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CITY COUNCIL MEETING FOR TUESDAY, JANUARY 18, 2011

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**CLOSED SESSION**  
**Closed Session Room 2B – 6:00 PM**

1. **PUBLIC COMMENTS** *(Limited to items agendized for Closed Session)*
  2. Performance Evaluation  
Pursuant to Government Code 54957  
➤ City Manager
  3. Conference with Labor Negotiators  
Pursuant to Government Code 54957.6  
Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu,  
Finance Director Auker, Human Resources Director Robustelli  
Employee Organizations: All Bargaining Units
  4. Adjournment to Special Meeting
- 

**SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**  
**Council Chambers - 7:00 PM**

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

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PRESENTATION** Business Recognition Award

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**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.)*

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HAYWARD CITY COUNCIL, 777 B STREET, HAYWARD, CA 94541  
[HTTP://WWW.HAYWARD-CA.GOV](http://www.hayward-ca.gov)

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**NON-ACTION ITEMS:** *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

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

1. Preparation of the Regional Sustainable Communities Strategy (*Report from Development Services Director Rizk*)  
[Staff Report](#)  
[Attachment I - SB 375 Targets](#)  
[Attachment II - SCS Schedule](#)
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**ACTION ITEMS:** *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

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**CONSENT CALENDAR**

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on December 14, 2010  
[Draft Minutes](#)
3. D Street Reservoir Seismic Improvements: Award of Contract  
[Staff Report](#)  
[Attachment I - Resolution](#)  
[Attachment II - Location Map](#)  
[Attachment III - Bid Summary](#)
4. Installation of Sudden Loss Valves at Various Locations Project: Award of Contract and Appropriation of Additional Funds  
[Staff Report](#)  
[Attachment I - Resolution - Award](#)  
[Attachment II - Resolution - Appropriation](#)  
[Attachment III - Location Map](#)  
[Attachment IV - Bid Summary](#)
5. Adoption of Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions  
[Staff Report](#)  
[Attachment I](#)



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*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**

6. Authorization to Extend the Exclusive Negotiating Agreement with Urban Dynamic, LLC, for a Proposed Residential Development at the Residual Burbank School Site (*Report from Assistant City Manager Morariu*)

[Staff Report](#)

[Attachment I](#)

[Attachment II](#)

[Attachment III](#)

## **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**

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

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

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

JANUARY 18, 2011



NEXT REGULAR MEETING – 7:00 PM, TUESDAY, JANUARY 25, 2011

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



**DATE:** January 18, 2011

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Preparation of the Regional Sustainable Communities Strategy

### **RECOMMENDATION**

That Council reads and comments on this informational report, and provides comments to staff on any issues of concern to Council related to this regional planning effort.

### **BACKGROUND**

This staff report describes Senate Bill 375 (SB 375), the Sustainable Communities Strategy (SCS), and the effect of the law on local governments as well as the Bay Area as a region. This report describes and expands upon reports provided by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). Staff brings the following information to the Council as an overview of the current regional effort to determine where and how to house the Bay Area's anticipated population growth through 2035.

In 2006, the Legislature passed Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, which established a target for the State to reduce GHG emissions to 1990 levels by 2020. Executive Order S3-05 by Governor Schwarzenegger established the goal of 80 percent reduction in GHG below 1990 levels by 2050. SB 375 focuses on reducing GHG emissions from cars and light trucks consistent with AB 32.

Senate Bill 375 became law in 2008 and is considered landmark legislation for California relative to land use, transportation, and environmental planning. It calls for the development of a Sustainable Communities Strategy (SCS) in all metropolitan regions in California. Within the Bay Area, the law gives joint responsibility for the SCS to the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), who have formed a partnership called "One Bay Area" ([www.onebayarea.org](http://www.onebayarea.org)) to spearhead the process. These agencies will coordinate with the Bay Area Air Quality Management District (Air District) and the Bay Conservation and Development Commission (BCDC). At the County level, the process is expected to be led by the County Congestion Management Agencies (CMA) in the region; in Alameda County, that will be the Alameda County Transportation Commission (ACTC).

The SCS integrates several existing planning processes and must accomplish the following objectives:

1. Provide a new twenty-five-year land use strategy for the Bay Area that is realistic and identifies areas to accommodate all of the region's population, including all income groups;
2. Forecast a land use pattern, which when integrated with the transportation system, reduces greenhouse gas (GHG) emissions from automobiles and light trucks and is measured against the regional target established by the California Air Resources Board (CARB).

According to *Projections 2009*, ABAG's demographic forecast publication, the Bay Area is expected to grow by approximately 1.98 million people between 2005 and 2035. During this time, the City of Hayward is projected to grow from 145,900 to 184,600 people. The SCS will help ensure that growth is focused in the areas that will reduce GHG emissions by cars and light trucks.

On September 23, 2010, after a twenty-one-month collaborative process with MTC, ABAG, and the other metropolitan planning organizations throughout the state, CARB adopted regional targets to reduce GHG emissions associated with passenger cars and light trucks. As reflected in Attachment I, the target adopted for the Bay Area (MTC) is to reduce per capita emissions from 2005 levels by seven percent by 2020 and by fifteen percent by 2035. As indicated in Attachment I, although total GHG emissions are projected to increase by 2.1 million metric tons (MMT) from 23.2 MMT in the Bay area between 2005 and 2035 even with such targets due to projected population growth, total emissions would be even greater without such targets (projected to be 4.0 MMT more by 2035). While not directly comparable because Hayward's data is for all vehicle miles traveled – not just cars and light trucks, Hayward's Climate Action Plan calls for a reduction in transportation-related emissions of 8.7 percent below 2005 levels by 2020 and 34.6 percent below 2005 levels by 2050.

This GHG reduction target from cars and light trucks requires a need to significantly reduce "vehicle miles traveled" (VMT). In order to reduce VMT, and consistent with Hayward's land use policies and actions regarding concentrating higher densities near the two Hayward BART stations, the fundamental land use strategy is to encourage more people to live near and to use transit, and to develop more "complete communities" where people can rely less on automobiles to address daily needs. The range of strategies that promote more livable communities near transit is often referred to as "smart growth", which will be contained in the two form-based codes being developed for the South Hayward BART station area and along Mission Boulevard. In addition to land use related strategies, other GHG reductions are expected to be achieved through technology (e.g., increased miles per gallon), improvements in fuel that reduce GHG emissions, increased use of renewable sources for energy generation, and a variety of other methods.

The SCS will be developed in partnership among regional agencies, local jurisdictions, and Congestion Management Agencies (CMAs)<sup>1</sup> through an iterative process. The regional agencies recognize that input from local jurisdictions with land use authority is essential to create a feasible SCS. The SCS will not alter the authority of jurisdictions over local land use and development decisions.

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<sup>1</sup> The Alameda County Congestion Management Agency recently merged with the Alameda County Transportation Improvement Authority to form the Alameda County Transportation Commission (<http://www.alamedactc.com/>).

## DISCUSSION AND STAFF ANALYSIS

*Process – SCS Scenarios* – The final SCS will be the product of an iterative process that includes a sequence of growth and supportive transportation scenarios. It starts with an Initial Vision Scenario (February 2011), followed by more detailed SCS scenarios that refine the initial vision scenario (Spring and Fall 2011), and then a final draft (early 2012). For more information about the timeline, see the SCS Schedule (Attachment II).

SB 375 recognizes that, because of the constraints of Federal law and inadequate funding for infrastructure and public transit, a SCS may not be able to achieve the region's targets. If the region determines that the SCS cannot achieve the targets, then an Alternative Planning Strategy (APS) must be developed. The APS must identify the principal impediments to achieving the targets within the SCS. The APS must also include a number of measures—such as alternative development patterns, infrastructure, or additional transportation measures or policies—that, taken together, would achieve the regional target. ABAG and MTC are moving ahead with the expectation that the Bay Area will be able to meet the region's targets even with funding and other constraints and that preparation of an APS will not be necessary.

*Initial Vision Scenario* – ABAG and MTC will release an Initial Vision Scenario in February 2011 based in large part on input from local jurisdictions through the county/corridor engagement process and information collected through December 2010. The Vision Scenario will encompass an initial identification of places, policies, and strategies for long-term, sustainable development in the Bay Area. Local governments will identify places of great potential for sustainable development, including PDAs, transit corridors, employment areas, as well as infill opportunity areas that lack transit services but offer opportunities for increased walkability and reduced driving.

The Initial Vision Scenario will:

- Incorporate the 25-year regional housing need encompassed in the SCS;
- Provide a preliminary set of housing and employment growth numbers at regional, county, jurisdictional, and sub-jurisdictional levels;
- Be evaluated against the greenhouse gas reduction target as well as the additional performance targets adopted for the SCS.

*Detailed Scenarios* – By the early spring of 2011, the conversation between local governments and regional agencies will turn to the feasibility of achieving the Initial Vision Scenario by working on the Detailed Scenarios. The Detailed Scenarios will be different than the initial Vision Scenario in that they will take into account constraints that might limit development potential, and will identify the infrastructure and resources that can be identified and/or secured to support the scenario. MTC and ABAG expect to release a first round of Detailed Scenarios by July 2011. Local jurisdictions will provide input, which will then be analyzed for the release of the Preferred Scenario by the end of 2011. The County/Corridor Working Groups as well as the RAWG will facilitate local input into the scenarios through 2011. The analysis of the Detailed Scenarios and Preferred Scenario takes into account the Performance Targets and Indicators.

Regional Housing Needs Allocation – SB 375 also requires that an updated eight-year regional housing need allocation (RHNA) prepared by ABAG be consistent with the SCS. ABAG administers the state-required RHNA, which must follow the development pattern specified in the SCS. ABAG will adopt the next RHNA at the same time that MTC adopts the regional transportation plan (RTP). Local governments will then have another eighteen months to update their housing elements. Related zoning changes must follow within three years. The SCS, RTP and RHNA will all be adopted simultaneously in early 2013.

Planning for affordable housing in the Bay Area is one of the essential tasks of sustainable development. In the SCS, this task becomes integrated with the regional land use strategy, the development of complete communities, and a sustainable transportation system. The process to update the RHNA will begin in early 2011. The county/corridor engagement process will include discussions of the RHNA, since both the SCS and RHNA require consideration of housing needs by income group.

Cities will discuss their strategies for the distribution of housing needs at the county level and decide if they want to form a sub-regional RHNA group by March 2011. The distribution of housing needs will inform the Detailed SCS Scenarios. Regional agencies will take input from local jurisdictions for adoption of the RHNA methodology by September 2011. The final housing numbers for the region will be issued by the State Department of Housing and Community Development (HCD) by September 2011. The Draft RHNA will be released by spring 2012. ABAG will adopt the Final RHNA by the end of summer 2012. The City of Hayward will address the adopted RHNA in the next Housing Element update, which is required to be completed in 2014.

Regional Transportation Plan – The SCS brings an explicit link between the land use choices and the transportation investments. The SCS is a land use strategy required to be included as part of the Bay Area's twenty-five-year Regional Transportation Plan (RTP). MTC and ABAG's commitment to the reduction of greenhouse gas emissions and provision of housing for all income levels translates into an alignment of the development of places committed to these goals and transportation, infrastructure and housing funding. The regional agencies will work closely with the CMAs, transportation agencies and local jurisdictions to define financially constrained transportation priorities in their response to a call for transportation projects in early 2011 and a detailed project assessment that will be completed by July/August 2011; the project assessment will be an essential part of the development of Detailed SCS Scenarios. The RTP will be analyzed through 2012 and released for review by the end of 2012. ABAG will approve the SCS by March 2013. MTC will adopt the final RTP and SCS by April 2013.

Regional agencies will prepare one Environmental Impact Report (EIR) for both the SCS and the RTP. This EIR might assist local jurisdictions in streamlining the environmental review process for some of the projects that are consistent with the SCS. Local jurisdictions are currently providing input for the potential scope of the EIR. Regional agencies are investigating the scope and strategies for an EIR that could provide the most effective support for local governments.

By federal law, the RTP must be internally consistent and MTC must adopt the Sustainable Communities Strategy as part of its next Regional Transportation Plan (RTP) for the Bay Area. Because state and federal law require everything in the RTP to be consistent, the over \$200 billion dollars of transportation investment typically included in the RTP must be consistent with

the Strategy and must be judged to be realistically achievable in the RTP's 25-year planning horizon. This also means the Strategy must be in sync with local land-use plans.

Additional Regional Tasks – MTC, ABAG and the Bay Area Air Quality Management District are coordinating the impacts of CEQA thresholds of significance and guidelines recently approved by the Air District. The Air District is currently developing tools and mitigation measures related to the CEQA thresholds and guidelines to assist with development projects in PDAs. The four regional agencies will be coordinating other key regional planning issues, including any adopted climate adaptation-related policy recommendations or best practices encompassed in the Bay Plan update recently released by BCDC.

City of Hayward Considerations – Hayward has three Priority Development Areas (PDAs) that have been approved by ABAG – Downtown, the Cannery, and the South Hayward BART area. ABAG will likely focus much of the growth allocated to Hayward in the three PDAs. In addition, City staff has provided information to ABAG regarding the Mission Boulevard Corridor Specific Plan for consideration during the development of the Vision Scenario.

FOCUS PDAs are locally-identified and regionally adopted infill development opportunity areas near transit. The PDAs provide a strong foundation upon which to structure the region's first Sustainable Communities Strategy. PDAs are only three percent of the region's land area. However, local governments have indicated that, based upon existing plans, resources, and incentives, the PDAs can collectively accommodate over fifty percent of the Bay Area's housing need through 2035.

The City of Hayward General Plan is scheduled to undergo a comprehensive update beginning in 2012 and is expected to take approximately two to four years. As local housing elements will be required to be updated within 18 months of the 2013 adoption of the RTP and SCS, the Council may decide to establish a goal of completing the General Plan update by September, 2014.

