

**DATE:** January 5, 2010  
**TO:** Mayor and City Council  
**FROM:** City Manager  
**SUBJECT:** Contract for a Project Manager for the South Hayward BART Transit Oriented Development Project

**RECOMMENDATION**

That Council approves the attached resolution giving the City Manager the authority to execute a contract with John DeClercq for Project Management services related to the South Hayward BART Transit Oriented Development Project in an amount not to exceed \$96,000 in Fiscal Year 2010.

**BACKGROUND**

In the spring of 2009, the City, the Redevelopment Agency, Eden Housing, BART, and a private development group, Wittek Development, LLC, and Montana Properties, Inc. (Wittek & Montana), joined forces to apply for State Housing 1-C Bond monies to develop a transit village at the South Hayward BART station, utilizing the South Hayward BART Station parking lots, the privately-owned former Perry and Key site along Mission Boulevard, and some small pieces of property owned by the State Department of Transportation as part of the 238 Corridor.

The application was successful and the City was awarded over \$47 million in State 1-C monies from Round Two for the South Hayward BART Transit Oriented Development Project ("Project", also known as the Wittek/Montana Project). Project plans are to construct a mixed-use retail and housing development that includes 788 units of market-rate housing, a Safeway lifestyle store, 125 affordable family apartments, 81 affordable senior apartments, some miscellaneous retail, and two parking garages, one of which is replacement parking for BART. Additional public funding is coming from the Redevelopment Agency or other public sources in the form of \$7.1 million from Housing set-aside funds, and \$12.7 million for infrastructure and site improvements. Total project costs are currently projected at well over \$350 million, exclusive of land costs.

**DISCUSSION**

The Project is a complex, mixed use, multi-agency project consisting of multiple parcels and several builders/developers. Resources and assets are coming from BART; the Redevelopment Agency; a private, non-profit developer; a private, for-profit developer; the State Housing and Community

Development Department; the State Department of Transportation; and the City. It involves an inter-departmental team from the City consisting of representatives from the Redevelopment Agency and City Departments: Development Services, Public Works, Finance, and the City Manager's Office.

It is imperative that this project be tightly controlled and effectively managed, particularly as it relates to meeting deadlines and developing the myriad of complex written agreements that must be in place for the Project to move forward. To accomplish this, and to protect the interests of the City and the Redevelopment Agency, skilled attention is required from a highly experienced professional.

Mr. DeClercq is an experienced developer and project manager. Most recently as a Project Manager, he successfully developed and constructed the Library Gardens Apartments in Berkeley, CA, including a public parking garage; subdivided parcels and sold lots / buildings in the Medford Industrial Park in Oakland, CA; and headed up a major downtown redevelopment project in Baldwin Park, CA, consisting of 125 acres, planned for up to 8,000 residential units, 1,800,000 square feet of office, 650,000 square feet of retail, a 300-room hotel and 1,000-student charter school, coordinating with architects, entitlement attorneys, land planners, engineers, as well as City officials and staff.

As a Property Manager, Mr. DeClercq has operated and managed more than forty-five properties, including office, retail, hotel, residential, industrial, and condominiums. He recently managed the Berkeley Center, a hotel, mixed use project including theater, retail, office and office tenancies, including leasing the stores, administering the leases, developing common area maintenance budgets, and performing annual reconciliations; and retained and coordinated with legal counsel with respect to the tenants.

Mr. DeClercq brings needed and valuable skills to the City team in terms of working almost daily with Project partners on a myriad of details. As an independent contractor, Mr. DeClercq will be accountable directly to the City Manager's Office.

## **ECONOMIC IMPACT**

The successful development of this project will have an immense economic impact on South Hayward, and will move Hayward one step closer to meeting the goals in the City's Climate Action Plan as a result of this transit-oriented project.

## **FISCAL IMPACT**

This contract does not impact the City's General Fund. Funds for this contract will come from the Redevelopment Agency and grant funds applicable to the project. Costs for Fiscal Year 2010 will not exceed \$96,000.

*Prepared and Recommended by:* Fran David, Assistant City Manager

Approved by:



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Gregory T. Jones, City Manager

Attachment I -- Resolution giving the City Manager the authority to execute a contract with John DeClercq for Project Management services related to the South Hayward BART Transit Oriented Development Project in an amount not to exceed \$96,000 in Fiscal Year 2010

HAYWARD CITY COUNCIL

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH JOHN DECLERCQ FOR PROJECT MANAGEMENT SERVICES RELATED TO THE SOUTH HAYWARD BART TRANSIT ORIENTED DEVELOPMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$96,000 IN FISCAL YEAR 2010

WHEREAS, the South Hayward BART Transit Oriented Development Project is a complex, mixed use, multi-agency project consisting of multiple parcels and several builders/developers; and

WHEREAS, it is in the City's best interests that this project be tightly controlled and effectively managed, particularly as it relates to meeting deadlines and developing the myriad of complex written agreements that must be in place for the Project to move forward; and

WHEREAS, Consultant is specially trained, experienced, and competent to perform the special services needed for controlling and effectively managing the South Hayward Transit-oriented Development Project at the South Hayward BART Station; and

WHEREAS, Consultant is willing to render such professional services, as hereinafter defined in the resulting contract.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to negotiate and execute a contract with John DeClercq for Project Management services related to the South Hayward BART Transit Oriented Development Project in an amount not to exceed \$96,000 in Fiscal Year 2010, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA, \_\_\_\_\_, 2010

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:

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City Attorney for the City of Hayward