalls	45.00	1,080.00	100.00	2,400.00	158.50	3,804.00
26.	7	EA	Construct and Install Cribwall Outfalls	4,600.00	32,200.00	5,000.00	35,000.00	2,430.20	17,011.40
27.	652	LF	Install PCC Curb and Gutter	33.00	21,516.00	20.00	13,040.00	37.00	24,124.00

Exhibit B-1

CITY OF HAYWARD
 CONSTRUCTION OF SULPHUR CREEK ENHANCEMENT PROJECT
 PROJECT NO. 6847
 BIDS OPENED: JULY 1, 2008
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		HSR GENERAL ENGINEERING CONTRACTORS, DBA HSR, INC		FANFA, INC	
				3150 ALMADEN EXPWY, STE 250 SAN JOSE, CA 95118 PHONE: (408) 562-9956 FAX: (408) 562-9957		2401 GRANT AVENUE SAN LORENZO, CA 94580 PHONE: (510) 278-8410 FAX: (510) 278-3095			
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
28.	526	EA	Native Plants, 1-gallon	30.00	15,780.00	25.00	13,150.00	16.80	8,836.80
29.	50	EA	Native Plants, Deepot	10.00	500.00	30.00	1,500.00	16.80	840.00
30.	139	EA	Willow Pole Cutting	20.00	2,780.00	28.00	3,892.00	21.00	2,919.00
31.	1	LS	Irrigation	40,000.00	40,000.00	30,000.00	30,000.00	75,006.80	75,006.80
32.	714	EA	Weed Mats	5.00	3,570.00	13.00	9,282.00	1.90	1,356.60
33.	1	LS	Erosion Control / Native Grass Seeding	5,000.00	5,000.00	8,000.00	8,000.00	9,444.80	9,444.80
34.	1	LS	Recycling Implementation	100.00	100.00	800.00	800.00	2,218.20	2,218.20
35.	1	LS	Administrative Change Orders	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00
TOTAL				410,051.00		428,033.00 *		514,000.00	

Exhibit B-2

*Corrected Total
SUBCONTRACTORS:
 KCI ENVIRONMENTAL
 R.E. MAHER, INC
 S & S TRUCKING

CITY OF HAYWARD
 CONSTRUCTION OF SULPHUR CREEK ENHANCEMENT PROJECT
 PROJECT NO. 6847
 BIDS OPENED: JULY 1, 2008
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		SEAN W. SMITH		GRADETECH, INC	
						180 BRANNAN ST, # 201 SAN FRANCISCO, CA 94107 PHONE: (415) 290-2921 FAX: (415) 543-5179		P.O. BOX 1728 SAN RAMON, CA 94583 PHONE: (510) 733-0390 FAX: (510) 733-0389	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	1	LS	Mobilization	18,000.00	18,000.00	46,122.00	46,122.00	30,000.00	30,000.00
2.	1	LS	Dewatering Equipment, Materials, Installation	20,000.00	20,000.00	20,000.00	20,000.00	25,000.00	25,000.00
3.	30	DAYS	Dewatering Pump Operation	160.00	4,800.00	250.00	7,500.00	100.00	3,000.00
4.	1	LS	Clearing & Grubbing	4,200.00	4,200.00	27,900.00	27,900.00	20,000.00	20,000.00
5.	20	EA	Tree Removal and Chipping	700.00	14,000.00	200.00	4,000.00	1,250.00	25,000.00
6.	8	EA	Remove Trees, Trim and Salvage Rootwads	1,000.00	8,000.00	300.00	2,400.00	700.00	5,600.00
7.	1	LS	Surveying and Staking	5,000.00	5,000.00	12,855.00	12,855.00	10,000.00	10,000.00
8.	1,700	LF	Install Barricades and Temporary Fencing	14.00	23,800.00	2.80	4,760.00	3.00	5,100.00
9.	2,700	SF	Remove Screte Bank Protection	1.50	4,050.00	1.00	2,700.00	4.00	10,800.00
10.	3	EA	Demolition, Catch Basin and Drain Pipe	500.00	1,500.00	500.00	1,500.00	300.00	900.00
11.	25	LF	Saw Cut and Remove Culvert Headwall	73.00	1,825.00	56.00	1,400.00	200.00	5,000.00
12.	570	LF	Saw Cut AC Pavement	1.50	855.00	1.00	570.00	2.00	1,140.00
13.	2,900	SF	Remove AC Pavement	1.70	4,930.00	1.00	2,900.00	1.50	4,350.00
14.	580	LF	Remove AC Curb	3.00	1,740.00	1.00	580.00	2.00	1,160.00
15.	170	CY	Load and Off-haul Concrete and AC (including dump fees)	130.00	22,100.00	36.00	6,120.00	85.00	14,450.00
16.	1	LS	SWPP and Construction BMP's	6,000.00	6,000.00	7,000.00	7,000.00	10,000.00	10,000.00
17.	2,800	CY	Earthwork, Excavation	4.00	11,200.00	14.30	40,040.00	12.00	33,600.00
18.	350	CY	Trenching for Bank Protection Boulders	10.00	3,500.00	14.30	5,005.00	20.00	7,000.00
19.	850	CY	Earthwork, Haul and Stockpile	2.00	1,700.00	3.00	2,550.00	8.00	6,800.00
20.	850	CY	Earthwork, Place Fill and Compact	10.00	8,500.00	41.30	35,105.00	20.00	17,000.00
21.	2,300	CY	Earthwork, Off-Haul Excess Material	20.00	46,000.00	31.35	72,105.00	25.00	57,500.00 *
22.	175	TON	Boulders (1-ton), purchase and haul	100.00	17,500.00	69.80	12,215.00	55.00	9,625.00
23.	175	TON	Place Boulders and Trenchfill	75.00	13,125.00	88.60	15,505.00	150.00	26,250.00
24.	8	EA	Place and Secure Rootwads	900.00	7,200.00	500.00	4,000.00	600.00	4,800.00
25.	24	CY	Class 2 Rock Fill for Outfalls	45.00	1,080.00	85.00	2,040.00	300.00	7,200.00
26.	7	EA	Construct and Install Cribwall Outfalls	4,600.00	32,200.00	3,500.00	24,500.00	4,000.00	28,000.00
27.	652	LF	Install PCC Curb and Gutter	33.00	21,516.00	52.00	33,904.00	46.00	29,992.00