The SCS provides an opportunity for the City of Hayward to advance local goals as part of a coordinated regional framework. By coordinating programs across multiple layers of government, the SCS should improve public sector efficiency and create more rational and coordinated regulation and public funding. The SCS connects local neighborhood concerns—such as new housing, jobs, and traffic—to regional objectives and resources. As such, it is a platform for cities and counties to discuss and address a wide spectrum of challenges, including high housing costs, poverty, job access, and public health, and identify local, regional, and state policies to address them. It gives local governments a stronger voice in identifying desired infrastructure improvements and provides a framework for evaluating those investments regionally. In this way, the SCS rewards those cities whose decisions advance local goals and benefit quality of life beyond their borders—whether to create more affordable housing, new jobs, or reduce driving.

Finally, and most directly, billions of dollars in regional transportation funding must be targeted toward implementation of the SCS. Additional funding for transit improvements, for infrastructure and for “quality of life” improvement projects is expected to flow toward the communities that are planning for and accepting the development that must be accommodated. Regional agencies are exploring the following support for the SCS:

- Grants for affordable housing close to transit
- Infrastructure bank to support investments that can accommodate housing and jobs close to transit
- Transportation investment in areas that can significantly contribute to the reduction of greenhouse gas emissions through compact development
- Infrastructure investments in small towns that can improve access to services through walking and transit.

The challenge to Hayward and other Bay area municipalities is to accept its fair share of the region's growth over the twenty-five-year forecast period for the SCS. In order to accommodate the region's projected population increase of nearly two million over the next twenty-five years in a compact, sustainable manner, the vast majority of that growth will need to be accommodated in existing urbanized areas, especially communities that are or near job centers and transit.

*Partnership* – To be successful, the SCS will require a partnership among regional agencies, local jurisdictions, Congestion Management Agencies (CMAs), transit agencies, and other regional stakeholders. MTC and ABAG are engaged in an intense information exchange with County-Corridors Working Groups throughout the Bay Area. These Groups are organized by county, by sub-regions within counties, and by corridors that span counties. They typically include city and county planning directors, CMA staff, and representatives of other key agencies such as transit agencies and public health departments. Working Group members are responsible for providing updates and information to their locally elected policymakers through regular reports like this one and eventually through recommended council or board resolutions that acknowledge the implications of the SCS for each jurisdiction.

Each county has established an SCS engagement strategy and the composition of a County/Corridor Working Group according to their needs and ongoing planning efforts. In Alameda County, the Alameda County Transportation Commission (ACTC) has convened a Technical Advisory Working Group, in which City staff has been participating. In addition, Council Member Henson, through his participation on the ACTC Board, has and will continue to provide input on the development of the SCS. In addition to the County-Corridor Working Groups, a Regional Advisory Working Group (RAWG), composed of local government representatives and key stakeholders, provides technical oversight at the regional level.

## **ECONOMIC IMPACT**

The City's participation in the Bay Area's Sustainable Communities Strategy will not directly impact Hayward's economy. Over time, if the SCS results in the region's growth being directed to key areas in Hayward, then the additional residents and jobs would benefit the local economy. As the SCS process evolves, staff will assess potential impacts associated with accommodating projected growth in the SCS, especially the balance of jobs and residents and the associated impacts to the City's General Fund. Staff will inform Council on those impacts as they become known.

## **FISCAL IMPACT**

Preparation of the SCS will have no fiscal impact on the City's General Fund. Staff involvement will come from already-budgeted positions in the Planning Division of the Development Services Department and the Engineering and Transportation Division of the Public Works Department. Again, as the SCS is developed,

## **PUBLIC CONTACT**

The Sustainability Committee was briefed on SB 375 on March 4, 2009<sup>2</sup>. ABAG and the Joint Policy Committee have been holding numerous meetings related to preparation of the SCS. Past reports as well as information about upcoming meetings are available at [www.onebayarea.org](http://www.onebayarea.org). Finally, a work session has also been scheduled for the Planning Commission for January 27, 2011.

## **NEXT STEPS**

Staff from the Public Works and Development Services Departments will continue to participate in the County's Technical Advisory Working Group to provide input on the preparation of the SCS. Following are the major steps that will lead to the adoption of the SCS and, ultimately, the revision of Hayward's Housing Element.

- Early February 2011      Regional agencies expect to release an initial Vision Scenario
- March/April 2011      Staff will provide a report to Council describing the Vision Scenario including the regional context and local implications for the City of Hayward.
- July 2011      Preparation of Detailed SCS Scenarios based upon feedback and response to the initial Vision Scenario.
- September 2011      Adoption of the RHNA methodology
- September 2011      Final housing numbers for the region will be issued by the State Department of Housing and Community Development (HCD)
- Spring 2012      Draft RHNA will be released
- September 2012      ABAG will adopt the Final RHNA
- March 2013      ABAG will approve the SCS
- April 2013      MTC will adopt the final RTP and SCS
- September 10, 2014      City of Hayward Housing Element must be revised

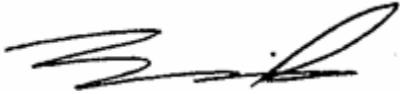
*Prepared by:* Erik J. Pearson, AICP, Senior Planner

*Recommended by:* David Rizk, AICP, Development Services Director

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<sup>2</sup> <http://www.hayward-ca.gov/citygov/meetings/csc/ccsc/2009/CSC-CCSC030409.pdf>

Approved by:



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Fran David, City Manager

Attachments:

Attachment I Proposed SB 375 Greenhouse Gas Targets  
Attachment II SCS Schedule

This spreadsheet provides documentation of the MPO data and the calculations used to derive the greenhouse gas reductions of over 3 MMTCO<sub>2</sub>/year in 2020 and 15 MMTCO<sub>2</sub>/year in 2035 cited in ARB's August 9, 2010 staff report on the Proposed Greenhouse Gas Emission Reduction Targets Pursuant to SB 375.

2005	SCAG	MTC	SANDAG	SACOG	Fresno	Kern	SJCOG	StanCOG	Tulare	Merced	Kings	Madera	AMBAG	SLOCOG (2008)	SBCAG	Shasta	Butte (2006)	Tahoe	18 MPOs
Population	17,763,285	7,094,823	3,034,388	2,057,200	897,416	765,750	650,458	511,617	390,950	243,000	145,463	146,101	740,048	269,300	417,500	165,430	217,209	41,211	35,551,149
Baseline CO <sub>2</sub> /capita in 2005 (lbs/weekday)	21.2	20.8	26.0	22.4	16.1	14.8	17.2	17.4	16.2	16.4	13.4	19.8	14.1	16.5	16.8	17.9	15.5	14.4	
Annual CO <sub>2</sub> Emissions in 2005 (MMTCO <sub>2</sub> /year)	59.3	23.2	12.4	7.3	2.3	1.8	1.8	1.4	1.0	0.6	0.3	0.5	1.6	0.7	1.1	0.5	0.5	0.1	116.3

2020	SCAG	MTC	SANDAG	SACOG	Fresno	Kern	SJCOG	StanCOG	Tulare	Merced	Kings	Madera	AMBAG	SLOCOG	SBCAG	Shasta	Butte (2018)	Tahoe	18 MPOs
Population	21,033,336	8,018,000	3,635,855	2,536,000	1,131,430	1,010,800	809,685	632,623	547,423	331,000	205,914	224,567	840,366	288,000	459,600	214,734	267,599	48,042	42,234,974
Baseline CO <sub>2</sub> /capita in 2020 (lbs/weekday)	20.1	20.1	23.7	21.5	15.7	14.6	16.6	16.7	15.5	18.4	12.7	19.7	15.9	15.2	17.8	19.5	15.6	13.4	
Baseline Annual CO <sub>2</sub> Emissions in 2020 (MMTCO <sub>2</sub> /year)	66.5	25.4	13.6	8.6	2.8	2.3	2.1	1.7	1.3	1.0	0.4	0.7	2.1	0.7	1.3	0.7	0.7	0.1	131.8
Proposed SB375 Targets - % Change in CO <sub>2</sub> /capita from 2005	-8%	-7%	-7%	-7%	-5%	-5%	-5%	-5%	-5%	-5%	-5%	-5%	13%	-8%	6%	0%	1%	-7%	
Proposed Target CO <sub>2</sub> /capita in 2020 (lbs/weekday)	19.5	19.3	24.2	20.8	15.3	14.1	16.3	16.5	15.4	15.6	12.7	18.8	15.9	15.2	17.8	17.9	15.7	13.4	
Annual CO <sub>2</sub> Emissions in 2020 based on Proposed Target CO <sub>2</sub> /capita (MMTCO <sub>2</sub> /year)	64.6	24.4	13.8	8.3	2.7	2.2	2.1	1.6	1.3	0.8	0.4	0.7	2.1	0.7	1.3	0.6	0.7	0.1	128.5
Change in 2020 Annual CO <sub>2</sub> Emissions due to Proposed Targets (MMTCO <sub>2</sub> /year)	-2.0	-1.0	0.3	-0.3	-0.1	-0.1	0.0	0.0	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	-0.1	0.0	0.0	-3.4

2035	SCAG	MTC	SANDAG	SACOG	Fresno	Kern	SJCOG	StanCOG	Tulare	Merced	Kings	Madera	AMBAG	SLOCOG	SBCAG	Shasta (2030)	Butte	Tahoe	18 MPOs
Population	23,563,107	9,073,700	3,984,753	3,081,000	1,418,887	1,321,000	989,774	767,836	700,840	465,000	275,476	313,250	920,714	330,800	487,000	245,904	346,818	55,447	48,341,306
Baseline CO <sub>2</sub> /capita in 2035 (lbs/weekday)	20.4	20.5	24.6	19.6	16.0	16.2	17.0	16.6	16.6	20.4	12.3	21.2	16.0	15.2	17.5	19.7	15.5	15.3	
Baseline Annual CO <sub>2</sub> Emissions in 2035 (MMTCO <sub>2</sub> /year)	75.7	29.3	15.4	9.5	3.6	3.4	2.6	2.0	1.8	1.5	0.5	1.0	2.3	0.8	1.3	0.8	0.8	0.1	152.6
Proposed SB375 Targets - % Change in CO <sub>2</sub> /capita from 2005	-13%	-15%	-13%	-16%	-10%	-10%	-10%	-10%	-10%	-10%	-10%	-10%	14%	-8%	4%	0%	1%	6%	
Proposed Target CO <sub>2</sub> /capita in 2035 (lbs/weekday)	18.4	17.7	22.6	18.8	14.5	13.3	15.5	15.7	14.6	14.8	12.1	17.8	16.1	15.2	17.5	17.9	15.7	15.3	
Annual CO <sub>2</sub> Emissions in 2035 based on Proposed Target CO <sub>2</sub> /capita (MMTCO <sub>2</sub> /year)	68.4	25.3	14.2	9.1	3.2	2.8	2.4	1.9	1.6	1.1	0.5	0.9	2.3	0.8	1.3	0.7	0.9	0.1	137.5
Change in 2035 Annual CO <sub>2</sub> Emissions due to Proposed Targets (MMTCO <sub>2</sub> /year)	-7.3	-4.0	-1.2	-0.4	-0.3	-0.6	-0.2	-0.1	-0.2	-0.4	0.0	-0.2	0.0	0.0	0.0	-0.1	0.0	0.0	-15.1

## Proposed SB 375 Greenhouse Gas Targets: Documentation of the Resulting Emission Reductions based on MPO Data

### Conversion Factors:

2,000 lbs/short ton  
347 average weekdays/year  
1,000,000 Million  
2.20462262 lbs/kg  
0.90718474 metric tonne/short ton

### Notes:

1. The CO2 emissions presented in this table do not include reductions from Pavley and LCFS regulations.
2. The CO2/capita data presented in the table represent RTAC recommended trips only, and does not include through trips.
3. Annual CO2 Emissions were calculated using the formula:

$$\text{Annual CO2 Emissions (MMTCO2/year)} = \frac{\text{Population} \times \text{CO2/capita (lbs/average weekday)} \times 347 \text{ (average weekdays/year)} \times 0.90718474 \text{ (metric tonne/short ton)}}{1,000,000 \text{ (Million)} \times 2,000 \text{ (lbs/short ton)}}$$

### Data Source:

1. SCAG's Population and CO2/capita data were obtained from their "Alternative Scenario Summary" document (received 6/08/10)
2. MTC's Population and CO2/capita data were obtained from email sent by Harold Brazil (MTC) to Dmitri Smith (ARB) on August 5, 2010, confirming latest MTC data presented by MTC staff at the July 9, 2010 MTC Planning Committee Meeting
3. SANDAG's CO2/capita were obtained from their "Responses to ARB Questions" document (received 6/7/10); Population data were obtained from Attachment B of the "Preliminary Report on Target Setting from MTC, SACOG, SANDAG and SCAG" document (received 5/19/10)
4. SACOG's CO2/capita were obtained from their "RTAC Scenarios" document (received 7/12/10); Population data were obtained from email sent by Bruce Griesenbeck (SACOG) to Jason Crow (ARB) on August 6, 2010, clarifying prior submittals.
5. Fresno Population and CO2/capita data correspond to Approach #1 data presented in Table 3 and Table 13 of their "Proposed target submittal" document, respectively (received 5/19/10)
6. Kern's Population and CO2/capita data were obtained from data provided in their "Alternative Scenario Summary" document (received 7/14/10); CO2/capita were calculated to reflect 100% II and 50 % IX/XI trips (consistent with RTAC's Recommendation)
7. SJCOG's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
8. StanCOG's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
9. Tulare's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
10. Merced's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
11. Kings's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
12. Madera's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
13. AMBAG's Population data were obtained from their "SB375 Baseyear data submission" (received May 5, 2010); CO2/capita data were obtained from their "Response to ARB Questions and Technical Memo on CO2 Targets" submission (received 8/3/10)
14. SLOCOG's Population and CO2/capita data were obtained from their "GHG Emission Simulation Results" document (received 6/23/10); CO2/capita data were converted from kg/capita to lbs/capita
15. SBCAG's Population and CO2/capita data were obtained from their "Scenarios for Target Setting" document (received 5/27/10)
16. Shasta's Population and CO2/capita data were obtained from their "Alternative Scenario Summary" document (received 7/14/10); CO2/capita were calculated to reflect 100% II and 50 % IX/XI trips (consistent with RTAC's Recommendation)
17. Butte's Population and CO2/capita data were obtained from their "Draft Targets (no Pavley)" document (received 5/24/10)
18. Tahoe's Population and CO2/capita were obtained from the Joint MPO "SB 375 Base Year Data (2005, 2020, 2035)" document (received 4/26/10); CO2/capita were calculated to reflect 100% II and 50 % IX/XI trips (consistent with RTAC's Recommendation)

# Sustainable Communities Strategy Planning Process: Phase 1 Detail for 2010\*

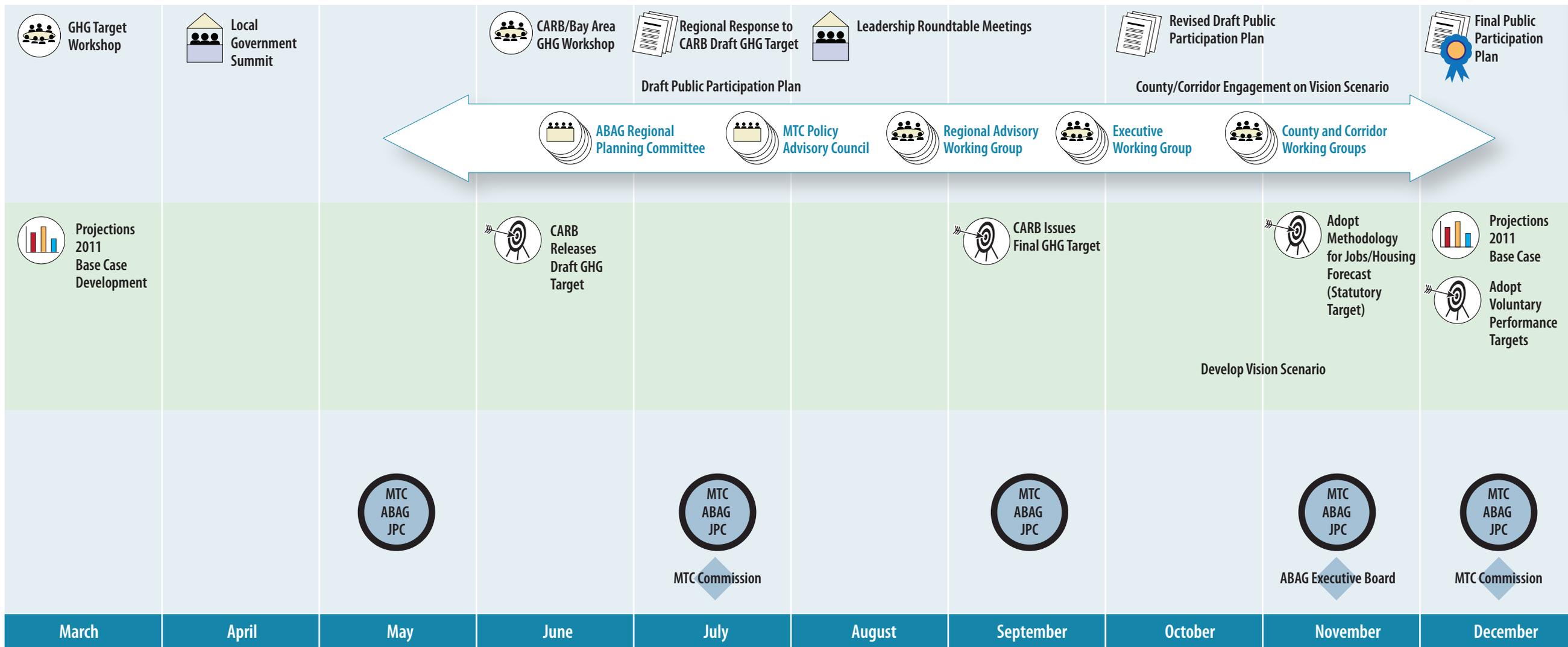


Phase 1: Performance Targets and Vision Scenario

Local Government and Public Engagement

Milestones

Policy Board Action



**Phase One Decisions:**

- GHG Targets
- Performance Targets
- Public Participation Plan

2010

\*Subject to change

**Policy Board Actions**

- Meeting for Discussion/Public Comment
- JOINT meeting of the ABAG Administrative Committee, the Joint Policy Committee and the MTC Planning Committee for Discussion/Public Comment
- Decision
- Document Release

ABAG - ABAG Administrative Committee  
 JPC- Joint Policy Committee  
 MTC- MTC Planning Committee

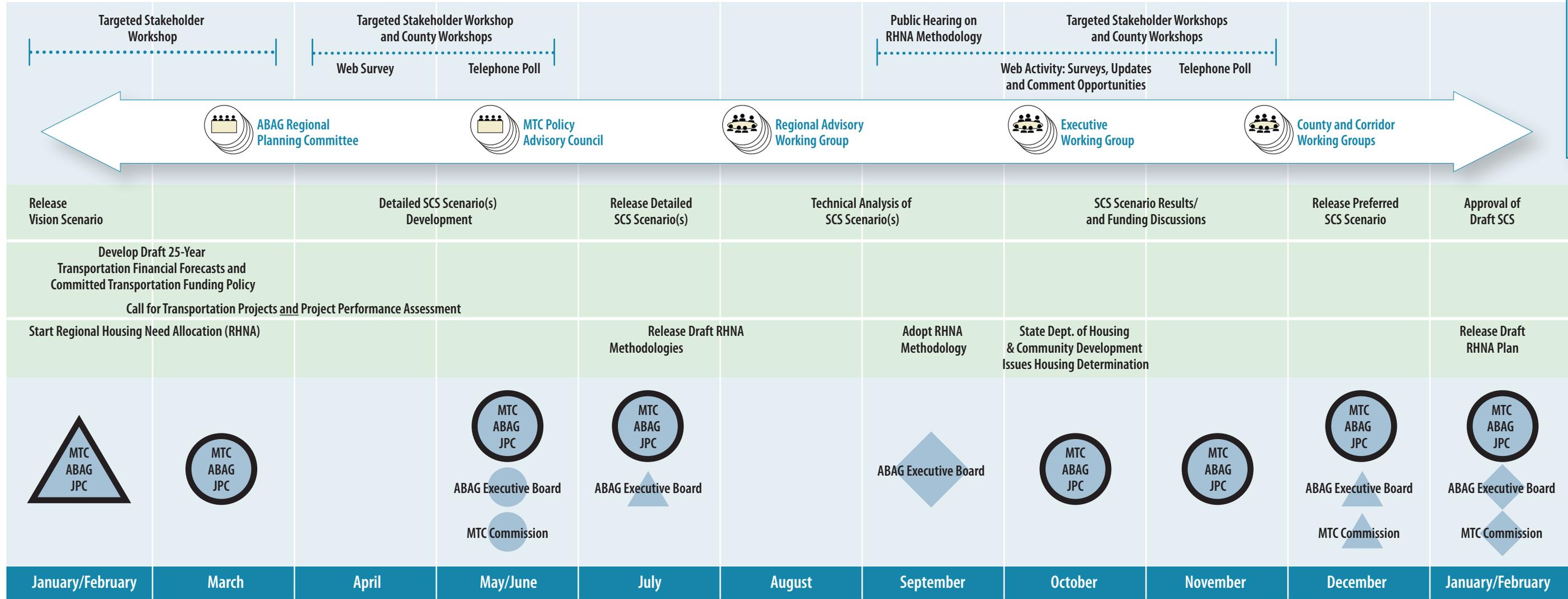
# Sustainable Communities Strategy Planning Process: Phase 2 Detail for 2011\*

Phase 2: Scenario Planning, Transportation Policy & Investment Dialogue, and Regional Housing Need Allocation

Local Government and Public Engagement

Milestones

Policy Board Action



- Phase Two Decisions:**
- Vision Scenarios
  - Financial Forecasts
  - Detailed SCS Scenarios
  - RHNA Methodology
  - Preferred SCS Scenario
  - Draft RHNA Plan

- Scenario Planning
- Transportation Policy and Investment Dialogue
- Regional Housing Need Allocation

2011 ..... 2012

\*Subject to change

**Policy Board Actions**

● Meeting for Discussion/Public Comment



JOINT meeting of the ABAG Administrative Committee, the Joint Policy Committee and the MTC Planning Committee for Discussion/Public Comment



JOINT document release by ABAG, JPC and MTC

ABAG - ABAG Administrative Committee  
JPC- Joint Policy Committee  
MTC- MTC Planning Committee

# Sustainable Communities Strategy Planning Process: Phases 3 & 4 Details for 2012–2013\*

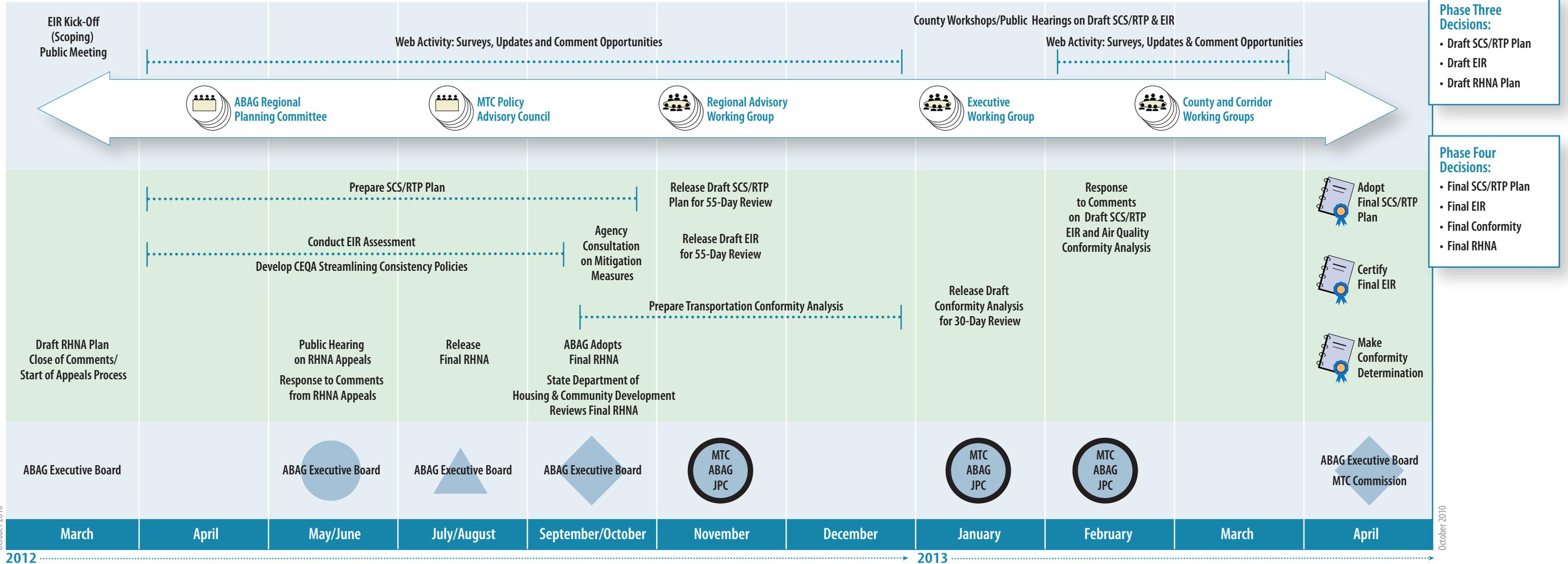
Phase 3: Housing Need Allocation, Environmental/Technical Analyses and Final Plans

Phase 4: Plan Adoption

Local Government and Public Engagement

Milestones

Policy Board Action



- Phase Three Decisions:**
- Draft SCS/RTP Plan
  - Draft EIR
  - Draft RHNA Plan

- Phase Four Decisions:**
- Final SCS/RTP Plan
  - Final EIR
  - Final Conformity
  - Final RHNA

\*Subject to change

**Policy Board Actions**

- Meeting for Discussion/Public Comment
- MTC ABAG JPC JOINT meeting of the ABAG Administrative Committee, the Joint Policy Committee and the MTC Planning Committee for Discussion/Public Comment
- ◆ Decision
- ▲ Document Release

ABAG - ABAG Administrative Committee  
JPC- Joint Policy Committee  
MTC- MTC Planning Committee



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City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 14, 2010, 7:00 p.m.**

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**MEETING**

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Peixoto.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas, Henson  
MAYOR/Chair Sweeney  
Absent: COUNCIL/RA MEMBER None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported that Council met with Labor Negotiators pursuant to Government Code 54957.6 and with Real Property Negotiators pursuant to Government Code 54956.8. There were no reportable items.

Mayor Sweeney noted that the presentation item would need to be moved after the Public Comments section.

**PUBLIC COMMENTS**

Mr. Jim Drake, Franklin Avenue resident, shared the difficulties he has been having with offending noise violators and said that he was glad that there will be fines imposed under the proposed ordinance.

City Clerk Lens noted that her office received two emails related to two agenda items. One was from John Dutra in regards to the DREAM Act and another from Paul Campos related to the Inclusionary Housing Relief Ordinance.

Council Member Zermeño mentioned that there were students in attendance and requested that item #17, Support for the Development, Relief, and Education for Alien Minors (DREAM) Act, be moved up to follow the Work Session. There was consensus to move the item as requested.

**PRESENTATION Key to the City of Hayward Presented to Jon Miller**

Mayor Sweeney presented the Key of the City of Hayward to Mr. Jon Miller, a Bay Area native. Mayor Sweeney expressed the City was proud of Jon Miller for all that he had accomplished during his distinguished career as a talented broadcaster and as the winner of the 2010 Ford C. Frick Broadcasting Award for broadcasting baseball games. Mr. Miller was a graduate of the Hayward

High School class of 1969. Mr. Jon Miller addressed the audience and relayed how he grew up in Hayward and became interested in announcing games by playing strat-o-matic baseball during his youth. He explained his broadcasting career began at age 22 when he was offered a job with the Oakland A's and subsequently held various broadcasting jobs in the Bay Area and later became the "voice of the Giants," a position he currently holds. Mr. Miller presented his family members and thanked the City for the recognition. He invited everyone to come see the San Francisco Giants.

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

1. Redevelopment Agency Board/Hayward Redevelopment Area Committee Work Session: State of the Redevelopment Project Area

Staff report submitted by Redevelopment Director Bartlett, dated December 14, 2010, was filed.