Exhibit B-3

CITY OF HAYWARD
 CONSTRUCTION OF SULPHUR CREEK ENHANCEMENT PROJECT
 PROJECT NO. 6847
 BIDS OPENED: JULY 1, 2008
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		SEAN W. SMITH		GRADETECH, INC	
						180 BRANNAN ST, # 201		P.O. BOX 1728	
						SAN FRANCISCO, CA 94107		SAN RAMON, CA 94583	
						PHONE: (415) 290-2921		PHONE: (510) 733-0390	
						FAX: (415) 543-5179		FAX: (510) 733-0389	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
28.	526	EA	Native Plants, 1-gallon	30.00	15,780.00	14.38	7,563.88	32.00	16,832.00
29.	50	EA	Native Plants, Deepot	10.00	500.00	12.00	600.00	32.00	1,600.00
30.	139	EA	Willow Pole Cutting	20.00	2,780.00	4.50	625.50	25.00	3,475.00
31.	1	LS	Irrigation	40,000.00	40,000.00	20,975.00	20,975.00	42,000.00	42,000.00
32.	714	EA	Weed Mats	5.00	3,570.00	9.00	6,426.00	13.00	9,282.00
33.	1	LS	Erosion Control / Native Grass Seeding	5,000.00	5,000.00	59,280.00	59,280.00	72,000.00	72,000.00
34.	1	LS	Recycling Implementation	100.00	100.00	1.00	1.00	1,000.00	1,000.00
35.	1	LS	Administrative Change Orders	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00
TOTAL					410,051.00		528,747.38		583,456.00 *

Corrected Total

Exhibit B-4

CITY OF HAYWARD
 CONSTRUCTION OF SULPHUR CREEK ENHANCEMENT PROJECT
 PROJECT NO. 6847
 BIDS OPENED: JULY 1, 2008
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		W.R. FORDE ASSOCIATES	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	1	LS	Mobilization	18,000.00	18,000.00	30,000.00	30,000.00
2.	1	LS	Dewatering Equipment, Materials, Installation	20,000.00	20,000.00	12,000.00	12,000.00
3.	30	DAYS	Dewatering Pump Operation	160.00	4,800.00	325.00	9,750.00
4.	1	LS	Clearing & Grubbing	4,200.00	4,200.00	15,000.00	15,000.00
5.	20	EA	Tree Removal and Chipping	700.00	14,000.00	300.00	6,000.00
6.	8	EA	Remove Trees, Trim and Salvage Rootwads	1,000.00	8,000.00	500.00	4,000.00
7.	1	LS	Surveying and Staking	5,000.00	5,000.00	7,000.00	7,000.00
8.	1,700	LF	Install Barricades and Temporary Fencing	14.00	23,800.00	8.00	13,600.00
9.	2,700	SF	Remove Sacrete Bank Protection	1.50	4,050.00	15.00	40,500.00
10.	3	EA	Demolition, Catch Basin and Drain Pipe	500.00	1,500.00	3,000.00	9,000.00
11.	25	LF	Saw Cut and Remove Culvert Headwall	73.00	1,825.00	200.00	5,000.00
12.	570	LF	Saw Cut AC Pavement	1.50	855.00	2.00	1,140.00
13.	2,900	SF	Remove AC Pavement	1.70	4,930.00	3.00	8,700.00
14.	580	LF	Remove AC Curb	3.00	1,740.00	3.00	1,740.00
15.	170	CY	Load and Off-haul Concrete and AC (including dump fees)	130.00	22,100.00	70.00	11,900.00
16.	1	LS	SWPP and Construction BMP's	6,000.00	6,000.00	8,000.00	8,000.00
17.	2,800	CY	Earthwork, Excavation	4.00	11,200.00	35.00	98,000.00
18.	350	CY	Trenching for Bank Protection Boulders	10.00	3,500.00	40.00	14,000.00
19.	850	CY	Earthwork, Haul and Stockpile	2.00	1,700.00	20.00	17,000.00
20.	850	CY	Earthwork, Place Fill and Compact	10.00	8,500.00	20.00	17,000.00
21.	2,300	CY	Earthwork, Off-Haul Excess Material	20.00	46,000.00	25.00	57,500.00
22.	175	TON	Boulders (1-ton), purchase and haul	100.00	17,500.00	90.00	15,750.00
23.	175	TON	Place Boulders and Trenchfill	75.00	13,125.00	80.00	14,000.00
24.	8	EA	Place and Secure Rootwads	900.00	7,200.00	600.00	4,800.00
25.	24	CY	Class 2 Rock Fill for Outfalls	45.00	1,080.00	100.00	2,400.00
26.	7	EA	Construct and Install Cribwall Outfalls	4,600.00	32,200.00	7,000.00	49,000.00
27.	652	LF	Install PCC Curb and Gutter	33.00	21,516.00	35.00	22,820.00