Mayor/Chair Sweeney invited the Hayward Redevelopment Agency Committee (HRAC) Members to join the City Council at the dais.

Redevelopment Director Bartlett presented a synopsis of the report.

Council/RA Member Henson expressed concern regarding the Hayward Redevelopment Advisory Committee's (HRAC) Motion No. 1 with regards to economic impacts from the Route 238 "Mini-Loop" and inquired if this concern had been addressed. HRAC Member David Long noted that there have been many changes to the Downtown Core Plan and asked if the Plan, including the "Downtown Mini-Loop," can be re-analyzed to see if it is still viable. Redevelopment Director Bartlett responded that impacts on businesses are currently unknown but that there will be an impact to parking, especially along Foothill Boulevard. Ms. Bartlett mentioned that adding parking signage could be addressed as part of a Downtown Plan update.

Council/RA Member Halliday was pleased that HRAC members were in attendance and recommended meeting with Council on an annual basis to improve communication. She was pleased to serve as liaison to the HRAC and bring any concerns back to Council. Ms. Halliday said the Downtown Plan is good and questioned the need to invest \$500,000 to update the Plan. City Manager David suggested that staff could come back with options and alternatives for Council. In response to Ms. Halliday's request for an update on the Green Shutter Hotel, Ms. Bartlett responded that the staff report has the most current information and that the owner recently opened the Main Street Café. Ms. Halliday mentioned that overall the Redevelopment Agency has had a return on its investment and would like to see more discussion regarding the Downtown Plan without spending \$500,000.

Council/RA Member Zermeño thanked HRAC members for being in attendance and concurred with the three motions related to the Implementation Plan. In response to Mr. Zermeño's question as to when the Foothill Boulevard Façade Initiative Program would begin, Redevelopment Director Bartlett mentioned approximately Spring 2011. Mr. Zermeño noted that there needs to be discussion on whether there is a clear vision for the Downtown Plan. In regards to Proposition 22, Mr. Zermeño said he would like the City to be on stable ground budget-wise by the end of 2011. In



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response to Mr. Zermeño's question about the impact on businesses on Foothill Boulevard when the Route 238 construction begins, Director of Public Works Bauman said there will be construction signage to keep business owners and the public informed of how to access the businesses.

Council/RA Member Peixoto inquired what would happen to the Green Shutter Hotel property if it goes into foreclosure. Ms. Bartlett said that if the property is foreclosed and not acquired by a private buyer, a bank would own the property and the regulatory agreement obligations to maintain the affordable units would cease to exist. Mr. Peixoto mentioned that there is community concern about retaining the historical significance of the property. In response to Mr. Peixoto's inquiry about the Mervyns' site, City Manager David responded that the new owners have had many conversations with prospective tenants but nothing has been confirmed. Mr. Peixoto mentioned that the Downtown Plan is a work in progress and transit-oriented and that he was optimistic about the future.

Council Member Salinas wondered if the absence of a clear vision for the downtown area is preventing more businesses from locating to this area or if stores just do not want to come to Hayward. Mr. Salinas said that members of the public have said to him that there are only a few places to eat and nothing to do in downtown. Mr. Salinas said that he lives in the downtown area and would like to see a more focused, clear vision for the area. He mentioned that downtown is shaping up to be an entertainment area and felt that residents would support that if the City were to continue to be in that direction. He also noted that Hayward is a colleges and universities City and recommended, provided a study is considered, that an analysis be conducted on of how an education-based economy would affect downtown.

Council/RA Member Quirk was in agreement with Redevelopment Director Bartlett that the effect of the Route 238 Downtown Mini-Loop will not be known until it is completed and felt that it is not feasible to conduct a study until after the project is finished. Mr. Quirk mentioned that the vision for the downtown area continues to be that of restaurants, retail and entertainment and asked City Manager David for clarification of what direction Council does not buy into. City Manager David said the vision has been distorted as the original 1992 plan was focused more on retail development and questioned if this vision is still realistic in today's economy. She mentioned differing views and questions such as restaurants next to one another, sensitivity to alcohol outlets, and live entertainment, which all warrant discussion and direction and perhaps an update to the Downtown Plan. Mr. Quirk said that he is in favor of live entertainment and restaurants and exploring a different direction.

Mayor/Chair Sweeney mentioned that these questions and issues should have been in the report and suggested to staff that the report needs to be more complete and address all issues prior to presentation to Council.

Mr. Michael Aahl, HRAC member and business owner on C Street, shared that people used to come to downtown until the Southland Mall was built. He said that the City is becoming like parts of

Oakland where there are empty lots and buildings and suggested talking to business owners. He said it is not necessary to spend \$500,000 on a consultant. Mr. Aahl said that Hayward can be a place similar to Piedmont Avenue, where people like to come to walk and shop, but did not favor live entertainment. He said the key issue is to make the City business-friendly and businesses will want to locate in Hayward.

Mr. Bill Vandenburg, HRAC member, felt that one of the problems with the Route 238 “Downtown Mini-Loop” is the traffic control. He said that he was told that the loop would be State controlled with a speed limit of 40 mph, and at that speed, it would be difficult to get anyone to stop. He mentioned that there is a problem with inadequate communication to business owners in regards to construction and that there is not enough space between the parking lot and post office to build a new modern library.

Mr. Terry Lee, HRAC member, mentioned that HRAC meetings have been focused on different projects with the absence of a vision, not only for downtown but also for the Mission Corridor. He spoke about participating in the “charrette” for the Mission Corridor Project and that it did not connect or link to the Downtown Plan, the South Hayward BART Plan, and other projects. He said the frustration at some of the HRAC meetings was the absence of a larger vision for the City in terms of redevelopment and economic development.

Mayor/Chair Sweeney commented that work needs to be done with the HRAC in terms of the plans and the results of the “charrette” related to other land use and planning documents.

Council/RA Member Henson agreed that work needs to be done on the vision itself.

Mayor/Chair Sweeney commented that the staff report is unfocused and there are questions and issues that are not reflected in the staff report. Mayor Sweeney mentioned that any staff options and ideas need to be presented to Council and said it was evident that communication needs to be improved with HRAC members. Mayor Sweeney said that when the item comes back before Council, there needs to be a more focused presentation. Mayor Sweeney thanked HRAC members for their attendance.

## 2. Summary of Proposed Expansion of BART Hayward Maintenance Complex

Staff report submitted by Development Services Director Rizk, dated December 14, 2010, was filed.

Development Services Director Rizk introduced Ellen Smith from the Bay Area Rapid Transit District (BART) Planning Development and Associate Don Dean, BART Environmental Coordinator. Mr. Rizk announced that BART released a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for public review and comment and noted that the public comment period ends on January 14, 2011. It was said that a public hearing was scheduled for Wednesday, December 15, 2010, at the New Haven Adult School in Union City from 6:30 p.m. to 8:00 p.m. Ms. Smith provided a synopsis of the report.

In response to Mayor Sweeney’s inquiry about the potential fiscal impact to the City when the



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homes to be purchased are removed from the tax rolls, Development Services Director Rizk confirmed that there will be a financial impact to the City. In response to Mayor Sweeney's question about the impact to the residents living on Carroll Avenue in the Fairway Park area, Ms. Smith acknowledged that the northbound flyover would be approaching the backyard side of Carroll Avenue properties, but noted there are Union Pacific tracks between BART and the homes and anticipates less than a significant impact. Mayor Sweeney noted that better simulations are needed to see what the impact to Carroll Avenue residents will be.

Council Member Salinas agreed with Mayor Sweeney regarding the flyovers and asked what would be the height of the northbound flyovers looking west. Mr. Dean, Environmental Coordinator for BART, mentioned the simulation done was for the southbound flyover as the northbound and southbound are similar. Mr. Dean noted that the southbound flyover is similar in height to the Whipple Road Bridge over the BART tracks and that the northbound might be a little higher. Mr. Dean mentioned that the residents would be looking over both the 100 feet UPS right-of-way, plus the storage yard, to see the flyover. Ms. Smith confirmed for Mr. Salinas that the sound walls are permanent.

Council Member Peixoto expressed concern for residents of Fairway Park and Carroll Avenue as it relates to the noise factor, sound walls, and sound skip zones, and inquired if BART will address the sound issue. Ms. Smith said the sound walls will be installed south of Whipple Road and did not expect skipped sound in that neighborhood. Development Services Director Rizk mentioned that a notice was sent to every property owner along Carroll Avenue of tonight's work session.

Council Member Halliday mentioned that a meeting held on October 21, 2010, at the New Haven Adult School in Union City, was poorly attended and urged more outreach to the Fairway Park community. Ms. Halliday said that until something is built, the impact will not be known. In response to Ms. Halliday's inquiry as to how much traffic will be on the flyovers, Ms. Smith responded that as BART goes to a larger fleet, the flyovers will be used to transport vehicles from the eastside storage tracks to the main line. Ms. Halliday noted that there was Council consensus for more consideration to the noise factor and more outreach to the Fairway Park area residents about the BART changes.

Council Member Henson appreciated the comments of Council on ensuring the noticing and consideration to residents on Carroll Avenue and other areas. Mr. Henson expressed concern about the flyovers height and lighting and shared that he can see the storage yard from his home. Mr. Henson hoped for greater attendance on Wednesday at the New Haven Adult School and suggested BART take the public's comments into consideration and to even go further with their outreach and solicit comments.

Mayor Sweeney suggested that BART work with the Hayward Unified School District to have a meeting at the Treeview School Bidwell in Hayward. Ms. Smith was amenable to the suggestion. Mayor Sweeney asked staff to make sure to get better simulations of what the residents on Carroll

Avenue will be looking at and hearing. Ms. Smith completed her presentation.

## CONSENT

At the request of Council Member Zermeño, and with Council's concurrence, Legislative Business Item No. 17 was heard prior to the Consent Calendar.

Consent Items 10, 11, and 12 were moved for further discussion.

3. Approval of Minutes of the Special City Council Meeting on November 30, 2010  
It was moved by Council Member Zermeño, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the Special City Council Meeting of November 30, 2010.
4. Approval of Minutes of the City Council Meeting on December 7, 2010  
It was moved by Council Member Zermeño, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of December 7, 2010.
5. Transmittal of the Comprehensive Annual Financial Report for the Year Ended June 30, 2010; and of the "Communication of Internal Control Related Matters" and "Communication with Those Charged with Governance" Letters

Staff report submitted by Director of Finance Auker, dated December 14, 2010, was filed.

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

Resolution 10-186, "Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2010; and the "Communication of Internal Control Related Matters" and "Communication with those Charged with Governance" Letters"

6. Adoption of the Annual Report of Redevelopment Agency Activities For FY 2010

Staff report submitted by Redevelopment Director Bartlett, dated December 14, 2010, was filed.

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

Redevelopment Agency Resolution 10-20, "Resolution Adopting the Annual Report of Redevelopment Agency Activities for Fiscal Year 2010"

Resolution 10-187, "Resolution Acknowledging Receipt of the Annual Report of Redevelopment Agency Activities for Fiscal Year



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7. Install Water Line at Golf Course Access Road Project: Award of Contract

Staff report submitted by Deputy Director of Public Works Ameri, dated December 14, 2010, was filed.

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

Resolution 10-188, “Resolution Awarding the Contract to Platinum Pipeline, Inc. for the Install Water Line at Golf Course Access Road Project, Project No. 7139”

8. Summary Vacation of a Portion of Whitman Street

Staff report submitted by Deputy Director of Public Works Fakhrai, dated December 14, 2010, was filed.

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

Resolution 10-189, “Resolution Summarily Vacating a Portion of Whitman Street”

9. Utility Service Agreement (USA 10-02) – Joginder Nagra (Owner/Applicant) – Authorize the City Manager to File an Application with the Alameda County Local Agency Formation Commission (LAFCo) for Approval of an Out-of-Service Area Agreement and to Negotiate and Execute a Utility Service Agreement and a Public Street Improvement Agreement Related to a Request for Sewer Service at 187 Laurel Avenue in the Cherryland Area of Unincorporated Alameda County

Staff report submitted by Development Review Engineer Nguyen, dated December 14, 2010, was filed.

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

Resolution 10-190, “Resolution Authorizing the City Manager to Apply to the Alameda County Local Agency Formation Commission

for Approval to Allow the City to Provide Sewer Service to Property Located at 187 Laurel Avenue, and Further Authorizing the City Manager to Negotiate and Execute Utility Service (USA 10-02) and Public Street Improvements Agreements”

10. Adoption of Positions and Salaries Schedule for Fiscal Year 2010-2011 and Amendment of the Fiscal Year 2010-2011 Allocated Positions

Staff report submitted by Human Resources Director Robustelli, dated December 14, 2010, was filed.

In response to Council Member Quirk’s inquiry as to how these salaries will be paid next year and following years, City Manager David responded that for FY12, they will be absorbed in the budget of the existing department through other department savings. Ms. David mentioned that there were some reclassifications that were denied, but were included in the budget.

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

Resolution 10-191, “Resolution Designating Positions of Employment in the City Government of the City of Hayward; Providing for their Number and Salary Range; and Superseding Resolution No. 09- 113 and All Amendments Thereto”

11. Authorization for the City Manager to Negotiate and Execute An Agreement with the Alameda County Public Works Agency for the Relocation of the City’s Pedestrian Bridge as Part of the County’s Floodwall Improvement Project Between Industrial Parkway SW and Huntwood Avenue

Staff report submitted by Deputy Director of Public Works Fakhrai, dated December 14, 2010, was filed.

Council Member Halliday noted that Council received emails regarding this item and one major concern brought up by residents was the potential for graffiti. Director of Public Works Bauman confirmed for Ms. Halliday that the Alameda County Flood Control and Water Conservation District (District) is just as concerned as the City in regards to graffiti and are following the City’s recommendations of what steps to take to make the wall less of a graffiti target. Mr. Bauman mentioned that the wall is the responsibility of the District and not the City. Ms. Halliday said the other concern involved the accuracy of the flood map. Mr. Bauman acknowledged that there were mistakes on some flood maps, but that any errors have now been corrected.

Council Member Zermeño did not support the walls because he likes the view and the open space and would rather keep it as is.

In response to Council Member Henson’s question as to the purpose of the wall, Director of Public Works Bauman responded that the height is approximately four feet and the purpose of the wall is



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to increase the capacity of the flood channel. Mr. Bauman clarified that the City has the option to pay to relocate the pedestrian bridge or to not have a pedestrian crossing of the channel. Mr. Bauman confirmed for Mr. Henson that the wall will have vines and a split face and be vertically grooved.

Council Member Salinas asked what was going to be done with the wrought iron fence. Director of Public Works Bauman noted that has yet to be decided and mentioned that at least once a year someone hits the wall.

Mayor Sweeney noted that the City has a lot of flood control drainage areas that are full of graffiti and has a problem getting cooperation from the District to clean up these areas. In response to Mayor Sweeney's question, Mr. Bauman said the proposed wall will have an anti-graffiti coating and the City will be aggressive about the District maintaining the walls. Mr. Bauman added that the wall will hold back the water and explained that the construction of the wall is similar to the wall at Spanish Ranch.

It was moved by Council Member Quirk, seconded by Council Member Halliday, and carried with Council Member Zermeño voting no, to adopt the following:

Resolution 10-192, "Resolution Authorizing the City Manager to Negotiate and Execute a Cooperative Agreement with the Alameda County Public Works Agency for Design and Construction Services Associated with the Relocation of a City Pedestrian Bridge and Public Trail System"

12. Revisions to the Council Member Handbook

Staff report submitted by City Clerk Lens and City Attorney Lawson, dated December 14, 2010, was filed.

Council Member Quirk noted that this item was referred to the Council Appointed Officers Committee for review and recommendation, and changes were made, but some changes had been lost. Mr. Quirk made a motion that this item be returned to the Council Appointed Officers Committee for rewriting.

It was moved by Council Member Quirk, seconded by Council Member Zermeño, and carried unanimously, to refer the item back to the Council Appointees Committee for rewriting.

13. Adoption of Ordinance Amending Chapter 11, Article 4 of the Hayward Municipal Code by Adding Section 11-4.29 Thereto Relating to Underground District No. 29

Staff report submitted by City Clerk Lens, dated December 14, 2010, was filed.

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

Ordinance 10-21, “An Ordinance Amending Article 4, Chapter 11 of the Hayward Municipal Code by Adding Section 11-4.29 Thereto Relating to Underground District No. 29”

14. Adoption of Ordinance Amending Chapter 11, Article 4 of the Hayward Municipal Code by Adding Section 11-4.30 Thereto Relating to Underground District No. 30

Staff report submitted by City Clerk Lens, dated December 14, 2010, was filed.

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

Ordinance 10-22, “An Ordinance Amending Article 4, Chapter 11 of the Hayward Municipal Code by Adding Section 11-4.30 Thereto Relating to Underground District No. 30”

## **LEGISLATIVE BUSINESS**

15. Approval of Drought Implementation Plan

Staff report submitted by Deputy Director of Public Works Ameri, dated December 14, 2010, was filed.

Director of Public Works Bauman introduced Deputy Director of Public Works Ameri who provided a synopsis of the report.

Council Member Henson thanked Deputy Director of Public Works Ameri for his hard work and commented that this is a good Plan for the City. Mr. Henson also thanked Council Member Quirk for his hard work on the Bay Area Water Supply and Conservation Agency (BAWSCA). In response to Mr. Henson’s question if Hayward’s lower average use of water and the sustainable practices in place provided any advantage for the City, Mr. Ameri responded that the City benefitted from the sustainable practices and noted that when the initial version of the cutbacks were reviewed last year the cutbacks started at 30% and after the sustainable factor was introduced along with the summer/winter usage criteria, the cutback dropped to 17%. Mr. Ameri confirmed for Mr. Henson that the City won the Silicon Valley Water Conservation Award last year.

There being no comments Mayor Sweeney opened and closed the public hearing at 9:24 p.m.

Council Member Quirk thanked Deputy Public Works Director Ameri for developing a system that



**MINUTES OF THE SPECIAL CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 14, 2010, 7:00 p.m.**

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looks at how much water can be conserved and the special provisions for a sufficient water supply for the City of East Palo Alto in the event of a drought. Mr. Quirk said he appreciated the leadership and great job that Mr. Ameri brought to the committee's discussions.

Mayor Sweeney thanked Deputy Director of Public Works Ameri on a job well done.

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

Resolution 10-193, "Resolution Approving the Tier 2 Drought Implementation Plan Pursuant to Section 3.11.C of the Water Supply Agreement with San Francisco"

16. Inclusionary Housing Interim Relief Ordinance

Staff report submitted by Housing Manager McLaughlin, dated December 14, 2010, was filed.

Director of Redevelopment Bartlett introduced Housing Manager McLaughlin who provided a synopsis of the report.

In response to Council Member Peixoto's inquiry regarding in-lieu fees, Housing Manager McLaughlin clarified that for single family housing, the City requirement is that one out of every ten units needs to be affordable and the maximum in-lieu fee to be paid is \$80,000, with cost spread over a ten unit project, \$8,000 per unit. In response to Mr. Peixoto's question as to what types of projects the Inclusionary Housing Relief Ordinance will attract, Mr. McLaughlin noted the fee is less for single family housing and higher for condominiums and townhomes.

Council Member Henson mentioned that Council received an email from Mr. Campos of the Government Affairs General Council and asked if Mr. McLaughlin had heard from others in support of the Inclusionary Housing Interim Relief Ordinance. Housing Manager McLaughlin replied that staff has heard from the building industry association, which strongly supports the proposed Ordinance, and noted that many cities are looking for ways to spur development forward.

There being no comments, Mayor Sweeney opened and closed the public hearing at 9:36 p.m.

Council Member Quirk mentioned that he had a conversation with Mr. John Dutra, a property owner in the Mt. Eden area, and referenced an email noting that the proposed Ordinance will make a major difference in the success of Mr. Dutra's current projects. Mr. Quirk felt that the proposed Ordinance is the right formula for the City and thanked Council Member Halliday who had pointed out the uncertainty of Proposition 26. Mr. Quirk mentioned that some single family housing, such as the type in Mt. Eden area, will benefit from the proposed Ordinance. Mr. Quirk moved the item per staff recommendation. Council Member Zermeño seconded the motion.

Council Member Halliday thanked staff for the work on the proposed Ordinance and the analysis of the impacts of Proposition 26. Ms. Halliday noted that the proposal will improve the current situation for developers. Ms. Halliday hoped the proposed Ordinance would hopefully spark renewed building efforts. Ms. Halliday also acknowledged the Redevelopment Director Bartlett's last meeting and thanked her for all her efforts for the City. Ms. Halliday remembered working closely with Ms. Bartlett on the former Downtown Committee and noted that she was always professional, helpful, and acting in the best interest of the City. Ms. Halliday said that she will be missed and wished Ms. Bartlett the best. Mayor Sweeney said that everyone on the Council would agree and echoed Council Member Halliday's sentiments. Director Bartlett thanked Council and the executive staff.

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

Introduction of Ordinance 10-\_, "An Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions"

Resolution 10-194, "Resolution Finding that the Enactment of an Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions is Exempt from the California Environmental Quality Act (CEQA)"

#### 17. Support for the Development, Relief, and Education for Alien Minors (DREAM) Act

Staff report submitted by Assistant City Manager Morariu, dated December 14, 2010, was filed.

Assistant City Manager Morariu provided a synopsis of the report.

Council Member Quirk thanked staff and the students for their assistance in bringing the item before Council. Mr. Quirk urged the students to contact their colleagues in states with Republican senators in order to obtain their support for the DREAM Act.

Council Member Salinas supported the DREAM Act because it affects not only Hispanics, but also other minorities. Mr. Salinas mentioned that many people migrate because of their economic situation and that statistics show that immigrant students attend higher education. He thanked the students for coming and advocating for the DREAM Act and was pleased with Council's support.

Council Member Henson supported the item and said that it is beneficial for the country. He pointed out that if people are willing to serve their country and give their lives through military service, then they should be rewarded with citizenship. Mr. Henson concurred with Council Member Quirk that the supporters of the DREAM Act should contact Republican senators.

Council Member Zermeño thanked staff for the report and noted that the proposed Act is important to the 40% Hispanic population in Hayward.



**MINUTES OF THE SPECIAL CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF  
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City Council Chambers  
777 B Street, Hayward, CA 94541  
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There being no public comments, Mayor Sweeney opened and closed the public hearing at 8:50 p.m.

Council Member Zermeño made a motion per staff recommendation and Council Member Salinas seconded the motion.

Council Member Halliday said she was in support of the item and commented that she was glad to see that the item satisfies the Council's purview. She mentioned that the people who will benefit from the DREAM Act came to this country when they were young and did not have a choice. Ms. Halliday said that it is important to get the DREAM Act passed and was happy to support the motion.

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

Resolution 10-185, "A Resolution in Support of the Development, Relief, and Education for Alien Minors (DREAM) Act Currently Being Considered in the U.S. Congress"

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

Council Member Salinas wished residents and employees of the City of Hayward Happy Holidays. He also encouraged everyone to volunteer during this holiday season.

Council Member Zermeño reported that Mayor Sweeney, Council Member Salinas and he met with the Consul General of Mexico in San Francisco Carlos Felix. He expressed that there was interest in working with the City of Hayward.

Mayor Sweeney wished everyone a Merry Christmas and a healthy and prosperous New Year.

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 9:42 pm

**APPROVED:**

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Michael Sweeney, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

**DRAFT**

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Miriam Lens, City Clerk, City of Hayward  
Secretary, Redevelopment Agency

**DATE:** January 18, 2011  
**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** D Street Reservoir Seismic Improvements: Award of Contract

**RECOMMENDATION**

That Council adopts the attached resolution approving Addenda Nos. 1 and 2 providing minor revisions to the Plans and Specifications and awarding the contract to Sierra Mountain Construction, in the amount of \$294,000 for the D Street Reservoir Seismic Improvements Project.

**BACKGROUND**

On November 16, 2010, Council approved the plans and specifications for the D Street Reservoir Seismic Improvements project and called for bids to be received on December 14, 2010. Staff issued Addenda Nos. 1 and 2 to answer questions from the pre-bid meeting and bid walk, and to make minor revisions to the plans and specifications.

The D Street Reservoir, built in 1931, is a 1.0 MG, partially-buried, reinforced concrete reservoir with a redwood roof. It is a critical component of the Hayward water system, providing additional water for fire fighting and emergency storage. In 1995, Dames & Moore completed a Seismic Retrofit Study that recommended completion of a detailed seismic evaluation of the D Street Reservoir to estimate the seismic performance of the tank walls and roof, and to evaluate the need for seismic strengthening. In the 2003 Seismic Vulnerability Assessment, G&E Engineering Systems Inc. determined that the roof would likely be exposed to slosh loads under strong ground shaking during a magnitude 7.1 earthquake on the Hayward Fault. In 2008, Carollo Engineers prepared a design study for replacing the tank in its Water System Reservoirs Project. Staff determined that replacement of the tank was prohibitively expensive and sought to retrofit the tank so that it can stay in service following a major earthquake.

In March 2010, the City entered into a professional service agreement with consultant Simon Wong Engineering for evaluation, design, and construction administration services for the seismic upgrades to the D Street Reservoir.

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA). The Public Resources Code states that CEQA does not apply to any project involving the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline or drinking water facility.

## DISCUSSION

In its evaluation, Simon Wong Engineering compared two alternatives for replacing the roof: retrofitting the existing wood roof or replacing it with a lighter aluminum roof. The evaluation also considered two alternatives for strengthening the concrete tank to provide better performance during an earthquake event: installing an inner concrete wall by casting it in place or using Shotcrete (sprayed-on concrete). The recommended solutions were to replace the roof with an aluminum roof and install a cast-in-place inner concrete wall.

Simon Wong Engineering prepared a bid package to complete the tank strengthening and remove the old wood roof. As part of the project, staff will require the contractor to remove the large wood roof beams and preserve them for the City's potential future reuse. Because the City recently completed a competitive bid process for a purchase order contract to provide an identical aluminum roof for the High School Reservoir earlier this year, staff requested a proposal from the same contractor, Temcor, to install the D Street Reservoir roof as a separate purchase order contract for this project. Temcor's quote for a new aluminum roof was \$13,000 less than the High School Reservoir project, which in turn was twenty-five percent lower than the next lowest bid on that project. Staff determined this was also the most cost effective way to procure the roof for this project. The Finance Department has approved the Purchase Order for the Temcor roof. The City will work with Temcor to coordinate the timing of the manufacturing of the new roof once the seismic improvements contractor provides a project schedule.

During bidding there were two addenda. Bid Addendum No. 1 addressed questions raised during the prebid meeting, including moving the bid opening date by an hour to avoid coinciding with another similar bid opening, clarifying the license requirements, and adding a site walk. Bid Addendum No. 2 addressed questions raised during the site walk, including allowing installation of bolts into the existing reservoir for the concrete forms and providing a set of photos showing the reservoir's interior, which was inaccessible during the site walk.

On December 14, 2010, staff received fourteen bids for the project. Sierra Mountain Construction of San Francisco, CA submitted the low bid in the amount of \$294,000, which is approximately 32% below the Engineer's estimate of \$510,000. Ghilotti Construction Co. submitted the second lowest bid in the amount of \$324,700. The bids ranged from \$294,000 to \$496,265.

All bid documents, references and licenses are in order. Staff recommends award of contract to the low bidder, Sierra Mountain Construction, in the amount of \$294,000.

## FISCAL AND ECONOMIC IMPACT

The estimated project costs are as follows:

Design and Construction Administration Services – Consultant	\$130,000
Design Administration – City Staff	20,000
Construction Contract – Tank	294,000
Separate Purchase Order Contract - Roof	352,000
Inspection and Testing	50,000
Total:	<hr/> \$ 846,000

The FY 2011 Water System Capital Improvement Fund includes \$1,150,000 for this project. To date, there is a fund balance of \$647,731, sufficient to award the construction contract.