Exhibit B-5

CITY OF HAYWARD
 CONSTRUCTION OF SULPHUR CREEK ENHANCEMENT PROJECT
 PROJECT NO. 6847
 BIDS OPENED: JULY 1, 2008
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY				ENGINEER'S ESTIMATE		W.R. FORDÉ ASSOCIATES	
						984 HENSLEY STREET RICHMOND, CA 94801 PHONE: (510) 215-9338 FAX: (510) 215-8767	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
28.	526	EA	Native Plants, 1-gallon	30.00	15,780.00	34.00	17,884.00
29.	50	EA	Native Plants, Deepot	10.00	500.00	34.00	1,700.00
30.	139	EA	Willow Pole Cutting	20.00	2,780.00	27.00	3,753.00
31.	1	LS	Irrigation	40,000.00	40,000.00	43,000.00	43,000.00
32.	714	EA	Weed Mats	5.00	3,570.00	13.00	9,282.00
33.	1	LS	Erosion Control / Native Grass Seeding	5,000.00	5,000.00	8,000.00	8,000.00
34.	1	LS	Recycling Implementation	100.00	100.00	3,000.00	3,000.00
35.	1	LS	Administrative Change Orders	38,000.00	38,000.00	38,000.00	38,000.00
TOTAL					410,051.00		620,219.00

Exhibit B-6

DRAFT

UH
7/17/08

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member _____

**RESOLUTION APPROVING ADDENDUM NO. 1, AND
AWARDING CONTRACT TO HSR, INC., FOR THE
SULPHUR CREEK ENHANCEMENT PROJECT, PROJECT
NO. 6847**

WHEREAS, by resolution on May 20, 2008, the City Council approved the plans and specifications for the Sulphur Creek Enhancement Project, Project No. 6847, and called for bids to be received; and

WHEREAS, on July 1, 2008, five bids were received, ranging from \$428,033 to \$620,219; HSR, Inc.; submitted the low bid in the amount of \$428,033, which is 4.4 percent higher than the Engineer's Estimate of \$410,000; and

WHEREAS, Addendum No. 1 was added to make minor revisions to the plans and specifications.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Addendum No. 1 is hereby approved and added as a part of the plans and specifications.

BE IT FURTHER RESOLVED that the City Council hereby awards the contract to HSR, Inc., for the Sulphur Creek Enhancement Project, Project No. 6847, in an amount not to exceed \$428,033, in accordance with the plans and specifications adopted therefor and on file in the office of the City Clerk of the City of Hayward at and for the prices named and stated in the bids of the hereinabove specified bidders, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contracts with HSR, Inc. for said project, in the name of and for and on behalf of the City of Hayward in a form to be approved by the City Attorney.

DRAFT

NH
7/17/08

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 08-098, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2008, RELATING TO AN APPROPRIATION OF FUNDS FROM THE AIRPORT CAPITAL IMPROVEMENT FUND (FUND 632) TO THE SULPHUR CREEK ENHANCEMENT PROJECT, PROJECT NO. 6847

BE IT RESOLVED by the City Council of the City of Hayward that Resolution No. 08-098, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2008, is hereby amended by approving an additional appropriation of \$45,000 from the Airport Capital Improvement Fund (Fund 632) to the Sulphur Creek Enhancement Project, Project No. 6847.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2008

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