## **PUBLIC CONTACT**

All the installation work will be done inside the reservoir property and will not involve any ground excavation. However, some construction noise and parking may affect the adjacent residences. To limit the impact to the adjacent residences, sound control restrictions will be placed on the contractor from 7:00 pm to 8:00 a.m. weekdays. The contractor will be allowed onsite starting at 7:00 a.m., however, they will be forbidden from operating heavy equipment and performing other noisy activities that do not comply with the sound control restrictions. The contractor is not expected to work on weekends or overtime beyond a typical closing time of 4:00 or 5:00 pm. Area residents were invited to an informational meeting on January 13, 2011 at 7:00 pm to discuss the project and potential impacts on area residents.

Prior to actual start of construction, staff and/or the contractor will also provide notices to affected residents, property owners, and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule, and City contact for additional information.

## **SCHEDULE**

Open Bids	December 14, 2010
Award Contract	January 18, 2011
Begin Work	February 8, 2011
Complete Work	October 2011

*Prepared by:* Alex Ameri, Deputy Director of Public Works

*Recommended by:* Robert A. Bauman, Director of Public Works

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I: Draft Resolution
- Attachment II: Project Location Map
- Attachment III: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-\_\_\_\_\_

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

RESOLUTION APPROVING ADDENDA NOS. 1 AND 2, AND AWARDING THE CONTRACT TO SIERRA MOUNTAIN CONSTRUCTION INC. FOR D STREET RESERVOIR SEISMIC IMPROVMENTS PROJECT, PROJECT NO. 7161

WHEREAS, by resolution on November 16, 2010, the City Council approved the plans and specifications for the D Street Reservoir Seismic Improvements Project, Project No. 7161, and called for bids to be received on December 14, 2010; and

WHEREAS, on December 14, 2010, fourteen bids were received ranging from \$294,000 to \$496,265; Sierra Mountain Construction Inc. of San Francisco submitted the low bid in the amount of \$294,000, which is 32 percent below the Engineer’s Estimate of \$510,000; and

WHEREAS, Addenda Nos. 1 and 2 were issued to provide minor revisions to the plans and specifications; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Addenda Nos. 1 and 2 are hereby approved and adopted as part of the plans and specifications for the project.

BE IT FURTHER RESOLVED that Sierra Mountain Construction, Inc. is hereby awarded the contract for the D Street Reservoir Seismic Improvements Project, Project No. 7161, 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 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 Sierra Mountain Construction, Inc. in the name of and for and on behalf of the City of Hayward, in an amount not to exceed \$294,000, in a form to be approved by the City Attorney.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

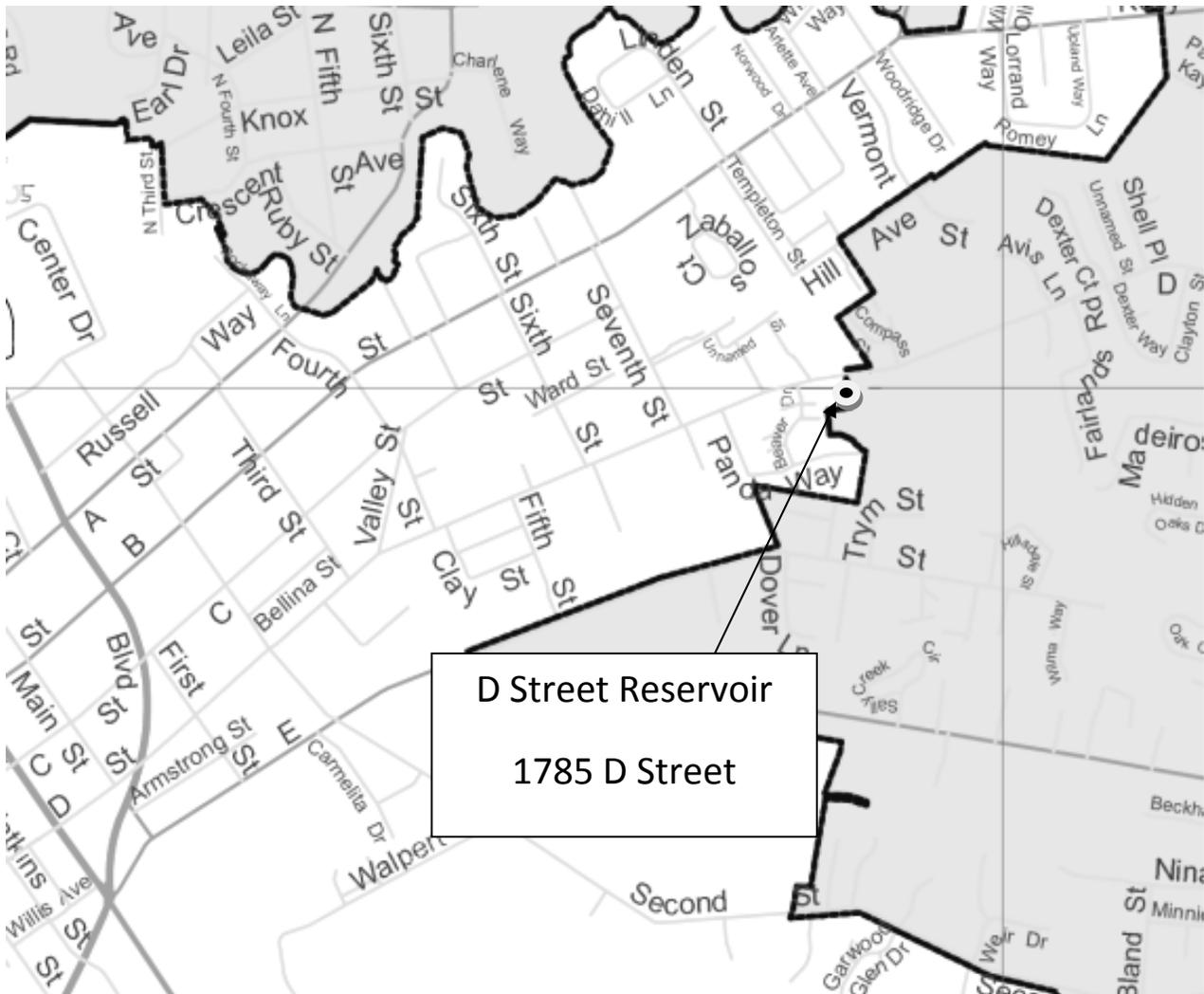
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



**SEISMIC RETROFIT OF D STREET RESERVOIR**

**PROJECT NO. 622-7161**

**LOCATION MAP**

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Sierra Mountain Construction Inc.		Ghilotti Construction Company, Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS		Mobilization/Demobilization	30,000.00	30,000.00	20,000.00	20,000.00	29,700.00	29,700.00
2	1	LS		Roof Deconstruction/Demolition	10,000.00	10,000.00	45,000.00	45,000.00	60,000.00	60,000.00
3	1	LS		Reservoir Sesimic Improvements	400,000.00	400,000.00	159,000.00	159,000.00	165,000.00	165,000.00
4	1	LS		Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
<b>TOTAL</b>						<b>510,000.00</b>		<b>294,000.00</b>		<b>324,700.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Robert Bothman, Inc.		Valentine Corporation	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS		Mobilization/Demobilization	30,000.00	30,000.00	45,880.00	45,880.00	30,000.00	30,000.00
2	1	LS		Roof Deconstruction/Demolition	10,000.00	10,000.00	65,000.00	65,000.00	85,000.00	85,000.00
3	1	LS		Reservoir Sesimic Improvements	400,000.00	400,000.00	160,000.00	160,000.00	164,369.00	164,369.00
4	1	LS		Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
<b>TOTAL</b>						<b>510,000.00</b>		<b>340,880.00</b>		<b>349,369.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Auburn Constructors, Inc.		J.F. Shea Construction, Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	LS	1		Mobilization/Demobilization	30,000.00	30,000.00	20,000.00	20,000.00	29,950.00	29,950.00
2	LS	1		Roof Deconstruction/Demolition	10,000.00	10,000.00	95,000.00	95,000.00	110,000.00	110,000.00
3	LS	1		Reservoir Sesimic Improvements	400,000.00	400,000.00	185,300.00	185,300.00	208,000.00	208,000.00
4	LS	1		Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
<b>TOTAL</b>						<b>510,000.00</b>		<b>370,300.00</b>		<b>417,950.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

BID SUMMARY		ENGINEER'S ESTIMATE		Joseph J. Albanese, Inc.		Anderson Pacific Engineering Construction	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization/Demobilization	30,000.00	30,000.00	18,000.00	18,000.00
2	1	LS	Roof Deconstruction/Demolition	10,000.00	10,000.00	57,300.00	57,300.00
3	1	LS	Reservoir Sesimic Improvements	400,000.00	400,000.00	273,960.00	273,960.00
4	1	LS	Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00
			<b>TOTAL</b>		<b>510,000.00</b>		<b>419,260.00</b>
							<b>422,700.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Massa Construction Company, Inc.		Spiess Construction Co., Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1		1	LS	Mobilization/Demobilization	30,000.00	30,000.00	24,000.00	24,000.00	13,650.00	13,650.00
2		1	LS	Roof Deconstruction/Demolition	10,000.00	10,000.00	77,200.00	77,200.00	75,850.00	75,850.00
3		1	LS	Reservoir Sesimic Improvements	400,000.00	400,000.00	257,000.00	257,000.00	275,800.00	275,800.00
4		1	LS	Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
<b>TOTAL</b>						<b>510,000.00</b>		<b>428,200.00</b>		<b>435,300.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Sposeto Engineering, Inc.		GSE Construction Co., Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS		Mobilization/Demobilization	30,000.00	30,000.00	12,000.00	12,000.00	33,000.00	33,000.00
2	1	LS		Roof Deconstruction/Demolition	10,000.00	10,000.00	87,000.00	87,000.00	96,000.00	96,000.00
3	1	LS		Reservoir Seismic Improvements	400,000.00	400,000.00	283,000.00	283,000.00	285,000.00	285,000.00
4	1	LS		Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
<b>TOTAL</b>						<b>510,000.00</b>		<b>452,000.00</b>		<b>484,000.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF D STREET RESERVOIR SEISMIC IMPROVEMENTS  
 PROJECT NO. 622-7161  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 14)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Amana Engineering & Construction, Inc.		EE Gilbert Construction Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS		Mobilization/Demobilization	30,000.00	30,000.00	50,000.00	50,000.00	16,605.00	16,605.00
2	1	LS		Roof Deconstruction/Demolition	10,000.00	10,000.00	45,000.00	45,000.00	147,510.00	147,510.00
3	1	LS		Reservoir Sesimic Improvements	400,000.00	400,000.00	325,000.00	325,000.00	262,150.00	262,150.00
4	1	LS		Administrative Change Orders	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
<b>TOTAL</b>						<b>510,000.00</b>		<b>490,000.00</b>		<b>496,265.00</b>



**DATE:** January 18, 2011

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Installation of Sudden Loss Valves at Various Locations Project: Award of Contract and Appropriation of Additional Funds

### **RECOMMENDATION**

That Council adopts the attached resolutions:

1. Approving Addenda Nos. 1 and 2, providing minor revision to the Plans and Specifications; and awarding the contract to Auburn Constructors, Inc., in the amount of \$483,300; and
2. Appropriating an additional \$280,000 to the project budget from the Water System Capital Improvement Fund in order to complete this project.

### **BACKGROUND**

When a catastrophic event such as an earthquake occurs, water stored in a reservoir can drain out if its downstream pipe is sheared. Technology in the form of a rapid automatic shutoff valve is available to prevent such water loss. A seismic retrofit study performed for the City evaluated and recommended installation of such valves, known as sudden loss valves. The valves will serve to protect life and property by preserving water in the reservoir for domestic use and fire suppression in the event of an earthquake.

On November 16, 2010, Council approved the plans and specifications for the Installation of Sudden Loss Valves at Various Locations Project and called for bids to be received on December 14, 2010.

The City has installed sudden loss valves in five of its fourteen reservoirs: the Highland 750, 1000, 1285, 1530, and North Walpert Reservoirs. In this project, sudden loss valves will be added to the following seven reservoirs: D Street, Garin Hill, Highland 250 and 500, Maitland, South Walpert, and Treeview Reservoirs. Work at the D Street, Maitland, South Walpert, and Highland 250 and 500 Reservoirs will involve removing existing valves and replacing them with new motorized butterfly valves. At the Treeview Reservoir, the existing valve vault does not have adequate room.

Therefore, the selected contractor will cut a section of the pipe outside the vault and construct a new concrete vault in order to install the motorized butterfly valve. The Garin Hill Reservoir has an existing butterfly valve and needs only to be retrofitted with a motorized actuator.

Once the sudden loss valves are in place, some programming must be done at each site in order for the newly installed systems to communicate with the City's SCADA monitoring and control system. A consultant under separate agreement will complete this work. Staff will prepare an agreement with the consultant for the SCADA and PLC programming at a later date.

## **DISCUSSION**

On December 14, 2010, staff received nine bids for this project. Auburn Constructors, Inc., submitted the low bid in the amount of \$483,300, which is approximately 6% above the Engineer's Estimate of \$455,000. Tidelands Construction Company submitted the second lowest bid in the amount of \$497,777. The bids ranged from \$483,300 to \$716,280.

The bids submitted were higher than anticipated, most likely due to the design consultant's (Carollo Engineers) underestimation of the overall project cost. In the current difficult economic conditions, many of the bids submitted for previous projects were substantially lower than the Engineer's Estimate; some were as much as 50% below. Carollo Engineers took this into consideration and lowered its cost estimate. The contractors did not reduce their overhead costs as much as anticipated, which resulted in the higher bids.

All bid documents and licenses are in order. Staff recommends award of the contract to the low bidder, Auburn Constructors, Inc. in the amount of \$483,300.

## **FISCAL IMPACT**

The estimated project costs are as follows:

Design and Construction Administration Services – Consultant	\$ 75,000
SCADA/PLC Programming for Sudden Loss Valves	50,000
Design Administration – City Staff	30,000
Construction Contract	483,300
Inspection and Testing	60,000
Total:	<hr/> \$ 698,300

The FY 2011 Capital Improvement Program (CIP) includes \$422,000 for the Installation of Sudden Loss Valves at Various Locations Project in the Water System Capital Improvement Fund.

Staff projected the initial CIP contract construction cost to be \$250,000. This preliminary estimate did not account for many of the project costs at the final design, such as additional valves and actuators for several reservoirs, trenching for conduit installation, or lead paint abatement and

recoating of pipes. Therefore, staff requests an additional appropriation of \$280,000 from the fund balance to complete this project.

## **PUBLIC CONTACT**

All the installation work will be done inside the reservoir properties; there will be minimal impact to the residents and businesses in the area. During construction, staff and/or the contractor will provide notices to affected residents, property owners, and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule, and City contact for additional information.

## **SCHEDULE**

Open Bids	December 14, 2010
Award Contract	January 18, 2011
Begin Work	February 14, 2011
Complete Work	August 14, 2011

*Prepared by:* Alex Ameri, Deputy Director of Public Works

*Recommended by:* Robert A. Bauman, Director of Public Works

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I: Resolution – Award of Contract
- Attachment II: Resolution – Appropriation of Funds
- Attachment III: Project Location Map
- Attachment IV: Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-\_\_\_\_\_

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

RESOLUTION APPROVING ADDENDA NOS. 1 AND 2 MODIFYING THE PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF SUDDEN LOSS VALVES AT VARIOUS LOCATIONS PROJECT, PROJECT NO. 7023, AND AWARDING THE CONTRACT TO AUBURN CONSTRUCTORS, INC.

WHEREAS, by resolution on November 16, 2010, the City Council approved the plans and specifications for the Installation of Sudden Loss Valves at Various Locations Project, Project No. 7023, and called for bids to be received on December 14, 2010; and

WHEREAS, on December 14, 2010, nine bids were received ranging from \$483,300 to \$716,280; Auburn Constructors, Inc. of Sacramento submitted the low bid in the amount of \$483,300, which is 6 percent above the Engineer’s Estimate of \$455,000; and

WHEREAS, Addenda Nos. 1 and 2 were issued to provide minor revisions to the plans and specifications; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Addenda Nos. 1 and 2 are hereby approved and adopted as part of the plans and specifications for the project.

BE IT FURTHER RESOLVED that Auburn Constructors, Inc. is hereby awarded the contract for the Installation of Sudden Loss Valves at Various Locations Project, Project No. 7023, 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 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 Auburn Constructors, Inc., in the name of and for and on behalf of the City of Hayward, in an amount not to exceed \$483,300, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2011

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. 11-\_\_\_\_\_

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

RESOLUTION AMENDING RESOLUTION 10-084, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2011, RELATING TO AN APPROPRIATION OF FUNDS FROM THE WATER SYSTEM CAPITAL IMPROVEMENT FUND (FUND 622) TO THE INSTALLATION OF SUDDEN LOSS VALVES AT VARIOUS LOCATIONS PROJECT, PROJECT NO. 7023

BE IT RESOLVED that the City Council of the City of Hayward that Resolution No. 10-084, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2011, is hereby amended by approving an additional appropriation of \$280,000 from the Water System Capital Improvement Fund (Fund 622) to the Installation Of Sudden Loss Valves At Various Locations Project, Project No. 7023.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

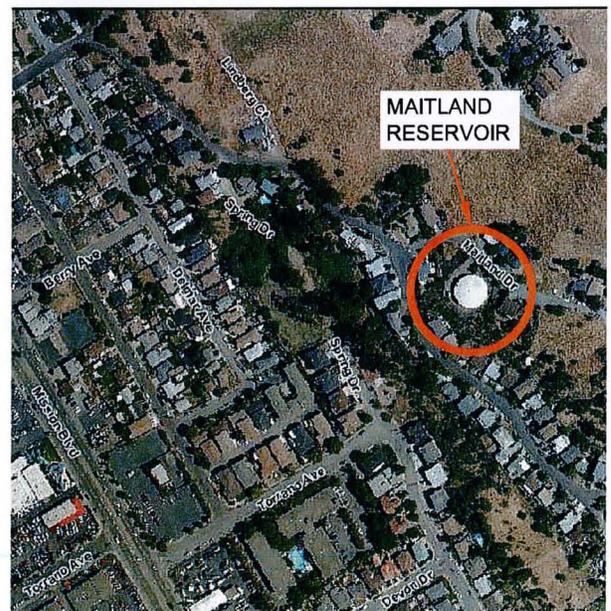
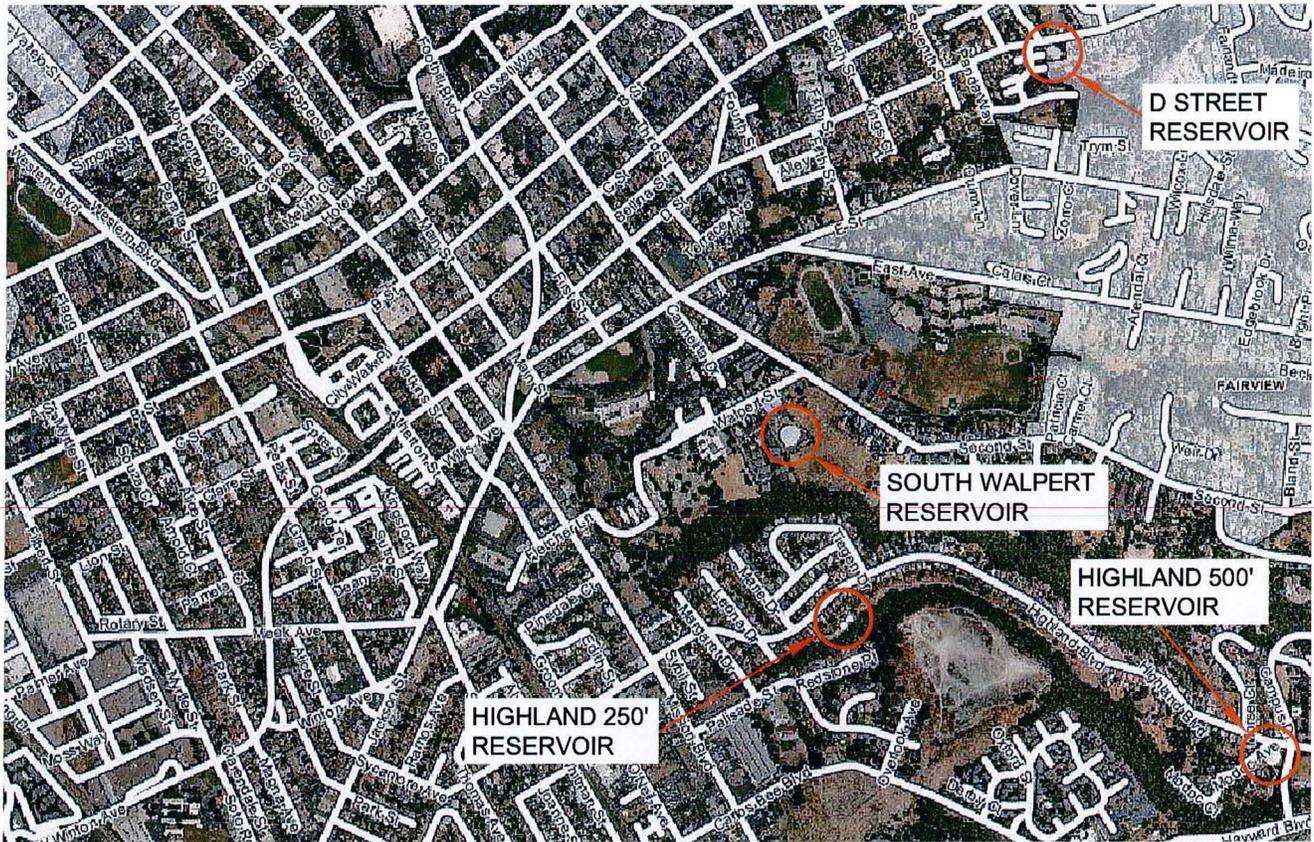
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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



INSTALLATION OF EMERGENCY SUDDEN LOSS VALVES AT VARIOUS LOCATIONS - PROJECT NO. 622-7023  
LOCATION MAP

CITY OF HAYWARD  
 CONSTRUCTION OF INSTALLATION OF EMERGENCY SUDDEN LOSS VALVES  
 AT VARIOUS LOCATIONS  
 PROJECT NO. 622-7023  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 9)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Auburn Constructors, Inc.		Tidelands Construction Co.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1		1	LS	Mobilization and Demobilization	20,000.00	20,000.00	20,000.00	20,000.00	10,000.00	10,000.00
2		1	LS	Install Sudden Loss Valves At "D" Street Reservoir	63,000.00	63,000.00	75,000.00	75,000.00	71,000.00	71,000.00
3		1	LS	Install Sudden Loss Valves At Maitland Reservoir	63,000.00	63,000.00	67,000.00	67,000.00	67,000.00	67,000.00
4		1	LS	Install Sudden Loss Valves At Treeview Reservoir	74,000.00	74,000.00	89,000.00	89,000.00	74,277.00	74,277.00
5		1	LS	Install Sudden Loss Valves At Highland 250 Reservoir	51,000.00	51,000.00	53,300.00	53,300.00	57,000.00	57,000.00
6		1	LS	Install Sudden Loss Valves At Highland 500 Reservoir	54,000.00	54,000.00	60,000.00	60,000.00	80,000.00	80,000.00
7		1	LS	Install Sudden Loss Valves At Garin Hills Reservoir	21,000.00	21,000.00	25,000.00	25,000.00	35,000.00	35,000.00
8		1	LS	Install Sudden Loss Valves At South Walpert Reservoir	50,000.00	50,000.00	33,000.00	33,000.00	37,000.00	37,000.00
9		1	LS	Electrical Work Coordination Between City and City PLC Programmer	9,000.00	9,000.00	6,000.00	6,000.00	21,000.00	21,000.00
10		1	LS	Recycling Implementation	5,000.00	5,000.00	10,000.00	10,000.00	500.00	500.00
11		1	LS	Administrative Change Orders	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
				<b>TOTAL</b>		<b>455,000.00</b>		<b>483,300.00</b>		<b>497,777.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF INSTALLATION OF EMERGENCY SUDDEN LOSS VALVES  
 AT VARIOUS LOCATIONS  
 PROJECT NO. 622-7023  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 9)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		D.W. Nicholson Corporation		Kineitics Mechanical Service Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS		Mobilization and Demobilization	20,000.00	20,000.00	25,000.00	25,000.00	32,500.00	32,500.00
2	1	LS		Install Sudden Loss Valves At "D" Street Reservoir	63,000.00	63,000.00	63,510.00	63,510.00	70,740.00	70,740.00
3	1	LS		Install Sudden Loss Valves At Maitland Reservoir	63,000.00	63,000.00	54,510.00	54,510.00	63,912.00	63,912.00
4	1	LS		Install Sudden Loss Valves At Treeview Reservoir	74,000.00	74,000.00	115,000.00	115,000.00	66,261.00	66,261.00
5	1	LS		Install Sudden Loss Valves At Highland 250 Reservoir	51,000.00	51,000.00	58,410.00	58,410.00	57,633.00	57,633.00
6	1	LS		Install Sudden Loss Valves At Highland 500 Reservoir	54,000.00	54,000.00	94,170.00	94,170.00	80,722.00	80,722.00
7	1	LS		Install Sudden Loss Valves At Garin Hills Reservoir	21,000.00	21,000.00	32,060.00	32,060.00	53,450.00	53,450.00
8	1	LS		Install Sudden Loss Valves At South Walpert Reservoir	50,000.00	50,000.00	37,060.00	37,060.00	57,370.00	57,370.00
9	1	LS		Electrical Work Coordination Between City and City PLC Programmer	9,000.00	9,000.00	1,000.00	1,000.00	14,560.00	14,560.00
10	1	LS		Recycling Implementation	5,000.00	5,000.00	500.00	500.00	2,500.00	2,500.00
11	1	LS		Administrative Change Orders	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
				<b>TOTAL</b>		<b>455,000.00</b>		<b>526,220.00</b>		<b>544,648.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF INSTALLATION OF EMERGENCY SUDDEN LOSS VALVES  
 AT VARIOUS LOCATIONS  
 PROJECT NO. 622-7023  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 9)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		Spiess Construction Co., Inc.		Ghilotti Construction Company, Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	LS	1		Mobilization and Demobilization	20,000.00	20,000.00	15,850.00	15,850.00	26,100.00	26,100.00
2	LS	1		Install Sudden Loss Valves At "D" Street Reservoir	63,000.00	63,000.00	71,950.00	71,950.00	74,000.00	74,000.00
3	LS	1		Install Sudden Loss Valves At Maitland Reservoir	63,000.00	63,000.00	72,150.00	72,150.00	71,000.00	71,000.00
4	LS	1		Install Sudden Loss Valves At Treeview Reservoir	74,000.00	74,000.00	77,100.00	77,100.00	95,000.00	95,000.00
5	LS	1		Install Sudden Loss Valves At Highland 250 Reservoir	51,000.00	51,000.00	68,700.00	68,700.00	66,000.00	66,000.00
6	LS	1		Install Sudden Loss Valves At Highland 500 Reservoir	54,000.00	54,000.00	91,350.00	91,350.00	88,000.00	88,000.00
7	LS	1		Install Sudden Loss Valves At Garin Hills Reservoir	21,000.00	21,000.00	32,800.00	32,800.00	40,000.00	40,000.00
8	LS	1		Install Sudden Loss Valves At South Walpert Reservoir	50,000.00	50,000.00	53,500.00	53,500.00	49,000.00	49,000.00
9	LS	1		Electrical Work Coordination Between City and City PLC Programmer	9,000.00	9,000.00	14,400.00	14,400.00	15,000.00	15,000.00
10	LS	1		Recycling Implementation	5,000.00	5,000.00	3,400.00	3,400.00	100.00	100.00
11	LS	1		Administrative Change Orders	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
<b>TOTAL</b>						<b>455,000.00</b>		<b>546,200.00</b>		<b>569,200.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF INSTALLATION OF EMERGENCY SUDDEN LOSS VALVES  
 AT VARIOUS LOCATIONS  
 PROJECT NO. 622-7023  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 9)

BID SUMMARY		ENGINEER'S ESTIMATE		Anderson Pacific Engineering Construction, Inc. 1390 Norman Ave Santa Clara, CA 95054 (408) 970-9900 (408) 970-9975 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	1	LS	Mobilization and Demobilization	20,000.00	20,000.00
2	1	LS	Install Sudden Loss Valves At "D" Street Reservoir	63,000.00	63,000.00
3	1	LS	Install Sudden Loss Valves At Maitland Reservoir	63,000.00	63,000.00
4	1	LS	Install Sudden Loss Valves At Treeview Reservoir	74,000.00	74,000.00
5	1	LS	Install Sudden Loss Valves At Highland 250 Reservoir	51,000.00	51,000.00
6	1	LS	Install Sudden Loss Valves At Highland 500 Reservoir	54,000.00	54,000.00
7	1	LS	Install Sudden Loss Valves At Garin Hills Reservoir	21,000.00	21,000.00
8	1	LS	Install Sudden Loss Valves At South Walpert Reservoir	50,000.00	50,000.00
9	1	LS	Electrical Work Coordination Between City and City PLC Programmer	9,000.00	9,000.00
10	1	LS	Recycling Implementation	5,000.00	5,000.00
11	1	LS	Administrative Change Orders	45,000.00	45,000.00
			<b>TOTAL</b>		<b>455,000.00</b>
					<b>598,500.00</b>

CITY OF HAYWARD  
 CONSTRUCTION OF INSTALLATION OF EMERGENCY SUDDEN LOSS VALVES  
 AT VARIOUS LOCATIONS  
 PROJECT NO. 622-7023  
 BIDS OPENED: DECEMBER 14, 2010  
 (NUMBER OF BIDS RECEIVED - 9)

ITEM		QTY.	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		J.F. Shea Construction, Inc.		Lewis and Tibbitts, Inc.	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1		1	LS	Mobilization and Demobilization	20,000.00	20,000.00	35,000.00	35,000.00	21,000.00	21,000.00
2		1	LS	Install Sudden Loss Valves At "D" Street Reservoir	63,000.00	63,000.00	83,000.00	83,000.00	117,200.00	117,200.00
3		1	LS	Install Sudden Loss Valves At Maitland Reservoir	63,000.00	63,000.00	71,000.00	71,000.00	97,860.00	97,860.00
4		1	LS	Install Sudden Loss Valves At Treeview Reservoir	74,000.00	74,000.00	115,000.00	115,000.00	114,250.00	114,250.00
5		1	LS	Install Sudden Loss Valves At Highland 250 Reservoir	51,000.00	51,000.00	76,000.00	76,000.00	86,580.00	86,580.00
6		1	LS	Install Sudden Loss Valves At Highland 500 Reservoir	54,000.00	54,000.00	76,000.00	76,000.00	99,225.00	99,225.00
7		1	LS	Install Sudden Loss Valves At Garin Hills Reservoir	21,000.00	21,000.00	41,000.00	41,000.00	61,915.00	61,915.00
8		1	LS	Install Sudden Loss Valves At South Walpert Reservoir	50,000.00	50,000.00	40,000.00	40,000.00	65,220.00	65,220.00
9		1	LS	Electrical Work Coordination Between City and City PLC Programmer	9,000.00	9,000.00	6,000.00	6,000.00	6,700.00	6,700.00
10		1	LS	Recycling Implementation	5,000.00	5,000.00	21,000.00	21,000.00	1,330.00	1,330.00
11		1	LS	Administrative Change Orders	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
<b>TOTAL</b>						<b>455,000.00</b>		<b>609,000.00</b>		<b>716,280.00</b>

**DATE:** January 18, 2011  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on December 14, 2010.

**BACKGROUND**

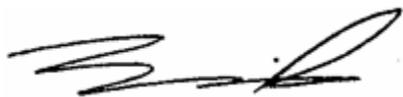
The ordinance was introduced by Council Member Quirk at the December 14, 2010, meeting of the City Council with the following vote:

<b>AYES:</b>	Council Members:	Zermeño, Quirk, Halliday, Peixoto, Henson, Salinas Mayor Sweeney
<b>NOES:</b>	Council Members:	None
<b>ABSENT:</b>	Council Members:	None
<b>ABSTAIN:</b>	Council Members:	None

The ordinance was published in the Hayward Daily Review on Saturday, January 15, 2011. Adoption at this time is therefore appropriate.

*Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachment I: Draft Ordinance Published on January 15, 2011

**PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

**AN ORDINANCE PROVIDING INTERIM RELIEF FROM CERTAIN INCLUSIONARY  
HOUSING PROVISIONS**

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Interim Relief Provisions. Notwithstanding the provisions of Chapter 10, Article 17, "Inclusionary Housing Ordinance," of the Hayward Municipal Code, the following provisions shall be applicable to Residential Development Projects which have received all discretionary planning approvals prior to December 31, 2012:

**DEFINITIONS**

**PROVISIONS APPLICABLE TO RESIDENTIAL OWNERSHIP PROJECTS**

**PROVISIONS APPLICABLE TO RESIDENTIAL RENTAL PROJECTS**

**TIME OF PAYMENT OF IN-LIEU FEES**

**INCLUSIONARY HOUSING ORDINANCE**

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held December 14, 2010, the above-entitled ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on January 18, 2011, at 7:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Dated: January 15, 2011  
Miriam Lens, City Clerk  
City of Hayward

**DATE:** January 18, 2011

**TO:** Redevelopment Agency Board Members

**FROM:** Assistant City Manager/Interim Redevelopment Director

**SUBJECT:** Authorization to Extend the Exclusive Negotiating Agreement with Urban Dynamic, LLC, for a Proposed Residential Development at the Residual Burbank School Site

#### **RECOMMENDATION**

That the Agency Board adopts the attached resolution authorizing the Executive Director to grant a ninety-day extension to the Exclusive Negotiating Agreement with Urban Dynamic, LLC, for a Proposed Residential Development at the Residual Burbank School Site

#### **BACKGROUND**

The Agency acquired the Burbank Residual School site from the Hayward Unified School District (HUSD) in July 2008. The site was conveyed to the Agency pursuant to the Public Facilities Development Agreement between the Agency, the City, HUSD, and the Hayward Area Recreation District (HARD), as partial payment to the Agency for funding the construction of the new Burbank Elementary School. The site is approximately 3.84 acres and it is an entire City block bounded by B and C Streets to the north and south, respectively, and Myrtle and Filbert Streets to the East and West, respectively (see Attachment I). After an Exclusive Negotiating Agreement (ENA) with Citation Homes Central was terminated in May 2009, the Agency received an unsolicited proposal from Urban Dynamic, LLC, to purchase the site for \$4 million dollars.

In June 29, 2010, the Agency Board authorized the Executive Director to enter into an Exclusive Negotiating Agreement (ENA) with Urban Dynamic, LLC for a ninety- day period to prepare initial development plans, to have the site appraised to determine its market value, and to potentially negotiate the basic terms of a Disposition and Development Agreement (DDA). Upon execution of the ENA, Urban Dynamic, LLC paid the Agency a \$5,000 non-refundable deposit for Agency-incurred expenses.

The ENA allows for a renewal of an additional ninety-days, during which time the Agency and Developer shall take all steps necessary to: (1) complete the remaining milestone tasks outlined under Exhibit B of the First Amendment to the ENA; (2) consider the terms and conditions of the

proposed DDA; (3) if appropriate, take any actions necessary to authorize the Agency and the Developer to enter into the DDA; and (4) execute the DDA.

## **DISCUSSION**

Urban Dynamic, LLC, submitted a Rezoning application and Tentative Tract Map to the Planning Division for the proposed fifty-seven single-family homes at the Residual Burbank School Site on October 22, 2010. The proposed development plan includes an architectural design compatible with the surrounding community, and promotes environmental sensitivity and natural resource conservation through energy efficient home designs and landscape filtration of surface runoff (see Attachment II). The developer intends to offer solar energy packages on homes that can accommodate the solar panels in the appropriate orientation on their roofs. The developer is working to obtain certain environmental and resource conservation recognitions and designations for the development.

On November 18, 2010, the City's Planning Division provided Urban Dynamic, LLC a letter requesting additional information and clarifications to the proposed development plan. Some of those items include questions regarding the project's circulation plan, the utility plan, the proposed "bio-retention basin", with additional questions from Public Works, the Landscape Division, and Fire Department. The Agency is also seeking additional information regarding the solar energy proposal and other energy conservation features offered with each home. Staff is also working with Urban Dynamic, LLC, to address the potential remediation costs based on an August 3, 2006 Phase I Environmental Site Assessment and Phase II Soil Quality Evaluation. Staff will be working to obtain updated environmental and soil reports as well as a final cost estimate for the remediation work.

Urban Dynamics has made substantial progress towards the milestones outlined in Exhibit B of the ENA. As such, staff is recommending extension of the ENA to allow for completion of planning review, negotiation of the DDA business terms, and completion of project review and the entitlement process. New dates reflecting project milestones are noted in Exhibit B of the First Amendment to the ENA.

## **FISCAL IMPACT**

Extension of the ENA with Urban Dynamic, LLC in itself would have no fiscal impact to the Agency in the short term. Over the long term, the fiscal impact is contingent on completed negotiations over the terms and conditions of the DDA, culminating with the purchase of the site, potentially netting the Agency \$4 million dollars. The Agency would also gain an estimated \$250,000 to \$300,000 per year in tax increment from the redevelopment of the site. Additionally, construction jobs would be created as the housing units are developed.

## **PUBLIC CONTACT**

A report, requesting authorization to enter into an Exclusive Agreement with Urban Dynamic, LLC, was presented to and approved by the Redevelopment Agency Board on June 29, 2010. The developer and/or City staff will hold community information and input meetings in the near future,

as the community has expressed interest in getting information on the project and seeing design elements.

### **NEXT STEPS**

If approved, the First Amendment to the ENA will be executed immediately. Project negotiations would be completed by May 24, 2011. Final disposition of the land would occur at or around November 30, 2011, subsequent to the Final Map Approval scheduled for November 29, 2011.

Prepared by: Gloria Ortega, Redevelopment Project Manager

Recommended by: Kelly Moraiu, Assistant City Manager/Interim Redevelopment Director

Approved by:



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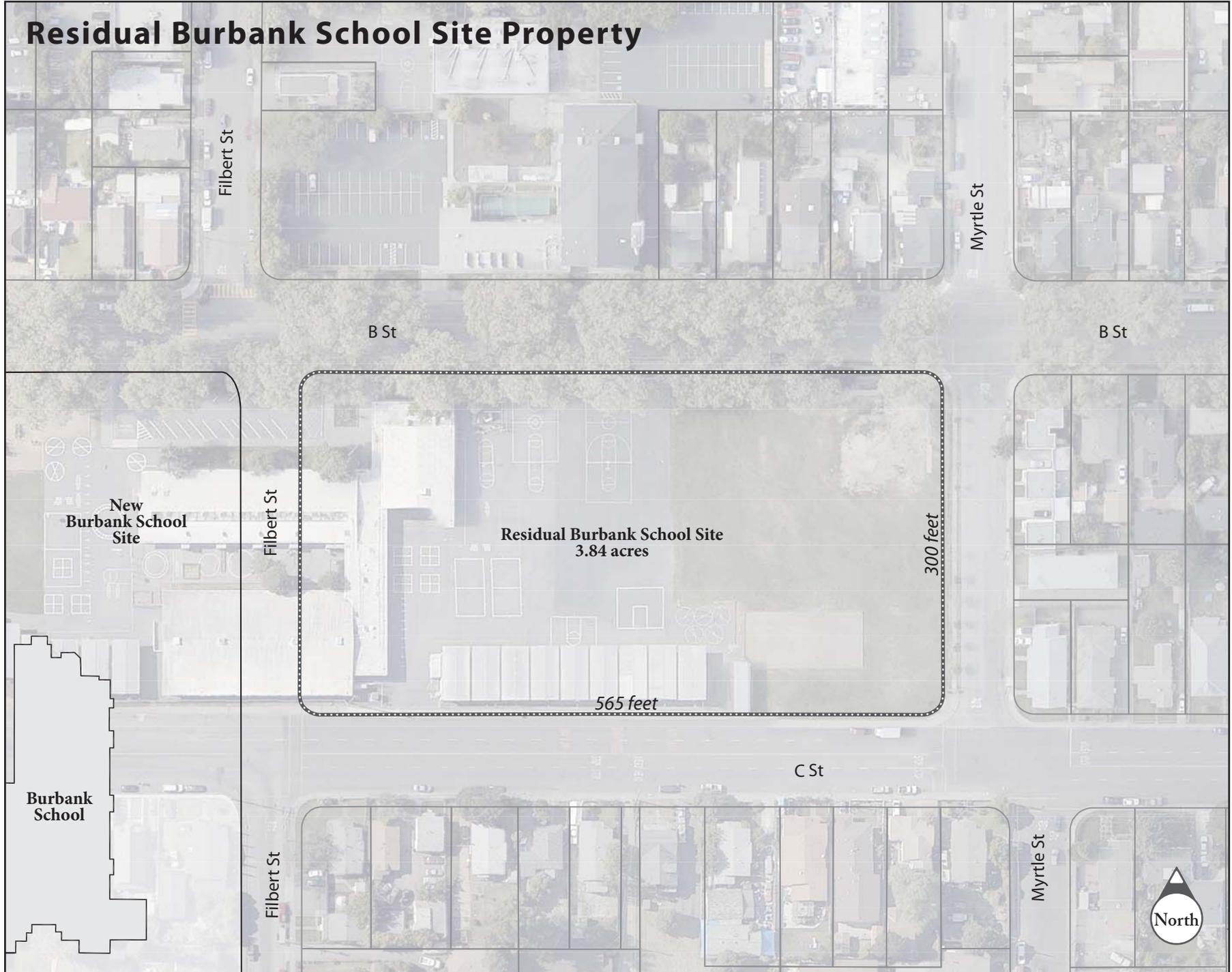
Fran David, Executive Director

#### Attachments:

Attachment I - Site Map

Attachment II - Streetscene

Attachment III - Resolution Authorizing an Amendment to the ENA with Urban Dynamic, LLC.



**Attachment II: Street Scene**





NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: \_\_\_\_\_  
Secretary of the Redevelopment Agency  
of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel