



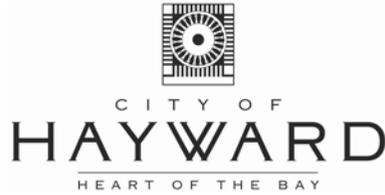
CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
FEBRUARY 21, 2012

MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE BARBARA HALLIDAY
COUNCIL MEMBER OLDEN HENSON
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER BILL QUIRK
COUNCIL MEMBER MARK SALINAS
COUNCIL MEMBER FRANCISCO ZERMEÑO

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CITY COUNCIL MEETING FOR FEBRUARY 21, 2012
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

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

1. PUBLIC COMMENTS

2. Public Employment

Pursuant to Government Code 54957

- Performance Evaluation
City Clerk

3. Conference with Labor Negotiators

Pursuant to Government Code 54957.6

- Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Human Resources Director Robustelli, Finance Director Vesely, and Assistant City Attorney Roufougar
Under Negotiation: All Bargaining Units

4. Conference with Legal Counsel

Pursuant to Government Code 54956.9

- Pending Litigation
Nanette Dillard v. Alameda County Associated Community Action Program Governing Board
Alameda County Superior Court No. RG11572661

5. Adjourn to City Council Meeting

CITY COUNCIL MEETING
Council Chambers - 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION Hayward Fire Department Combat Challenge Team

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

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

CONSENT

1. Approval of Minutes of the City Council Meeting on February 7, 2012
[Draft Minutes](#)

2. Grease Receiving and Processing Facility at the Water Pollution Control Facility: Approval of Plans and Specifications, and Call for Bids
[Staff Report](#)
[Attachment I - Resolution](#)
[Attachment II - Project Location Map](#)

3. 238 Corridor Settlement Agreement Update and Authorization for Additional Funding of Administrative Program Costs
[Staff Report](#)
[Attachment I](#)
[Attachment II](#)

4. Resignations of Nicole Reams and Elie Goldstein from the Downtown Business Improvement Area Advisory Board; and Neisy Lujan from the Hayward Youth Commission
[Staff Report](#)
[Attachment I Resolution](#)
[Attachment II Letters](#)



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

5. Approval of the Alameda County Transportation Expenditure Plan and Recommendation for the Board of Supervisors to Place an Extension and Augmentation of the Existing Transportation Sales Tax on the November 6, 2012 Ballot (*Report from Public Works Director Fakhrai*)

[Staff Report](#)

[Attachment I Resolution](#)

6. Council Priorities for FY 2013 (*Report from City Manager David*)

[Report](#)

[Attachment I](#)

[Attachment II](#)

[Attachment III](#)

[Attachment IV](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

NEXT MEETING – 7:00 PM, TUESDAY, FEBRUARY 28, 2012

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.*

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



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

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

Please visit us on:





**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 7, 2012, 7:00 p.m.**

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that the Council met concerning four items: Public Employment regarding City Attorney; Conference with Labor Negotiators regarding all bargaining units; Conference with Legal Counsel regarding Nanette Dillard v. Alameda County Associated Community Action Program Governing Board, Alameda County Superior Court No. RG11572661; and Conference with Legal Counsel regarding anticipated litigation. There were no reportable items.

PRESENTATION

Mayor Sweeney acknowledged two Hayward restaurants: New West Lake Restaurant and Hong Kong Seafood Restaurant for being nationally recognized at the 8th Annual Top 100 Chinese Restaurants Awards. The two restaurants were honored among 46,000 participating Chinese restaurants in the U.S. on January 9, 2012, at the Santa Clara Convention Center Theater. The Top 100 Chinese Menu organization awarded New West Lake Restaurant with the Top 100 Signature Dish and Hong Kong Seafood Restaurant with the Top 100 Takeouts. Mayor Sweeney noted that Council Member Henson attended the event and presented the awards to the restaurants at the Convention Center. Mayor Sweeney and Council Member Henson presented the awards to both restaurants for their excellent food and service. Ms. Ka Liang, New West Lake Restaurant owner, accepted the award, and Ms. May Liang, Hong Kong Seafood Restaurant owner, accepted the award and thanked the City for such special recognition and her customers for their patronage. Ms. Betty Xie, representing the Top 100 Chinese Menu organization, thanked the Council for the opportunity to honor two Hayward restaurants and praised Council Member Henson for his participation. Council Member Henson congratulated both restaurants for their accomplishments and attested to their excellence.

PUBLIC COMMENTS

Mr. Jim Drake, Franklin Avenue resident, reported a noise incident where individuals in his neighborhood were using a pressure washer to clean at 2:00 a.m., and a police officer responded to the call. Mr. Drake noted that the officer did not have a sound meter to measure the noise. Mr.

Drake also expressed concern that oil is washed down into the storm drains at three places in his neighborhood. Mayor Sweeney asked staff to bring back a report on the implementation of the Noise Ordinance and to address the oil runoff concern.

Mr. Jesús Armas, with business address on Main Street, reported that Los Chilonos de Hayward, consisting of Mayor Sweeney, Council Members Salinas and Zermeño, and Mr. Armas, won the match against the Hayward Firefighters Local 1909, at the February 4, 2012, Hayward basketball fundraising match, and showed photographs of the event. Council Member Zermeño thanked the Hayward firefighters and individuals who attended the event and/or contributed to raising \$529.50 for the Hayward Youth Commission.

Ms. Kelly Greenne, Sixth Street resident and Chair of the Library Commission, urged the Council to protect the Library's funding when reviewing the Council's priorities and making decisions about the City's budget. Ms. Greenne commented that the Library provides a range of essential services to the community and acknowledged City staff, and particularly Library staff, for taking salary reductions to ensure that Library's services were continued.

Ms. Linda Bennett, Hayward resident, requested that the Council reverse its decision to repeal the Mission Corridor Special Design Overlay District, noting the Design was formulated based on the blighted appearance of Mission and Foothill Boulevards and in an effort to improve those areas. Ms. Bennett expressed regret that she was not notified of the hearing regarding the repeal. Mayor Sweeney asked City Clerk Lens to work with Ms. Bennett so she could be notified of future meetings and asked Development Services Director Rizk to contact Ms. Bennett regarding the Mission Corridor Special Design Overlay District.

CONSENT

Council Member Halliday asked that Consent Item No. 4 be held for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on January 17, 2012

It was moved by Council Member Peixoto, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of January 17, 2012.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on January 24, 2012

It was moved by Council Member Peixoto, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of January 24, 2012.

3. Resolution Related to ABAG's Alternative Scenarios Associated with Formation of a Regional Sustainable Communities Strategy

Staff report submitted by Senior Planner Pearson, dated February 7, 2012, was filed.



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 7, 2012, 7:00 p.m.**

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

Resolution 12-014, “Resolution Formalizing the City of Hayward’s Comments on the Alternative Scenarios for the Regional Sustainable Communities Strategy (SCS)”

4. Install Storm Water Trash Capture Device: Approval of Plans and Specifications, and Call for Bids

Staff report submitted by Associate Civil Engineer Lam, dated February 7, 2012, was filed.

In response to Council Member Halliday’s inquiry about the Governor’s possible action to change the State’s unfunded mandates on local government, and the impact to the proposed project, Public Works Director Ameri noted he would support moving forward with the proposal and complying with the State Water Resources Control Board’s requirement, even if the State lessens the mandate on local governments. In terms of applying the funds toward other uses, Mr. Ameri noted that the grant cannot be used toward any projects other than the Storm Water Trash Capture Device; however the Beverage Container Recycling Fund might be used for public educational purposes that were related to beverage container recycling. Council Member Halliday favored moving forward with the proposal.

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

Resolution 12-016, “Resolution Approving Plans and Specifications for the Install Storm Water Trash Capture Device Project No. 7541, and Call for Bids”

Resolution 12-017, “Resolution Amending Resolution 11-094, as Amended, Budget Resolution for Capital Improvement Projects for Fiscal Year 2012, for a Transfer of Funds from the Beverage Container Recycling Fund (213) to the Sewer Collection System Replacement Fund (614); and for an Appropriation of Funds from the Sewer Collection System Replacement Fund to Install Storm Water Trash Capture Device Project, Project No. 7541”

5. Resolution of Local Support for the Sustainable Communities Planning Grant and Incentives Program Application for Development of a Downtown Specific Plan, Form-Based Code and Transit Access Plan

Staff report submitted by Senior Planner Buizer, dated February 7, 2012, was filed.

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

Resolution 12-015, “Resolution in Support of the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas announced the Keep Hayward Clean and Green Task Force Glassbrook Neighborhood cleanup on Saturday, February 11, 2012. Mr. Salinas noted that he and students from Chabot College would be serving breakfast prior to the cleanup event. Mr. Salinas shared he would be sponsoring the Stonebrae Elementary School Mandarin Emerging Program’s participation at the San Francisco Chinese New Year Parade on February 11, 2012. He also announced that Hayward will be hosting a Hayward Honors Women event on March 8, 2012, at City Hall.

Council Member Zermeño announced there would be a second Hayward Restaurant Walk on June 6, 2012, and invited all to participate.

Council Member Henson reported his attendance at the Bay Area Rapid Transit (BART) repair tour and noted there was discussion about the expansion of the facility at the Hayward BART Station. He said he requested that BART representatives inform residents in immediate areas, including the Twin Bridges neighborhood, of the expansion project and asked staff to continue to work with BART as the project evolves and keep the Council and the neighbors informed.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 7:34 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward

DATE: February 21, 2012

TO: Mayor and City Council

FROM: Director of Public Works - Utilities

SUBJECT: Grease Receiving and Processing Facility at the Water Pollution Control Facility: Approval of Plans and Specifications, and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution approving the plans and specifications to construct a Fats-Oil-Grease (FOG) receiving facility at the Water Pollution Control Facility, and calling for bids to be received on March 27, 2012.

BACKGROUND

The Water Pollution Control Facility (WPCF) utilizes cogeneration to offset about 30% of the electrical energy used for operating the wastewater treatment processes. Co-generation refers to a process of using an energy source, in this case bio-gas, which is a by-product of the wastewater treatment process produced in the digesters, to produce electricity and heat at the same time. Methane, a constituent in bio-gas and the same component found in natural gas distributed and delivered by PG&E, is the fuel used by WPCF internal combustion engines that, in turn, powers electric generators that offset energy purchased from PG&E. Engine heat is also captured and used in the treatment process. Digester gas production can be increased by placing FOG directly into a digester.

FOG originates from several sources, such as septic tanks and wastes from restaurants and grocery stores, and would be delivered to the WPCF by tanker truck. Generally, these wastes are not placed into sanitary sewers because collection systems are not available or the characteristics of the waste are not permitted to be discharged into sanitary sewers. By providing specialized receiving equipment, FOG can be mixed and metered directly into digesters at a rate favorable for both digester treatment and for cogeneration operations.

FOG reception at wastewater treatment plants for the purpose of increasing digester gas production is a relatively new but rapidly growing industry practice, and has proven to both workable and desirable. In the past two years, two of the East Bay Dischargers Authority (EBDA) member agencies, City of San Leandro and Oro Loma Sanitary District, have designed and installed FOG receiving stations at their respective treatment plants. City staff has also been operating an in-house designed and installed pilot FOG receiving station to assess its impact on bio-gas production, with

favorable results. City staff plans to receive and process about 20,000 gallons of FOG per day at the WPCF. This quantity, on the average, should increase digester gas production by 15 to 20%.

DISCUSSION

Electric energy to the WPCF is provided by three sources: PG&E, new photovoltaic solar, and cogeneration. The amounts of each are shown below for calendar year 2011:

| | <u>Annual Energy (kWh)</u> | <u>Energy Contribution</u> |
|-------------------|----------------------------|----------------------------|
| Cogeneration | 3,356,830 | 40% |
| Solar | 2,350,000 | 29% |
| PG&E | 2,564,260 | 31% |
| Total WPCF demand | 8,271,090 | 100% |

Increasing digester gas production by 15% (conservative estimate) will increase the cogeneration energy output by the same amount, or some 503,525 kWh. Demand plus energy charges from PG&E have averaged 12¢ per kWh. This would equate to \$60,000 in annual savings today and would increase as electrical energy costs increase in the future. This savings can be dramatically enhanced by replacing the thirty-year old existing inefficient cogeneration system, which has become even more inefficient as a result of operational constraints required to meet air quality standards effective January 1, 2012.

FOG-hauling businesses are interested in utilizing Hayward's WPCF to minimize hauling distances, thus operational costs both in time and in fuel use, and to reduce impacts on the environment. The FOG receiving station will have a relatively small footprint and will not displace any existing physical features of the plant. Its location and orientation will be compatible with planned truck traffic routing within the plant for FOG deliveries. The receiving facility will be automated and will not require focused plant attendance during FOG delivery.

FISCAL IMPACT

The estimated construction project costs are as follows:

| | |
|--|------------|
| Administration | \$ 60,000 |
| Construction | 600,000 |
| Inspection & Testing During Construction | 20,000 |
| Total: | \$ 680,000 |

The FY 2012 Capital Improvement Program (CIP) includes \$500,000 for the WPCF Grease Receiving and Processing Facility in the Sewer Capital Improvement Fund. The above total cost is based upon the Engineer's estimate of probable costs; it may be necessary to appropriate more funds at the time of award of contract for construction depending on the bids received.

PUBLIC CONTACT

The construction work will be on City property; there will be minimal impact to surrounding businesses.

SCHEDULE

The estimated schedule for this project is summarized as follows:

| | |
|----------------|--------------------|
| Receive Bids | March 27, 2012 |
| Award Contract | April 17, 2012 |
| Begin Work | April 30, 2012 |
| Complete Work | September 14, 2012 |

Prepared by: Don Clark, Sr. Utilities Engineer

Recommended by: Alex Ameri, Director of Public Works –Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

- Attachment I – Resolution
- Attachment II – Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE GREASE RECEIVING AND PROCESSING FACILITY AT THE WATER POLLUTION CONTROL FACILITY, PROJECT NO. 7511, AND CALL FOR BIDS

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

1. That those certain plans and specifications for the Grease Receiving and Processing Facility at the Water Pollution Control Facility, Project No. 7511, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;
2. That the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law;
3. That sealed bids therefore will be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, March 27, 2012, and immediately thereafter publicly opened and declared by the City Clerk in Conference Room 4D, City Hall, Hayward, California;
4. That the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

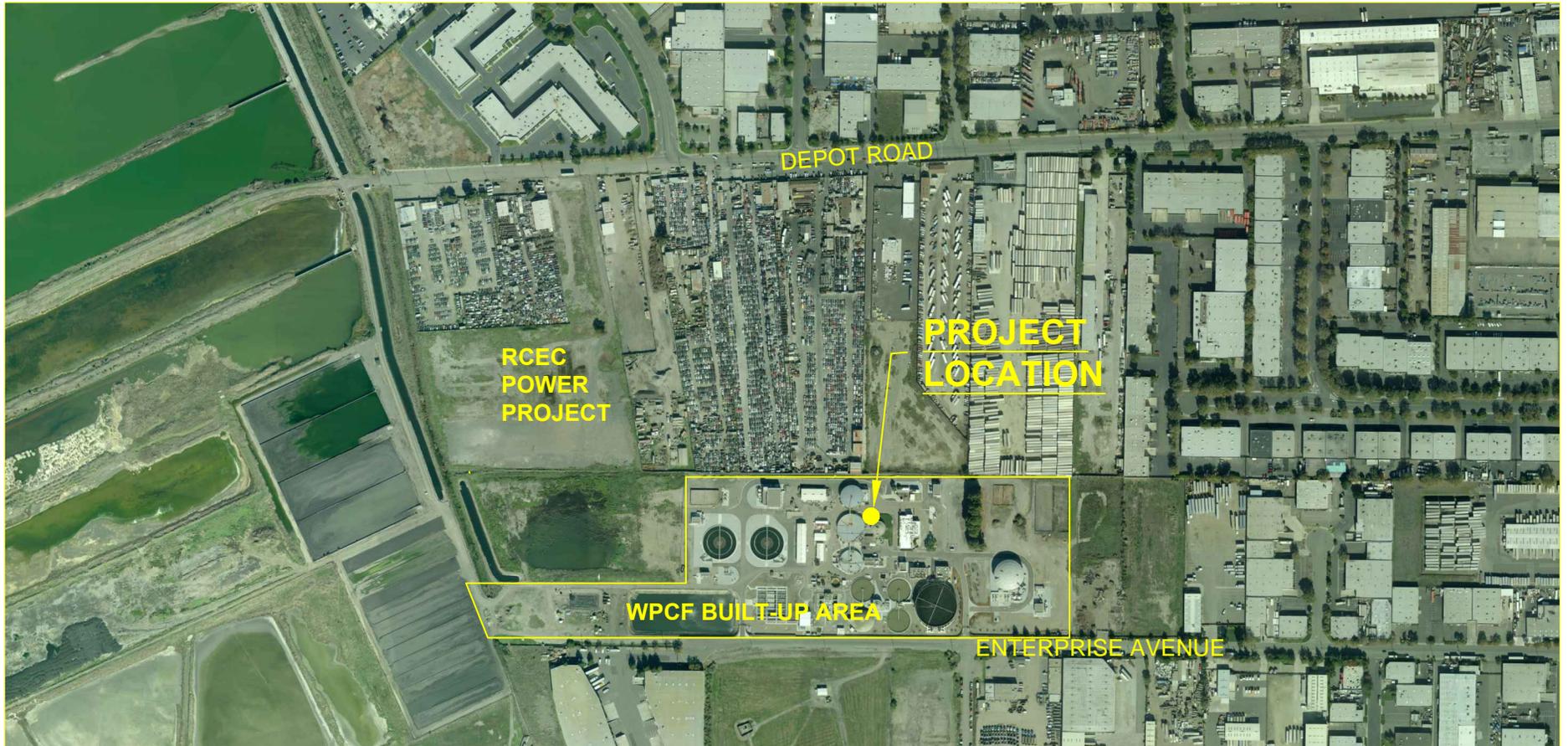
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PROJECT LOCATION MAP

DATE: February 21, 2012

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: 238 Corridor Settlement Agreement Update and Authorization for Additional Funding of Administrative Program Costs

RECOMMENDATION

That Council adopts the attached resolution (Attachment I), authorizing expenditures related to the 238 Corridor Bypass Settlement in an amount not to exceed \$2,500,000 to complete the administrative services related to implementation of the Settlement Agreement; and appropriates additional funding totaling \$1,022,656 from the remaining balance in the 238 Tenant Lump Sum Stipend account.

SUMMARY

On December 11, 2009, through the Superior Court of California, lawsuits related to the 238 Corridor were settled between Caltrans tenant representatives, the City of Hayward, and the California Department of Transportation. The settlement includes the payment of lump-sum stipends to corridor residents, opportunity to purchase single-family residences, and the provision of 237 low-income replacement housing units. On October 6, 2009, Hayward City Council reviewed and approved the terms of the Settlement Agreement, prior to its final approval in Superior Court, in December 2009. This report provides an update on the status of implementation of the Settlement Agreement by the City and Caltrans, and requests additional funding to complete the administrative services related to implementation of the Settlement Agreement (SA).

BACKGROUND

As detailed within the October 6, 2009 Council Report, the SA is tied to four specific and connected components: (1) the successful passage of AB 1386; (2) the successful conclusion of the State Court complaint referenced above; (3) the successful adoption of supporting policies and procedures by the California Transportation Commission (CTC); and (4) the dismissal of *La Raza v. Volpe* in Federal Court.

The Federal lawsuit entitled *La Raza Unida of Southern Alameda County, et al. v. Samuel K. Skinner, et. al.* (USDC Case No. C-71-1166-THE) was dismissed on October 20, 2010. Section XV on page 37 of the SA sets forth the obligation of the parties to dismiss the Federal lawsuit. The dismissal of this lawsuit in October 2010 brings all outstanding legal components related to the SA to resolution.

As part of the SA, the City agreed to take on the following implementation responsibilities:

- 1) Compile a final list of all Eligible and Ineligible Corridor Single Family Residences (SFRs);
- 2) Hire a consultant to conduct tenant surveys to establish Lump Sum Stipends (LSS) eligibility and pay-out amounts calculated in accordance with procedures set forth within the SA and Caltrans existing policies;
- 3) Administer payment of LSS to each Eligible Tenant Household;
- 4) Hire a Program Administrator to administer the Opportunity to Purchase a Home Program (OPHP).
- 5) Implement the Opportunity-to-Purchase-Home Program (OPHP).
- 6) Facilitate appraisals, home and pest inspections.
- 7) Keep open communications with Corridor Tenants throughout the process.
- 8) Contribute a maximum of \$6,000,000, including simple interest, to fund the LSS and Opportunity to Purchase Home Program (OPHP)/First Time Home Buyers (FTHB) Program (\$5,000,000 allocated towards LSS and \$1,000,000 allocated towards FTHB). The FTHB program funds are to be made available as down payment assistance loans to eligible 238 corridor tenants in a manner consistent with the City's current FTHB program. All administrative costs required to carry out the OPHP are to be funded through the proceeds from the sale of Excess 238 Corridor Properties.
- 9) Develop or cause or permit the development of (237) affordable housing units within the corridor to be made available and affordable to Low Income Households by 2023.
- 10) Support and partner with CalTrans through the California Transportation Commission (CTC) Processes.

DISCUSSION

This report discusses the current status of each of the implementation responsibilities and an updated report on administrative costs expended to date.

- 1) Final list of Eligible and Ineligible Corridor Single Family Residences completed 2010.
- 2) Consultant hired to conduct tenant surveys to establish Lump Sum Stipends eligibility: completed.
- 3) LSS payments have been allocated as follows:

Of the approximate 251 Eligible 238 Corridor tenants, 206 have received their Lump Sum Stipends (LSS) to date (164 within the City and forty-two within Alameda County). At this time, the remaining forty-five eligible tenants (forty-one within the City and four within the County) have chosen to participate in the Opportunity to Purchase Home Program (OPHP), whereby their LSS is being held by the City to be used as down- payment on their Caltrans properties, should they become qualified to purchase. If they do not qualify or withdraw from the program, their money, plus applicable interest, will be returned to them.

To date, a total of \$3,442,130 of LSS funds have been granted to tenants (\$2,754,879 within the City of Hayward and \$687,251 within unincorporated Alameda County). This leaves a balance of \$1,557,870 within the LSS account. The maximum obligation to the LSS program is \$5,000,000.

An extensive dispute resolution process was defined within the SA for tenants believing their income levels were not calculated correctly or fairly assessed, resulting in receipt of an incorrect LSS amount; to date, seven tenants have utilized this process (three of the LSS calculations were affirmed and four received an increase in their LSS due to updated documentation).

- 4) The Program Administrator was originally hired in July 2010 and a replacement Program Administrator was appointed in June 2011.
- 5) OPHP is outlined in detail within the SA and is offered to all Eligible Corridor SFR tenants who meet certain specified requirements. To date, there are forty-five Eligible tenants participating in the OPHP.

All but four tenants have completed Bay Area Home-Buyer Agency (BAHBA) workshops and counseling as required by the SA. Homebuyer services included information on deciding to become a home owner, financial and personal responsibilities of home-ownership, credit, financing and qualifying for home loans, financing programs, real estate professionals, property search, negotiating, insurance, escrow, closing and becoming a neighbor. Approximately 85% of these forty-five tenants in the OPHP have completed the appraisal and home and pest inspection processes. These tenants will next be working with lenders for pre-qualifications. To date, ten have been pre-qualified. As part of the Caltrans purchase process, tenants will need to sign an “Option Agreement” with Caltrans for the purchase of their property.

- 6) All but two Eligible SFR properties that have Eligible tenant interest have been appraised and all but four Eligible SFR properties that have Eligible tenant interest have completed home and pest inspections.
- 7) Tenant communications remains an on-going process. See Public Contact below for updates related to tenant meetings.

- 8) As per the SA, the \$6,000,000 cash contribution by the City to the LSS (\$5,000,000) and First Time Home Buyer (FTHB) (\$1,000,000) programs is not refundable and was originally appropriated from the General Fund. The Low-Mod Housing Fund fronted the initial administrative cost allocation of \$1,477,344, which will be refunded by the proceeds from the sale of excess 238 corridor properties. The total SA budget (divided between the three program areas – Admin Budget, FTHB, and LSS) is outlined below.

| | |
|---|---|
| TOTAL ADMIN BUDGET (Per SA) | \$ 2,500,000 |
| TOTAL BUDGET APPROPRIATED TO DATE (Borrowed from Low-Mod Housing Fund) | \$1,477,344 |
| CITY STAFF/SUPPLIES | \$ (229,634) |
| APPRAISERS | \$ (63,525) |
| CONSULTANTS (Home/Pest Inspections) | \$ (293,572) |
| LEGAL | \$ (39,716) |
| LEGAL - SETTLEMENT COSTS | \$ (750,000) |
| TOTAL EXPENSES as of 12/2011 | \$ (1,275,751) |
| | Appropriations Remaining \$100,897 |
| | BUDGET BALANCE (not yet appropriated) <u>\$1,022,656</u> |
| FTHB – 238 Trust Account (Appropriated from General Fund) | |
| TOTAL BUDGET APPROPRIATED | \$1,000,000 |
| HOMEBUYER LOAN 2/3/11 | \$ (30,000) |
| HOMEBUYER LOAN 3/1/11 | \$ (30,000) |
| TOTAL LOANS | \$(60,000) |
| | BUDGET BALANCE <u>\$940,000</u> |
| LUMP SUM STIPENDS – 238 Trust Account (Appropriated from General Fund) | \$5,000,000 |
| City of Hayward 238 tenants | \$ (2,754,879) |
| Alameda County 238 tenants | \$ (687,251) |
| TOTAL LSS PAID TO DATE | \$(3,442,130) |
| | BUDGET BALANCE <u>\$1,557,870</u> |

Note: Caltrans has been invoiced for all Administrative expenses as of December 2011.

- 9) The goal of creating 237 affordable rental units will be partially achieved with the proposed South Hayward BART affordable-housing project. Upon completion, this development will provide eighty-six units of housing affordable to low, very low, and extremely low-income families and sixty-five units of housing for low-income seniors for a total of 151 affordable units. In addition, the SA specifically identifies the South Hayward BART project and requires that the City will make a good faith effort to secure an agreement with the developers of this project to provide priority access to the new units for Corridor tenants who meet appropriate income and eligibility requirements. These terms are being negotiated with Eden Housing as staff finalizes the Owner Participation Agreement for the South Hayward BART project and will be incorporated into the final document.

With the recent elimination of Redevelopment Agency, the City's available funds to produce the required replacement units are now gone. Staff will continue to look for alternatives in order to meet the remaining 86 low-income housing unit requirement and address current housing challenges as best as possible.

- 10) Each month, the CTC typically meets and reviews, among other items of business, a list of Eligible tenants and Eligible properties submitted by the City and Caltrans for property purchase approval. To date, the CTC has approved twenty-six properties/tenants. At this time, there are an additional nineteen tenants (including Bunker Hill Tenants) looking to move forward in the CTC process. The CTC process requires that the Eligible properties have completed an appraisal, the Eligible tenants be in good standing, and for the tenants to provide the name in which they choose to hold title. Lastly, tenants need to submit an "Option Agreement" to Caltrans for the purchase of the property.

FISCAL IMPACT

The October 6, 2009 report detailed estimated total program costs of \$9,850,000 to \$12,000,000 (including \$500,000 of FTHB funds to be provided by Alameda County). As noted above, the City's actual cash contribution for the LSS and OPHP is capped at \$6,000,000. Total Program costs include: the LSS program; contribution of various State & Federal housing program funds (including First-Time Home-Buyers); administrative costs (including Program Administrator and Agent); home and pest inspections; home appraisals; tenant surveys/data collection; community meetings and related costs; Hearing Officer and office support; and attorney fees. This program estimate did not include any costs that may be associated with producing or causing the production of the 237 new low-income units between now and 2023.

More specifically it was estimated that the City's costs, as the Administrative Agent of the program, would be in the range of \$1,350,000 - \$2,500,000 per the October 6, 2009 Council Report and as approved by the LATIP Partners. In February 2011, the Council approved a loan from the Low-Mod Housing Fund of \$1,477,344 to cover administrative expenses to date. As detailed above, the settlement administrative costs as of December 2011 are \$1,376,447. Staff is requesting an additional appropriation of \$1,022,656 to cover remaining administrative costs associated with the program, bringing the total appropriation to \$2,500,000. These costs include staff time to continue administering the program as well as additional home appraisals and inspections. Staff does not

anticipate spending the entire additional appropriation amount but wants to ensure that sufficient funds are available.

Staff recommends that the additional appropriation come from the remaining balance in the LSS account, which is currently \$1,557,870 after all tenants have been paid. After the requested appropriation associated with this report, the LSS account will have a balance of \$535,214. The original administrative cost appropriation and this additional appropriation will be reimbursed from the sale of the 238 Corridor properties. In addition, the City does have remaining funds available (totaling \$940,000) from the original \$1,000,000 FTHB obligation. At this time, it is unlikely that these funds will be needed for the FTHB Program, but the funds must remain available to that program until the program comes to an end.

PUBLIC CONTACT

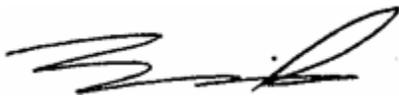
Since September 2009, there have been several public meetings held for Caltrans tenants and three additional meetings held specifically for the Bunker Hill Caltrans tenants.

More recently, on December 3, 2011, BAHBA partnered with the City to conduct a workshop/information meeting held at City Hall from 10am-2pm. Information is also available on the City of Hayward's website, <http://www.hayward-ca.gov/238> and is updated as needed. Day-to-day contact, including written updates, continues with these tenants providing clarification and assistance as needed throughout this process.

Prepared by: Stacey Bristow, Neighborhood Partnership Manager/238 Project Manager

Recommended by: Kelly McAdoo Morariu, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

| | |
|---------------|--|
| Attachment I | Resolution |
| Attachment II | October 6, 2009 Council Agenda Report http://www.hayward-ca.gov/citygov/meetings/cca/2009/cca100609.htm |

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROPRIATING FUNDS AND AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS FOR THE CONTINUED IMPLEMENTATION OF THE SETTLEMENT AGREEMENT RELATED TO THE ROUTE 238 BYPASS PROJECT

WHEREAS, the City Council received a report, dated February 21, 2012, providing in detail an update of the Route 238 Bypass Settlement Agreement Implementation and current status, which report is hereby adopted as part of the administrative record related to such matter; and

WHEREAS, the total administrative expense budget authorized by the 238 Settlement Agreement is \$2,500,000, of which \$1,477,344 has previously been appropriated by the City Council; and

WHEREAS, additional funding is necessary to fund administrative expenses to complete the implementation of the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward, that the an additional \$1,022,656 be appropriated into the 238 Administrative Expense account from the remaining balance in the 238 Tenant Lump Sum Stipend account and that the City Manager is authorized to make expenditures related to the administration of said agreement, in the amounts set forth above, not to exceed \$2,500,000. All funds expended will be reimbursed by proceeds derived from the sale and disposition of the excess properties described in said agreement.

IN COUNCIL, HAYWARD, CALIFORNIA, February 21, 2012

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 for the City of Hayward

4

DATE: October 6, 2009

TO: Mayor and City Council

FROM: Assistant City Manager
City Attorney

SUBJECT: Approval of Terms Related to the 238 Corridor Settlement Agreement

RECOMMENDATION

That the City Council adopts the attached two Resolutions, which: (1) approve the terms of the proposed 238 Corridor Bypass Settlement Agreement; (2) authorize related expenditures from the 238 Corridor Bypass Settlement Trust Fund not to exceed \$6,000,000 to implement the programmatic components of the Settlement Agreement; (3) authorize related expenditures from the 238 Corridor Bypass Settlement Trust Fund not to exceed \$2,000,000 to implement the administrative structure of the Settlement Agreement and which will be reimbursed from the proceeds of the sale of 238 Corridor LATIP properties; and (4) authorize the City Manager to sign the final document as approved by the applicable court, assuming there are no major changes in the terms as presented herein..

SUMMARY

The issues and controversies surrounding the proposed 238 Corridor Bypass Project and the related properties owned by Caltrans have been disrupting the community of Hayward for over 40 years. Recent events have created both motivation and a window of opportunity to resolve these issues. The California State Department of Transportation, representatives of the Public Interest Law Project, and the City have been negotiating resolution for over two years.

A Settlement Agreement has been reached by all parties and now needs approval by the respective policy bodies/clients of each party. As part of the settlement process, a Class Action Complaint has been filed in State Court to formally envelop the Settlement Agreement. Since the Complaint has been filed, the approval of the Settlement Agreement by the parties is timely and essential. Therefore, Council is being asked to formally approve the terms of the Settlement Agreement as defined herein and authorize the related expenditure of funds.

BACKGROUND

Back in the early 1970's, the California State Department of Transportation planned to construct a 238 Corridor Bypass Freeway Project through the City of Hayward and parts of Unincorporated Alameda County. That project has long been abandoned by Caltrans as a result of previous legal actions and concentrated community engagement.

In 1982, the State enacted Government Code §§14528.5, *et seq*, to allow local jurisdictions through the Alameda County Transportation Authority (ACTA) to develop a Local Alternative Transportation Improvement Program (LATIP) to help relieve traffic congestion in Central Alameda County in place of the originally planned 238 Corridor Bypass. The LATIP is to be funded by the proceeds from the sale of property that was originally purchased and accumulated by Caltrans for the 238 Corridor Bypass project.

In 2009, the Governor of the State of California directed Caltrans to move expeditiously to sell all property that was not needed for existing projects and to minimize the Department's role as property managers throughout the State. However, the long-existing Federal Court action of *La Raza Unida v. Volpe* remains "open" and unresolved, the result of which has made the sale and disposition of the 238 Corridor properties by Caltrans difficult.

Consequently, Caltrans, the Public Interest Law Project and Peder J.V. Thoreen of Altshuler Berzon LLP (collectively referred to herein as PILP), and the City have been engaged in intense negotiations to resolve the issues alleged in the previous *La Raza v. Volpe*, and to arrive at a settlement agreement that allows all parties to move forward: Caltrans to sell the land and cease being property managers and the City of Hayward and the Unincorporated Alameda County to heal the wounds the controversy created in the community; and to plan for the productive development of the swath of land that runs from the existing 238 freeway to the north to the southern borders of the City of Hayward.

As part of this settlement process, on September 28, 2009, PILP filed a class action complaint on behalf of the residential tenants currently residing on 238 Bypass Corridor properties owned by the Caltrans. As defendants in this complaint, PILP named Caltrans and the City of Hayward. The complaint was filed with the knowledge and concurrence of Caltrans and the City, and is a concluding step in the process to formalize the Settlement Agreement that has been hammered out over the last two plus years. In order for the State Court to entertain the Settlement Agreement as a resolution of the complaint and all the related issues and to conclude their proceedings quickly, all parties must approve the terms of the Agreement. Therefore, Council is being asked to approve the terms at this time so that the City's legal representatives can comfortably say to the Court that the City finds the terms of the Agreement acceptable.

DISCUSSION

Individual terms of the Agreement have been discussed with Council at numerous Closed Sessions as negotiations progressed and as issues arose for which the City's negotiators needed Council guidance and/or concurrence. The Agreement is in the final stages of being formalized with all

Exhibits completed and cross-checking of documents verified. The terms of the Agreement are as follows:

❖ Programmatic Elements

- Lump Sum Stipend (LSS): This is a cash payment to every residential Tenant Household living in the Corridor as of January 1, 2010. Comprised of a “relocation payment” and a “moving stipend” using Caltran’s existing policies as the basis for calculations, modified to meet the current conditions. The City will issue LSS payments to all Corridor households, in and out of the City. The City and Alameda County are negotiating a separate Agreement to assure an exchange of like value between the City and the County. (See Exhibit I for a description of potential payments by household size and income levels.)
- New, Low-income Housing: 237 new low-income housing units developed in the Corridor between now and 2023, generally using the City’s Inclusionary Housing Ordinance (IHO) as a vehicle (1,500 to 2,000 new housing units possible). This number is to be offset by
 - Any units in the previous “La Raza” complexes that continue their restricted status at least fifteen (15) years beyond their current expiration date.¹
 - The number of Corridor SFR’s successfully purchased by Low Income Corridor tenants as part of the OPHP.
 - 10% of the units available and “affordable” to Low Income Households from a project built in the Corridor by Alameda County or the number of units actually occupied by eligible Corridor Tenants, whichever is greater.²
 - 20% of the South Hayward TOD (Montana/Wittek Project) low income units or the number of units actually occupied by Eligible Corridor tenants, whichever is greater.

In addition, the City agrees to continue application of some affordable unit requirements to development of the Corridor after the 237 low-income units are constructed (i.e., similar to IHO). Current Corridor residents (i.e., Class Members) will be given occupancy preference wherever possible and allowed by program/funding guidelines.

¹ Council will recall that back in the early 1980’s, the City built or caused to be built several apartment complexes that were intended at that time to be “replacement” housing for units that were going to be destroyed as a result of construction of the planned 238 Corridor Bypass. Some of these complexes have completed their restricted status (maintenance of affordable unit rates) and decided not to renew. Others will be expiring in the next 1-5 or more years. Any units in these complexes that are continued in a restricted status for at least 15 additional years will count toward completion of the 237 low-income units.

² Alameda County has indicated that they may want to build a low-income senior project in the Corridor in proximity to San Lorenzo Creek and Casa Sandoval. However, they have no immediate or specific plans to do so.

- Opportunity to Purchase Home Program (OPHP)
 - Opportunity to purchase a home in Hayward or Alameda County will be offered to all Eligible Corridor SFR Tenants. Eligibility is based in part on:
 - ✓ Living in the 238 Corridor two-years or more as of January 1, 2010 in a single-family residential unit (SFR) owned by the State Department of Transportation (Caltrans), and being a recognized tenant (i.e., have signed the applicable rental agreement for the occupied property.).
 - ✓ Being a “tenant in good standing” with Caltrans.
 - Eligible Corridor SFR Tenants must use 100% of LSS if participating in OPHP.
 - Maximum assistance is limited to 30% of purchase price or \$75,000, whichever is less (including LSS).
 - Eligible Corridor SFR Tenants must qualify for the respective Federal and State funding available at the time, and also qualify for conventional financing (with the assistance of the OPHP subsidies)
 - Occupants are eligible to purchase the home they occupy or other homes. Homes may be in Corridor or elsewhere in the City. Caltrans has modified their process to provide this flexibility.
 - So far, 107 homes in the Corridor have been designated “eligible to purchase”, 45 homes “ineligible to purchase”, and 41 homes “unclassified” (primarily Bunker Hill; see Exhibit II.) These designations are tentative. The decision-making process for classifying the 41 unclassified homes is specified in the Agreement, will occur over the next year, and will be transparent. City staff is continuing to work with Caltrans and to move as many homes as possible to the “Eligible” list from the “Ineligible” and “Unclassified” lists. Therefore, the number of eligible to purchase homes is growing. (Please refer to Exhibit II for explanations and lists provided Caltrans Tenants at the 9/28/09 meeting.)
 - Priority order defined for both purchase of an existing, occupied home and for service within the OPHP.
 - Price will be at “Fair Market Value”.
 - There is a detailed appraisal process, including instructions and a review.
 - Homes will undergo pre-purchase inspections, and that information will be shared with both Caltrans and the prospective buyer.

- The purchase process is also detailed and includes multiple purchase opportunities both in scope and in quantity per tenant in an attempt to assure that as many tenants as possible successfully migrate to homeownership.
- Program Administration will be handled by City. This will cause the City to hire additional staff and incur costs, all of which will be reimbursed from the proceeds of the sale of LATIP properties: Program Administrator, Hearing Officer, office support, office supplies and equipment.

In order for the OPHP to be effective, the City will need to utilize any and all State and Federal housing programs available to the City and the tenants at the time the program is implemented. In addition, the City agrees to make at least \$500,000 per year for the two years available through the City's 1st Time Home Buyer's program. This total \$1,000,000 is included in, and is not in addition to, the capped \$6,000,000 identified herein.

- Dispute Resolution: There is an extensive Dispute Resolution process defined in the Agreement. This would be for situations where the tenant believed that their income levels had not been correctly calculated, they had not been fairly assessed for home purchase qualifications, etc. This will be the role of the Hearing Officer, and the purpose of being so detailed here is to make every attempt to resolve future programmatic disagreements administratively, and not in the courts.

❖ Settlement Agreement Dependent on Other Actions:

The Settlement Agreement is tied to the successful passage of AB 1386; to the successful conclusion of the newly filed State Court complaint referenced above; to the successful adoption of supporting policies and procedures by the California Transportation Commission; and to the dismissal of La Raza v. Volpe in Federal Court. Should any one of these connected activities not be concluded successfully, the Settlement Agreement will be in jeopardy, and at best force negotiations among Caltrans, PILP, and the City to resume; at worst, there will be no movement on or closure to the outstanding 238 Corridor issues or disposal of any land at this time.

- AB 1386³: This bill was sponsored initially by Assembly Woman Hayashi and later co-sponsored by Senator Corbett. It has passed both the Assembly and the Senate and is in the Governor's Office for signature with the active support of Caltrans.

The purpose of the bill is to replace old "housing requirements" from previous judicial and legislative actions with the programmatic elements of this new Settlement Agreement as described above. It, too, is connected to the Settlement Agreement in that it specifically provides for the old sections of the legislation to remain in effect if the State Class Action

³ http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1351-1400/ab_1386_bill_20090917_enrolled.pdf

Complaint is not successfully concluded and the Settlement Agreement approved by the State Court.

In addition, it provides some administrative clean-up language that is needed for funding and implementing the LATIP. And, it removes any reference or current/future applicability of Government Code §§54235, *et seq.*, also known as the “Roberti Legislation”.

- Class Action Complaint in State Superior Court⁴: As stated above, this was filed on 9/28/09 by PILP, with the knowledge and consent of Caltrans and the City of Hayward. Its primary purpose is to provide a vehicle for formal approval and proper legal application of the Settlement Agreement.
- Formal Adoption of Necessary Policies and Procedures by the CTC: Consistent with the Settle Agreement and AB 1386, the CTC will need to assure that existing policies by Caltrans and the Commission are administratively in place to support the programmatic elements of the Settlement Agreement. These have to do with such items as the length of time someone must be a resident in the Corridor, which single-family residential properties are available for whom to purchase, and internal appraisal processes.
- Dismissal of *La Raza v. Volpe*: Once the Court issues the Final Order of Approval in the State Superior Court Class Action Complaint approving the Settlement Agreement, Caltrans and the City, with agreement by PILP, will need to seek dismissal of the Federal Court Class Action, *La Raza v. Volpe*. Until that occurs, Caltrans is not able to sell property, and neither Caltrans nor the City will implement the new programs defined in the Settlement Agreement.
- Finally, the Settlement Agreement also relies on certain defined releases that must be signed by the Class Members pursuant to program implementation and/or receiving benefits under the Agreement. These releases are designed to close the door on past issues and concerns with as much finality as legally possible in exchange for the programs and benefits defined in the Settlement Agreement.

FISCAL IMPACT

While the total estimated costs associated with the Settlement Agreement are listed in the following table, the actual cash cost to the City of Hayward for the LSS and OPHP programmatic components

⁴ *Robert Swanson, Deborah Frederick, Tracy Asturias, Mary Ann Olguin, John Elijsen, Beverly Maris, Katherine Matthew, CalTrans Tenants Organization, on Behalf of Themselves and All Others Similarly Situated, Plaintiffs,*

vs.

THE CALIFORNIA DEPARTMENT OF TRANSPORTATION; and THE CITY OF HAYWARD.

is capped at \$6,000,000.⁵ These funds will come from the 238 Corridor Bypass Settlement Trust Fund (Fund #431-5121-9xxx.)

In addition, the City will likely expend another not-to-exceed amount of \$2,000,000 to administer the programs defined in the Settlement Agreement. These funds will initially also come from the above identified fund; however, they will be reimbursed from the sale of the 238 Corridor Bypass LATIP properties.

The above identified costs do not include any costs that may be associated with producing or causing the production of the 237 new low-income units between now and 2023.

| <u>RESPONSIBLE ENTITY</u> | <u>COSTS</u> | <u>SOURCE</u> |
|--|---|--|
| City of Hayward | \$6,000,000 | \$5 million from 238 Housing Trust Fund; \$1 million from 1 st Time Home Buyers |
| City of Hayward | \$2-3,000,000 | State & Federal housing program funds (roughly estimated) |
| Alameda County | \$500,000 | State & Federal housing program funds, including County's 1 st Time Home Buyer funds. |
| City of Hayward as Administrative Agent for Payments and Programs. | \$1-2,000,000 | Proceeds from sale of excess properties |
| City of Hayward as Program Administrator: Pre-purchase Home Inspections | \$25-50,000 | Proceeds from sale of excess properties |
| Department of Transportation (using outside contractor): Survey of Tenants/Data Collection | \$75-100,000 | Proceeds from sale of excess properties |
| Department of Transportation (using outside contractor): Appraisals | \$250,000 - \$350,000 | Proceeds from sale of excess properties and/or internal costs |
| TOTAL ESTIMATED COSTS | <u>\$9,850,000 to \$12,000,000</u> | |

PUBLIC CONTACT

Negotiations over the past two plus years have been conducted among the specific parties through their representatives. Given that these negotiations were intended to resolve issues identified in previous legal actions and required future legal actions to implement them, it would have been inappropriate to conduct these negotiations in the public realm. However, a meeting of all 238

⁵ A small portion of this will be offset by value reimbursement from Alameda County to offset the amount of LSS payments the City will make to 238 Corridor Bypass residents in Unincorporated Alameda County.

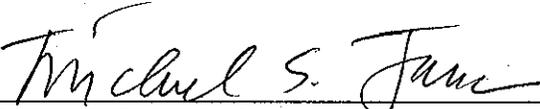
Caltrans Corridor tenants, Caltrans, PILP, and the City was held on September 28, 2009, at 7:00 pm at Centennial Hall. The terms of the Settlement Agreement as defined herein were presented in that public meeting along with Exhibits I and II of this report and copies of AB 1387.

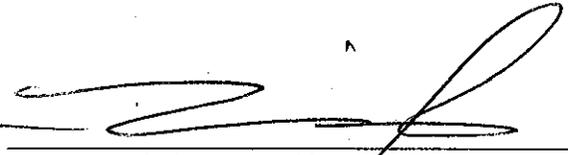
It was noted at the conclusion of that meeting that additional meetings will be held going forward to assure that all tenants know what is happening and have an opportunity to continue to get clarifying information as the process rolls forward. Caltrans will post on the 238 Corridor web site⁶ any and all documents as they are ready for public viewing as well as other relevant information like dates and schedules as they are developed. This web site has not been maintained and will be updated and made more prominent on the District 4 Main page as this process unfolds.

NEXT STEPS

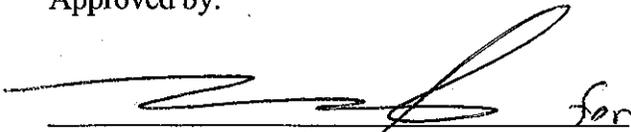
1. Governor's signature on AB 1386: no later than October 11, 2009.
2. Formal signature/approval of the Settlement Agreement.
3. Resolution of the Class Action Complaint in State Superior Court.
4. Dismissal of La Raza v. Volpe.
5. CTC rescission of 238 Corridor Bypass project.
6. CTC approval of LATIP: no later than June 2010.
7. Hiring of staff to implement program.
8. Program implementation.
9. Start sale/disposition of 238 Corridor properties: estimated at no later than July 2010.
10. Complete programmatic elements of LSS and OPHP: estimated to be no later than July 2012, since OPHP is a two-year commitment.
11. Complete construction of 237 new low-income units: no later than end of CY 2023.

Prepared by:


Michael S. Lawson, City Attorney


Fran David, Assistant City Manager

Approved by:


Gregory T. Jones, City Manager

⁶ <http://www.dot.ca.gov/dist4/238hayward>

Attachments –

- Resolution - Authorizing City Manager to Execute 238 Corridor Bypass Settlement Agreement
- Resolution - Authorizing 238 Corridor Bypass Settlement Trust Fund Expenditures

- Exhibit I - Table supporting calculation of LSS payments.
- Exhibit II - Lists of properties by classification as presented at the 9/28/09 meeting with 238 Corridor residential tenants.

DRAFT

HAYWARD CITY COUNCIL

MSJ 10/2/09

RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT COMPROMISING AND SETTLING LEGAL ISSUES RELATED TO THE ROUTE 238 BYPASS PROJECT LAWSUIT ENTITLED SWANSON, et al. v. CALIFORNIA DEPARTMENT OF TRANSPORTATION, et al.

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized, for and on behalf of the City of Hayward, to negotiate and execute an agreement compromising and settling legal issues related to Route 238 Bypass project lawsuit entitled Swanson, et al. v. California Department of Transportation, et al., Alameda County Superior Court No. RG09476468, and related documents that further and effectuate said settlement agreement.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2009

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 for the City of Hayward

DRAFT

*MMSJ
10/2/09*

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS RELATED TO THE IMPLEMENTATION OF THE COMPROMISE AND SETTLEMENT AGREEMENT RELATED TO THE ROUTE 238 BYPASS PROJECT LAWSUIT, ENTITLED SWANSON, et al. v. CALIFORNIA DEPARTMENT OF TRANSPORTATION, et al.

WHEREAS, the City Council of the City of Hayward has authorized the City Manager to execute an agreement compromising and settling all legal issues related to the Route 238 Bypass Project lawsuit entitled Swanson, et al. v. California Department of Transportation, et al., Alameda County Superior Court No. RG09476468, and related documents that further and effectuate said settlement agreement; and

WHEREAS, said agreement requires the City of Hayward to undertake responsibility for the payment of stipends to eligible members of the class of persons who are intended to benefit from said settlement, in a total amount not to exceed \$5 million; and said agreement requires the City of Hayward to support home ownership purchase programs for eligible members of the class who are intended to benefit from said settlement, in a total amount not to exceed \$1 million during FY 2009-2010 and FY 2010-2011; and, further, said amounts are to be charged to the 238 Corridor Bypass Settlement Trust Fund, respectively; and

WHEREAS, said agreement requires the City of Hayward to undertake responsibility for certain administrative provisions set forth in the agreement, the funds for which are to be generated from the proceeds derived from the sale and disposition of the excess properties described in said agreement; and

WHEREAS, the City Council received a report, dated October 6, 2009, setting forth in detail the responsibilities of the City of Hayward set forth in said agreement, which report is hereby adopted as part of the administrative record related to such matter,

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager, or his designee, is authorized to make expenditures related to execution of said agreement, in the amounts set forth above, from the 238 Corridor Bypass Settlement Trust Fund, respectively; the City Manager, or his designee, is further authorized to expend funds related to the administration of said agreement, generally in accord with the October 6, 2009 report to the City Council, incorporated by reference herein, which funds are to be generated from the proceeds derived from the sale and disposition of the excess properties described in said agreement.

**DUE TO THE COLOR
AND LENGTH OF
EXHIBITS I AND II,
THEY HAVE BEEN
INCLUDED AS
SEPARATE LINKS**

DATE: February 21, 2012
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Resignations of Nicole Reams and Eli Goldstein from the Downtown Business Improvement Area Advisory Board; and Neisy Lujan from the Hayward Youth Commission

RECOMMENDATION

That the City Council accepts the resignations of Nicole Reams and Eli Goldstein from the Downtown Business Improvement Advisory Board; and Neisy Lujan from the Hayward Youth Commission.

BACKGROUND

Ms. Nicole Reams was appointed to the Downtown Business Improvement Area Advisory Board on June 30, 2009. Her resignation is effective February 3, 2012. Mr. Eli Goldstein was appointed to the Downtown Business Improvement Area Advisory Board on September 14, 2010. His resignation is effective January 23, 2012. Ms. Reams and Mr. Goldstein’s positions will be filled as part of the annual appointment process for the City’s Appointed Officials to Boards and Commissions in September 2012.

Ms. Neisy Lujan was appointed to the Hayward Youth Commission on June 30, 2009. Her resignation is effective February 8, 2012. Ms. Lujan’s position will be filled by Hayward Youth Commission Alternate Nina-Marie Tauscher.

Attachment II provides copies of the respective resignation letters of each member.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

- | | |
|---------------|---------------------|
| Attachment I | Resolution |
| Attachment II | Resignation Letters |

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE WRITTEN RESIGNATION OF NICOLE REAMS AND ELI GOLDSTEIN FROM THE DOWNTOWN BUSINESS IMPROVEMENT AREA ADVISORY BOARD; AND NEISY LUJAN FROM THE HAYWARD YOUTH COMMISSION

WHEREAS, Ms. Nicole Reams was appointed to the Downtown Business Improvement Area Advisory Board on June 30, 2009; Mr. Eli Goldstein was appointed to the Downtown Business Improvement Area Advisory Board on September 14, 2010; and Ms. Neisy Lujan was appointed to the Hayward Youth Commission on June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignations of Nicole Reams and Eli Goldstein from the Downtown Business Improvement Area Advisory Board; and Neisy Lujan from the Hayward Youth Commission; and commends them for their civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Quirk

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

From: Nicole Reams [<mailto:NReams@dcgdev.com>]
Sent: Friday, February 03, 2012 2:16 PM
To: Gloria Ortega
Subject: Fwd: Downtown Business Advisory Board

February 3, 2012

To Whom It May Concern,

It has been a pleasure serving on the City of Hayward's Business Advisory Board.

I am writing because I must relinquish my position as Member and Board President due to obligations that will not allow me to serve the Board as effectively as I would like. This includes my growing family and current position with the Alameda County Assessment Appeals Board.

I have established lifelong friendships and acquaintances by working with the City of Hayward and I am proud to have served as Board President.

I will continue to serve our community in other capacities and look forward to working with you all in the future.

Sincerely,

Nicole Reams

From: Elie Goldstein [<mailto:kraskis@sbcglobal.net>]
Sent: Monday, January 23, 2012 12:33 PM
To: Gloria Ortega
Subject: DBIA

Hello Gloria,

I hate to inform you that I need to resign from the DBIA. The reasoning behind this is that I had to lay off some employees to enable our business to survive. Please understand that this is not what I wanted to do, but what I had to do.

Thank you for your understanding.

Elie Goldstein
Kraski's Nutrition

Date: February 8, 2012

Resignation Letter

Dear Hayward City Council,

I would like to resign my position as a Youth Commissioner for the city of Hayward immediately. As a senior I have many priorities I must tend to and little time. I am dedicating my time to my education and success in life. I cannot express the joy of my experience in the Hayward Youth Commission. Thank You for the good Leadership skills I have rendered.

Sincerely, Neysy Lujan

DATE: February 21, 2012

TO: Mayor and City Council

FROM: Director of Public Works – Engineering and Transportation

SUBJECT: Approval of the Alameda County Transportation Expenditure Plan and Recommendation for the Board of Supervisors to Place an Extension and Augmentation of the Existing Transportation Sales Tax on the November 6, 2012 Ballot

RECOMMENDATION

That Council adopts the attached resolution approving the 2012 Alameda County Transportation Expenditure Plan (TEP) and requesting that the Alameda County Board of Supervisors place the Measure funding the plan on the November 6, 2012 ballot.

SUMMARY

For the past year, City staff has been working with the Alameda County Transportation Commission (Alameda CTC), other local jurisdictions, and community organizations to develop a renewal and augmentation of Measure B2, the existing half-cent sales tax supporting countywide transportation projects. On November 15, 2011, the City Council provided Councilmember Henson, the City’s representative to the Alameda CTC Board, with direction on the TEP relative to the City’s interests. As a member of the Board, the Steering Committee charged with developing the TEP, and various ad hoc working groups, Councilmember Henson was successful in assuring that the City’s interests were reflected in the TEP. After long negotiations to reconcile disparate interests within the County, the TEP was approved by the Steering Committee and by the Alameda CTC Board on January 26, 2012.

In order for the funding measure that supports the TEP to be placed on the November 6, 2012 ballot, three criteria must be met: (1) a majority (eight) of the cities in Alameda County must approve the TEP; (2) these cities must represent a majority of the County’s population; and (3) the Alameda County Board of Supervisors must also approve the TEP. Staff recommends Council’s approval of the TEP and placement of the sales tax measure funding the plan on the November 6, 2012 ballot.

BACKGROUND

In 1986, voters approved Measure B, a half-cent sales tax to fund transportation improvements and programs throughout Alameda County. The major project approved for the City of Hayward was the Route 238 Bypass. However, after the Route 238 Bypass was found to be infeasible, the City and its partners were successful in reprogramming this fund for the Route 238 Corridor Improvement Project, now under construction. In November 2000, Alameda County voters approved Measure B2, an extension of Measure B through 2022, to fund a new set of project and program investments throughout the County. The I-880/SR 92 Reliever Route Project was a significant capital project for the City funded by this measure. This project is currently in the final design stage. The 2000 TEP included almost \$25 million over the life of the plan for local streets and roads maintenance and about \$6 million for bicycle and pedestrian projects in Hayward. Another \$70 million was allocated for mass transit services, and about \$28 million was allocated for specialized transportation services for seniors and people with disabilities in the Central County, including Hayward.

While the existing measure will remain intact through 2022, the 2012 TEP has been developed for three reasons:

1. The capital projects in the existing measure have been largely completed, with many projects implemented almost ten years ahead of schedule. Virtually all of the project funds in the existing measure are committed to these current projects. Without a new plan, and exacerbated by significant decreases in transportation funding from state and federal sources, the County will be unable to fund any new major projects in the next ten years to address pressing mobility needs. .
2. The economic recession has caused all sources of transportation funding to decline. The decline in revenues has had a particularly significant impact on transportation services that depend on annual sales tax revenue distributions for their ongoing operations. The greatest impacts have been to the programs that are highly important to Alameda County residents and businesses, including transit operations, transit for seniors and persons with disabilities, local streets and roads maintenance, and bike and pedestrian improvements.
3. Since the recession began, bus services in Alameda County have been cut significantly and the gap between road maintenance needs and available funding is at an all-time high.

DISCUSSION

The ballot measure to support this revised plan will augment and extend the existing half-cent sales tax for transportation in Alameda County, authorize an additional half-cent sales tax through 2022, and extend the full cent sales tax in perpetuity. Recognizing that transportation needs, technology, and circumstances change over time, the expenditure plan covers the period from approval in 2012 and subsequent sales tax collections for an unlimited period unless otherwise terminated by the voters, programming a total of \$7.7 billion countywide in new transportation funding in the first thirty years. Voters will have the opportunity to review and approve comprehensive updates to this plan at least once prior to the completion of 2042 and every twenty years thereafter. Please see Table 1 below:

Table 1 Summary of Investments by Mode

| Mode | Funds Allocated \$ in millions (M)* |
|---|--|
| Transit & Specialized Transit (48%) | \$3,732 |
| Local Streets & Roads (30%) | \$2,348 |
| Highway Efficiency & Freight (9%) | \$677 |
| Bicycle and Pedestrian Infrastructure and Safety (8%) | \$651 |
| Sustainable Land Use & Transportation (4%) | \$300 |
| Technology, Innovation, and Development (1%) | \$77 |
| TOTAL NEW NET FUNDING (2013-42) | \$7,786 |

*Estimated in 2013 dollars

Key Guiding Principles for Development of the TEP

- **Fix-it-First** – Realizing the critical need to maintain Alameda County’s existing infrastructure, approximately 70% of the TEP funding supports a “Fix-it-First” strategy to support maintaining and operating the existing transportation investments. It includes funding for transit and paratransit operations, bus enhancement, BART system maintenance and modernization, local streets and roads maintenance funds for every jurisdiction interchange improvements to improve safety and access, bicycle and pedestrian safety funds, and sustainable land use programs to support transportation efficiencies in relation to local land use decisions.
- **Sustainable Communities** – Transportation and land use linkages are strengthened when development focuses on bringing together mobility choices, housing, and jobs. Understanding how transportation efficiencies can be made by connecting transportation and land use development, the TEP supports infrastructure investments that would fund existing or proposed transportation services and facilities in and around transit hubs.
- **Climate Change** – California is a leader in addressing climate change issues through legislative mandates to reduce greenhouse gas emissions. The TEP supports reductions in greenhouse gas emissions by investing in a multi-modal transportation system that expands travel choices beyond the single occupant vehicle trip.
- **Geographic Equity** – The TEP has been developed as a geographically equitable plan, providing critical transportation investments in every city and all areas of the county.
- **Local Control** – A key feature of the local transportation sales tax is that it cannot be used for any purpose other than local transportation needs. It cannot be taken by the State or by any other governmental agency under any circumstance, and, over the life of this plan, can only be used for the purposes described in the plan, or as amended.

Benefits to the City of Hayward

The following capital projects for the City are currently included in the TEP:

Local Streets and Roads – Major Commute Corridors

Tennyson Road Grade Separation (\$25 million)

Highway Efficiency and Freight

I-880/Industrial Parkway Interchange Improvements – Construction of Northbound Off-Ramp (\$14 million)

Whipple Road/Industrial Parkway SW/I-880 Interchange Improvements (\$60 million)

I-880/Winton Avenue Interchange Improvements (\$25 million)

Sustainable Land Use and Transportation

South Hayward BART Station Area Improvement (including Tennyson Road Bike/Ped Bridge to South Hayward BART (\$2 million) and Dixon Road Streetscape Improvements Phase 2 from Valle Vista to Industrial) (\$6 million)

In addition to the capital projects, there are significant funds for local streets and roads, pedestrian and bike projects, and paratransit. A projection for FY 2014 is shown below as compared to the current Measure B. The chart also shows the total funding projected to be available over the life of the Measure.

| TRANSPORTATION SALES TAX ALLOCATIONS TO CITY OF HAYWARD | | | | |
|---|---|--------------|----------|-----------------------------|
| | First Year of New Measure in Fiscal Year 2013 -2014 | | | Total TEP Funding 2013-2042 |
| | Current | With New TEP | Increase | |
| Local streets and roads | \$1,880,000 | \$3,540,000 | 88% | \$138,860,000 |
| Paratransit for seniors and people with disabilities* | \$680,000 | \$1,300,000 | 90% | \$51,020,000 |
| Bicycle and pedestrian safety | \$380,000 | \$690,000 | 80% | \$26,190,000 |

In addition to the above projects and programs, Council expressed an interest at the November 15th meeting to include the I-880/West A Street Improvements, Local Shuttles, and a Youth Transit Pass program. The first two projects are not specifically called out in the draft TEP, but would be eligible under the Innovative Grant Fund and the Freight and Economic Development Fund programs respectively. Every jurisdiction submitted a large list of projects and not all projects could be included. The interchange projects were included based on the City’s submittal as shown in the Local Area Transportation Improvement Program (LATIP). The priorities and criteria for the other funding will be developed during the call for projects for each of the discretionary funding categories.

The Steering Committee received overwhelming community support for a successful Youth Transit Pass program to be included in the TEP. There is a belief that such a pass will reduce transportation costs for students and instill the habit of using public transit at an early age. Consequently, there is funding for such a program in the TEP. Councilmember Henson strongly supported including this program in the TEP and a representative from the Hayward Unified School District (HUSD) spoke at the January 26th TEP Steering Committee meeting in support of the program as well. The Alameda CTC is also looking at establishing a student bus pass program independent of the TEP, and the City and HUSD are currently working with the Alameda CTC to be the first agencies in this program once it is established.

There are numerous requirements and guidelines that must be followed in order for the City to receive the Measure B funds. Council will be asked to approve the master and program funding agreements at a future meeting. Two specific requirements should be noted. First, local jurisdictions will be required to expend at least fifteen percent of their local streets and roads funds on the bike and pedestrian elements of those streets. Such elements could include restriping a bike lane or adding in a crosswalk or audible pedestrian signal. Local agencies already spend about eight percent of the local streets and roads funds on these elements. Second, in order to receive funding, local agencies must comply with and approve a “complete streets policy”. This means that projects must take into account the needs of all users – pedestrians, bicyclists, transit riders, and vehicles, in order to be eligible for funding. While the criteria for meeting a “complete streets policy” have not yet been defined, the Alameda CTC has promised to work with local agencies to meet this requirement by the stated July 1, 2013 deadline.

FISCAL IMPACT

As noted above, there will be significant benefits to the City if the sales tax measure is approved by the voters. There will be a substantial increase in local streets and roads maintenance and bicycle and pedestrian pass through funding. The local streets and roads funding will help to address the ongoing shortfall of street maintenance funding. The increase in bike and pedestrian funding will enable the City to continue its sidewalk installation program, which has been well received by the community, and to increase and upgrade bicycle and pedestrian projects throughout the City. In addition, many capital projects that have been long desired and long needed will finally have the opportunity to be constructed. Without the reauthorized measure, the current Measure will expire in 2022 and the opportunity to fund important capital and maintenance projects throughout the county will be lost.

PUBLIC CONTACT

Public engagement and transparency were the foundations of the development of these plans. A wide variety of stakeholders, including businesses, technical experts, environmental and social justice organizations, seniors, and people with disabilities all helped shape the plan to ensure that it serves the county’s diverse transportation needs. Over the past year, thousands of Alameda County residents participated through public workshops and small group dialogues. One such workshop to address Central County issues was held in San Leandro. A website allowed for online questionnaires, access to all project information, and submittal of comments from its

users. In addition, an advisory committee that represents diverse constituencies was integrally involved in the plan development process from the beginning.

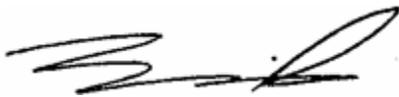
NEXT STEPS

The TEP Steering Committee and the Alameda CTC Board approved the TEP on January 26, 2012. Local jurisdictions are scheduled to complete their approvals of the TEP before early May. As noted above, at least eight cities that include a majority of the County's population and the Alameda County Board of Supervisors must approve the TEP for the measure funding the TEP to be placed on the November 6 ballot. This action needs to be completed by June so the ballot language can be drafted and presented to the County Clerk by early August, ninety days before the election.

Prepared by: Don Frascinella, Transportation Manager

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

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

HAYWARD CITY COUNCIL

Resolution No. _____

Introduced by Councilmember _____

RESOLUTION APPROVING THE 2012 ALAMEDA COUNTY TRANSPORTATION EXPENDITURE PLAN AND REQUESTING THAT THE ALAMEDA COUNTY BOARD OF SUPERVISORS PLACE A MEASURE ON THE NOVEMBER 6, 2012 BALLOT FOR THE EXTENSION AND AUGMENTATION OF EXISTING SALES TAX TO SUPPORT THE TRANSPORTATION EXPENDITURE PLAN

WHEREAS, the Alameda County Transportation Commission has approved a new Alameda County Transportation Expenditure Plan pursuant to the authority of Public Utilities Code Section 180000 et seq., and

WHEREAS, the Transportation Expenditure Plan development was guided by a Steering Committee comprised of thirteen representatives from Alameda County cities, the Board of Supervisors, AC Transit and BART; and

WHEREAS, the Steering Committee was advised by a Community Advisory Working Group, comprised of twenty-seven Alameda County community members, and a Technical Advisory Working Group, comprised of staff members from Alameda County local jurisdictions, transit, health, enforcement and parks agencies; and

WHEREAS, the Transportation Expenditure Plan was approved by the governing body of the Alameda County Transportation Commission on January 26, 2012; and

WHEREAS, the new Transportation Expenditure Plan consists of programs and projects that are essential to improving the county's transit network and services, supporting the needs of seniors and the disabled, providing critical multi-modal transportation solutions to expand travel choices and relieve congestion throughout the county, moving people and goods more efficiently, and reducing greenhouse gas emissions; and

WHEREAS, the interests of the City of Hayward and its residents and businesses will benefit by the implementation of the new Transportation Expenditure Plan and the augmentation and extension of the existing sales tax for transportation in Alameda County.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the 2012 Alameda County Transportation Expenditure Plan and requests that the Alameda County Board of Supervisors place a measure on the November 6, 2012 ballot for the extension and augmentation of the existing sales tax to support the Transportation Expenditure Plan.

DATE: February 21, 2012
TO: Mayor and City Council
FROM: City Manager
SUBJECT: Council Priorities for FY 2013

RECOMMENDATION

That Council adopts the attached resolution approving the Council Priorities for FY 2013

BACKGROUND

Each year, Council establishes and affirms their priorities for staff to help guide the development of the upcoming annual budget, and to provide a platform for assessing work productivity and performance at the end of each year. Attached for Council’s reference are the currently adopted FY 2012 Council Priorities (Attachment II); the recommended Council Priorities for FY 2013 as discussed by Council at the work session of January 17, 2012 (Attachment III); and the revised recommended Council Priorities for FY 2013 with revisions based on the January 17 discussion, which are being recommended to Council for adoption at this meeting (Attachment IV.).

As in FY 2012, the main priorities are “Safe,” “Clean,” and “Green.” The supporting priorities are “Organizational Health,” “Land Use,” and “Fiscal Stability.” These are implemented through the every-day operations of the organization, and specifically through the major programs and initiatives shown below each priority in the respective charts.

DISCUSSION

The changes, deletions, and additions discussed here reflect differences from the document discussed by Council on January 17. These changes, deletions, and additions are based on Council’s discussion and direction, public comment from the January 17 meeting, and on feedback from City departments.

Two additional items previously discussed and highlighted by Council are not included in the FY 2013 recommended priorities. Discussion of a “grocery ordinance” and consideration of a Project Labor Agreement (PLA) are items previously identified through Council discussion as being of interest and importance to Council, and both are specific work products rather than larger programmatic priority areas. In addition, based on previous Council direction, both are

part of the FY 2012 work program. Staff fully expects to bring these items before Council for discussion and consideration before June 30, 2012. Therefore, they are not captured in the recommended FY 2012 recommended priorities.

➤ **SAFE**

- Per Council's January 17 direction, use of the SMASH program has been added back to this category as a specific item.
- Addressing gangs and gang activities has been strengthened and language made consistent with Council's discussion.
- Per public comments heard on January 17, the item dealing with shopping centers and the shopping experience has been reframed in a more positive light.
- Disaster response and management has been split and more appropriately and specifically listed under both "Safe" and "Organizational Health."

➤ **CLEAN**

- Simple wording changes and organization.
- An item related to car sales in the public right of way has been added back in per the January 17 Council direction.

➤ **GREEN** – This priority has been expanded to accommodate more of the "sustainable" elements discussed by Council and the public.

- An item has been added reflecting Council and public emphasis on increasing the tree inventory throughout the City.
- The item related to "Healthy Cities" has been strengthened and expanded, most notably to include Council's concern about child obesity in Hayward.
- The "Promise Neighborhood" grant has been added per Council's direction.
- An item has been added in an attempt to capture Hayward as an educational community per Council discussion and the goal to improve the quality of education for all participants.
- A "sustainable" item to eliminate long-term homelessness has been added here, which continues to recognize the efforts to eliminate homelessness, but which separates the condition of homelessness from the concept of general community safety.

➤ **ORGANIZATIONAL HEALTH**

- Business process analysis has been added back in per Council's comments on January 17.
- An item has been removed from "Safe" and added here that specifically speaks to the ability of the organization to manage disasters separate from the community effort identified in the "Safe" category.

- LAND USE – The Housing Element item was modified to strike a balance between Council’s comments that updating the Housing Element should not necessarily be a priority in FY 2013 and staff’s concern that in reality we continue to allocate some resources to the existing Housing Element.
- FISCAL STABILITY – Slight wording refinements.

FISCAL IMPACT

There is no immediate fiscal impact emanating from this report at this time. Upon Council adoption of priorities for FY 2013, staff will construct the FY 2013 and FY 2014 recommended budget to support these priorities to the extent possible within available resources.

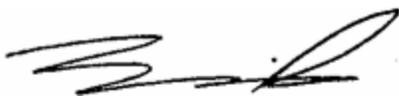
ECONOMIC IMPACT

Likewise, there is no immediate economic impact emanating from this report at this time. However, as Council priorities are refined and adopted, it is expected that Council will place strong emphasis on economic development. Similarly, many of the actions, activities, and programs identified herein, would, if successfully implemented, positively impact the economic health of the community.

NEXT STEPS

The adopted and affirmed priorities will guide the development of the City Manager’s recommended FY 2013 budget, which will be presented to Council in early May.

Prepared and Approved by:



Fran David
City Manager

Attachments:

- Attachment I: Resolution adopting the FY 2013 Council Priorities
- Attachment II: Adopted Council Priorities for FY 2012
- Attachment III: January 17 Work Session Discussion Draft of Council Priorities for FY 2013
- Attachment IV: Staff’s Recommended Council Priorities for FY 2013

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION ADOPTING THE CITY COUNCIL
PRIORITIES FOR FISCAL YEAR 2013 AND DIRECTING
THE CITY MANAGER TO PREPARE A RECOMMENDED
BUDGET FOR FISCAL YEAR 2013 IN SUPPORT OF THE
ADOPTED PRIORITIES

WHEREAS, each year the City Council establishes and affirms its priorities to assist staff in developing the budget for the upcoming year; and

WHEREAS, for FY 2013 the Council has reaffirmed its commitment to its top priorities from FY 2012, which are “Safe,” “Clean” and “Green,” with supporting priorities of “Organizational Health,” “Land Use” and “Fiscal Stability;” and

WHEREAS, the Council FY 2013 Priorities are implemented through the everyday operations of the organization and through major programs and initiatives, all of which are reflected in the annual budget for the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby adopts its priorities for FY 2013, as more specifically set forth in the accompanying staff report and as may be amended from time to time.

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager to prepare a recommended budget for FY 2013 in support of the Council’s FY 2013 Priorities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

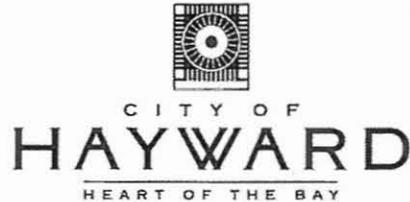
ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

| <u>SAFE</u> | <u>CLEAN</u> | <u>GREEN</u> |
|---|--|--|
| <ul style="list-style-type: none"> ✦ Improve public safety in targeted areas <ul style="list-style-type: none"> - Downtown - Neighborhoods (SMASH) - Entertainment areas - Retail areas - Schools - BART Stations ✦ Reduce gang violence in Hayward <ul style="list-style-type: none"> - Develop and implement an improved gang enforcement strategy, including a gang injunction program - Enhance Curfew & Truancy Ordinances - Support gang prevention and intervention programs ✦ Develop School Partnerships ✦ Improve Disaster Preparedness and disaster response in the organization and within the neighborhoods ✦ Complete and Adopt Multi-Jurisdictional Local Hazard Mitigation Plan | <ul style="list-style-type: none"> ✦ Strengthen code enforcement citywide (SMASH) ✦ Implement Neighborhood Partnership Program beyond Phase I ✦ Strengthen and expand KHCG Task Force into neighborhood organizations ✦ Decrease litter in the city ✦ Decrease illegal dumping ✦ Prevention and rapid abatement of graffiti ✦ Improve graffiti prevention through increased use of public art in retail and commercial areas ✦ Control car sales in the Public ROW ✦ Reduce and clean up homeless encampments and address related issues ✦ Eliminate blight throughout | <ul style="list-style-type: none"> ✦ Continue implementation of the Climate Action Plan ✦ Increase Hayward's sustainability as a community ✦ Fund and implement residential and commercial energy efficiency, photovoltaic, and hot water solar programs ✦ Continue development of residential and commercial energy conservation programs ✦ Position Hayward and gain recognition as a "Healthy City" under the national and state program ✦ Increase use of clean and green energy such as solar photovoltaic and bio-gas to energy production at utility facilities ✦ Increase use of recycled water |

| <u>Organizational Health</u> | <u>Land Use</u> | <u>Fiscal Stability</u> |
|--|--|---|
| <ul style="list-style-type: none"> • Ensure a safe and healthy work environment • Complete implementation of the Computer Aided Dispatch & Records Management System • Select Financial Enterprise/Enterprise Resource Planning (ERP) system and begin implementation • Improve the organization’s ability to apply business process analysis in decision-making • Redesign the City’s WEB page • Continued staff development and succession planning • Develop an employee attraction and retention program • Continue the development, adoption, and maintenance of strategic plans for key functions <ul style="list-style-type: none"> - Finance Functions (develop) - Economic Development (implement) - Police (update & maintain) | <ul style="list-style-type: none"> • Continue implementation of the 238 Settlement Agreement • Resolve all zoning and related issues in the Corridor and develop a 238 Corridor land disposition strategy • Adopt and implement South Hayward BART Form-Based Code • Adopt and implement Mission Boulevard Corridor Specific Plan/Form-Based Code • Improve gateways and corridors • Continue implementation of South Hayward BART TOD Project • Revise the City’s Sign Ordinance • Update Downtown Plan • Plan for update of the General Plan • Continue implementation of Airport development projects including CA Air National Guard reuse • Continue to implement Historic Preservation Program elements • Develop a housing strategy and implementation plan • Pursue and support City Center Project | <ul style="list-style-type: none"> • Implement programs to resolve long-term structural deficit • Protect local revenues • Increase community property values <ul style="list-style-type: none"> - Increase academic performance in Hayward schools in partnership with HUSD and the community - Brand, market, and promote the community of Hayward • Strengthen and protect Hayward’s business community <ul style="list-style-type: none"> - Engage in and succeed at aggressive economic development - Protect and promote Hayward's industrial base - Strengthen Chamber & business/industrial partnerships • Seek and secure outside funding <ul style="list-style-type: none"> - Grants - Appropriations - Federal & State programs • Explore Public Facilities Bond Measure; develop supporting data |



DATE: January 17, 2012
TO: Mayor and City Council
FROM: City Manager
SUBJECT: Discussion Draft of Council Priorities for FY 2013

RECOMMENDATION

That Council reviews the attached and provides guidance to staff regarding Council Priorities for FY 2013.

BACKGROUND

Each year, Council establishes and affirms their priorities for staff to help guide the development of the upcoming annual budget, and to provide a platform for assessing work productivity and performance at the end of each year. Attached for Council's reference are the currently adopted FY 2012 Council Priorities.

For the last several years, Council has remained focused on two-three "main priorities" and three "supporting priorities". For FY 2012, the main priorities are "Safe", "Clean", and "Green". The supporting priorities are "Organizational Health", "Land Use", and "Fiscal Stability".

DISCUSSION

The second attachment to this report contains some changes to the FY 2012 priorities as formulated by staff for Council's consideration. Staff remains fully committed to the focused approach Council has taken in the last few years, and strongly hopes this focus to continue. The changes reflected in this attachment are solely for discussion purposes and attempt to capture (1) elimination of items which are now completed or which will be completed by June 30, 2013; (2) changes to reflect the environment in which we work such as the dramatic impact of the elimination of RDA; and (3) variations in presentation to reflect completion of one phase of a project and the start of another. In a few cases, items are suggested for elimination simply because they are no longer a priority or cannot be accomplished in the 2013 fiscal year.

As in previous versions, the items and actions in each category are listed in a suggested priority order from top to bottom within the category. Council is asked to comment on this order as well as on the items themselves.

- **SAFE** – Changes proposed in this category are as follows:
 - “Schools” be removed from the general “safety” category and put into a category of their own, which focuses on some of the major programs to receive staff attention in FY 2013.
 - “Enhance curfew and truancy enforcement” be disassociated from gangs and gang violence and made a part of improving overall safety of schools and routes to and from schools.
 - “Reduce negative impact and unacceptable social behaviors of various individuals or groups on commercial and retail areas of the community with an emphasis on the Downtown” be added due to the many complaints we receive about aggressive panhandling and other unacceptable behaviors in the Downtown, at the Santa Clara Post Office, and in and around major grocery stores and shopping centers.
 - “Complete and Adopt Multi-Jurisdictional Local Hazard Mitigation Plan” be removed because it was completed.

- **CLEAN** – Changes proposed in this category are relatively minor and reflect the evaluative state of the Neighborhood Partnership Program and the loss of the Redevelopment Agency. Needless to say, the Neighborhood Partnership Program will continue, based on its success to date. What is being proposed in the suggested wording change is that it undergo a review to determine how it can be strengthened and moved forward to even greater successes.

- **GREEN** – Suggested changes here are minor as well and simply reflect the more targeted and realistic approach to energy conservation programs as discussed with the Council Sustainability Committee.

- **ORGANIZATIONAL HEALTH** – This supporting priority also has few suggested changes.
 - Staff is moving forward from “selecting a vendor” for the Financial Enterprise system to negotiating a contract with the selected vendor and structuring financing. This is the end of an exhaustive process to solicit proposals for the system, which resulted in a tentative vendor selection.
 - The deployment of the new WEB site has been added in an effort to move this project from its currently stalled position (i.e., actually implement the changes that have been worked on this last year.)
 - “Developing an employee attraction and retention program” has taken on greater urgency and importance, and will take staff focus and attention in FY 2013.

- LAND USE – The changes suggested in this supporting priority are mostly to make the wording more align with the actions planned, and to reflect slight changes in direction for certain items.
 - ~~“Improve~~ **Redesign and update** gateways and corridors; **partner with County where appropriate**” simply tightens up the language and reflects what is happening within staff and between the City and the County in this area; and it makes progress on this more measurable.
 - ~~“Plan for update of the General Plan~~ **Develop framework, scope, budget, and funding for updating the General Plan**” reflects where we are currently in the process, and defines what will happen in FY 2013.
 - The following additions are recommended:
 - Begin update of the Housing Element for the General Plan
 - Continue to participate in development of a regional Sustainable Communities Strategy
 - Update the City’s Subdivision Ordinance

- FISCAL STABILITY – There are major shifts in this supporting priority due to the upheaval created by the dissolution of redevelopment in California, with some suggested new activities:
 - **“Determine strategy and funding options for economic development efforts following dissolution of Redevelopment Agency”** – Council has consistently stated that this should be a priority for staff as we wend our way through the dissolution of development; and that with or without redevelopment, economic development remains a high priority.
 - **“Protect City’s assets and key interests in the wake of the State legislation to eliminate the Redevelopment Agency”** – This has already become an essential part of the RDA dissolution process.
 - It is suggested that we drop ~~“Explore Public Facilities Bond Measure; develop supporting data”~~ and replace it with **“Develop long term facilities master plan to identify and evaluate City facility needs and funding options”**. This is in response to the current political environment, and still keeps the important element of facilities planning in the work plan.

Staff is looking forward to Council’s discussion and receiving guidance as we move through the FY 2013 budget process.

FISCAL IMPACT

There is no immediate fiscal impact emanating from this report at this time. Clearly, as Council solidifies these priorities for FY 2013, resources will then be allocated to support accomplishing the various actions, activities, and programs in support of those priorities.

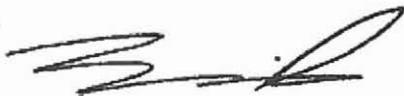
ECONOMIC IMPACT

Likewise, there is no immediate economic impact emanating from this report at this time. However, as Council priorities are refined and adopted, it is expected that Council will direct emphasis on economic development. Similarly, many of the actions, activities, and programs identified herein, would, if implemented successfully, positively impact the economic health of the community.

NEXT STEPS

Council will discuss this report and provide guidance to staff. Staff will come back to Council with an action item no later than February asking Council to formally adopt the FY 2013 priorities. These adopted and affirmed priorities will then guide the development of the City Manager's recommended FY 2013 budget, as well as Council's ultimate approval of that document.

Prepared and Approved by:



Fran David
City Manager

Attachments:

- Attachment I: Adopted Council Priorities for FY 2012
- Attachment II: Discussion Draft of Council Priorities for FY 2013

| <u>SAFE</u> | <u>CLEAN</u> | <u>GREEN</u> |
|---|--|--|
| <ul style="list-style-type: none"> ⊕ Improve public safety in targeted areas <ul style="list-style-type: none"> - Downtown - Neighborhoods (SMASH) - Entertainment areas - Retail areas - Schools - BART Stations ⊕ Reduce gang violence in Hayward <ul style="list-style-type: none"> - Develop and implement an improved gang enforcement strategy, including a gang injunction program - Enhance Curfew & Truancy Ordinances - Support gang prevention and intervention programs ⊕ Develop School Partnerships ⊕ Improve Disaster Preparedness and disaster response in the organization and within the neighborhoods ⊕ Complete and Adopt Multi-Jurisdictional Local Hazard Mitigation Plan | <ul style="list-style-type: none"> ⊕ Strengthen code enforcement citywide (SMASH) ⊕ Implement Neighborhood Partnership Program beyond Phase I ⊕ Strengthen and expand KHCG Task Force into neighborhood organizations ⊕ Decrease litter in the city ⊕ Decrease illegal dumping ⊕ Prevention and rapid abatement of graffiti ⊕ Improve graffiti prevention through increased use of public art in retail and commercial areas ⊕ Control car sales in the Public ROW ⊕ Reduce and clean up homeless encampments and address related issues ⊕ Eliminate blight throughout | <ul style="list-style-type: none"> ⊕ Continue implementation of the Climate Action Plan ⊕ Increase Hayward's sustainability as a community ⊕ Fund and implement residential and commercial energy efficiency, photovoltaic, and hot water solar programs ⊕ Continue development of residential and commercial energy conservation programs ⊕ Position Hayward and gain recognition as a "Healthy City" under the national and state program ⊕ Increase use of clean and green energy such as solar photovoltaic and bio-gas to energy production at utility facilities ⊕ Increase use of recycled water |

| <u>Organizational Health</u> | <u>Land Use</u> | <u>Fiscal Stability</u> |
|--|--|---|
| <ul style="list-style-type: none"> • Ensure a safe and healthy work environment • Complete implementation of the Computer Aided Dispatch & Records Management System • Select Financial Enterprise/Enterprise Resource Planning (ERP) system and begin implementation • Improve the organization’s ability to apply business process analysis in decision-making • Redesign the City’s WEB page • Continued staff development and succession planning • Develop an employee attraction and retention program • Continue the development, adoption, and maintenance of strategic plans for key functions <ul style="list-style-type: none"> - Finance Functions (develop) - Economic Development (implement) - Police (update & maintain) | <ul style="list-style-type: none"> • Continue implementation of the 238 Settlement Agreement • Resolve all zoning and related issues in the Corridor and develop a 238 Corridor land disposition strategy • Adopt and implement South Hayward BART Form-Based Code • Adopt and implement Mission Boulevard Corridor Specific Plan/Form-Based Code • Improve gateways and corridors • Continue implementation of South Hayward BART TOD Project • Revise the City’s Sign Ordinance • Update Downtown Plan • Plan for update of the General Plan • Continue implementation of Airport development projects including CA Air National Guard reuse • Continue to implement Historic Preservation Program elements • Develop a housing strategy and implementation plan • Pursue and support City Center Project | <ul style="list-style-type: none"> • Implement programs to resolve long-term structural deficit • Protect local revenues • Increase community property values <ul style="list-style-type: none"> - Increase academic performance in Hayward schools in partnership with HUSD and the community - Brand, market, and promote the community of Hayward • Strengthen and protect Hayward’s business community <ul style="list-style-type: none"> - Engage in and succeed at aggressive economic development - Protect and promote Hayward's industrial base - Strengthen Chamber & business/industrial partnerships • Seek and secure outside funding <ul style="list-style-type: none"> - Grants - Appropriations - Federal & State programs • Explore Public Facilities Bond Measure; develop supporting data |

| SAFE | CLEAN | GREEN |
|--|--|--|
| <ul style="list-style-type: none"> ⊕ Improve public safety in targeted areas <ul style="list-style-type: none"> - Downtown - Neighborhoods (SMASH) - Entertainment areas - Retail areas — Schools - BART Stations ⊕ Reduce gang violence in Hayward <ul style="list-style-type: none"> — Develop and implement an improved gang enforcement strategy, including a gang injunction program — Enhance Curfew & Truancy Ordinances - Continue implementation of a continuous and focused gang enforcement strategy - Develop a gang injunction tool for use as appropriate - Support gang prevention and intervention programs through the schools ⊕ Develop School Partnerships ⊕ Improve safety of school campuses and routes to/from schools <ul style="list-style-type: none"> - Partner with HUSD to improve training and operations of school campus safety personnel - Enhance curfew and truancy enforcement ⊕ Reduce negative impact and unacceptable social behaviors of various individuals or groups on commercial and retail areas of the community with an emphasis on the Downtown ⊕ Improve Disaster Preparedness and disaster response in the organization and within the neighborhoods — Complete and Adopt Multi-Jurisdictional Local Hazard Mitigation Plan | <ul style="list-style-type: none"> ⊕ Strengthen code enforcement citywide (SMASH) ⊕ Implement Evaluate Neighborhood Partnership Program beyond Phase I, revise Strategic Plan to incorporate strategies for the next phase of the program, and implement ⊕ Strengthen and expand KHCG Task Force into neighborhood organizations ⊕ Decrease litter in the city ⊕ Decrease illegal dumping ⊕ Prevention and rapid abatement of graffiti ⊕ Improve graffiti prevention through increased use of public art in retail and commercial areas — Control car sales in the Public ROW — Reduce and clean up homeless encampments and address related issues ⊕ Eliminate blight throughout RDA the city | <ul style="list-style-type: none"> ⊕ Continue implementation of the Climate Action Plan ⊕ Increase Hayward's sustainability as a community ⊕ Develop, fund, and implement residential and commercial energy efficiency and renewable energy programs, including financing components, photovoltaic, and hot water solar programs — Continue development of residential and commercial energy conservation programs ⊕ Position Hayward and gain recognition as a "Healthy City" under the national and state programs ⊕ Increase use of clean and green energy such as solar photovoltaic and bio-gas to energy production at utility facilities ⊕ Increase use of recycled water |

NOTE: Red text indicates proposed additions; strikeout indicates proposed deletions.

| <u>Organizational Health</u> | <u>Land Use</u> | <u>Fiscal Stability</u> |
|---|--|---|
| <ul style="list-style-type: none"> • Ensure a safe and healthy work environment • Complete implementation of the Computer Aided Dispatch & Records Management System • Select Implement the selected Financial Enterprise/Enterprise Resource Planning (ERP) system and begin implementation • Improve the organization's ability to apply business process analysis in decision-making • Redesign and deploy the City's WEB page • Continued staff development and succession planning • Develop an employee attraction and retention program • Continue the development, adoption, and maintenance of strategic plans for key functions <ul style="list-style-type: none"> - Finance Functions (develop) - Economic Development (update & implement) - Police (update & maintain) | <ul style="list-style-type: none"> • Continue Conclude implementation of the 238 Settlement Agreement • Resolve all zoning and related issues in the Corridor and develop Implement a 238 Corridor land disposition strategy • Adopt and implement South Hayward BART Form-Based Code • Adopt and implement Mission Boulevard Corridor-Specific Plan/Form-Based Code • Improve Redesign and update gateways and corridors; partner with County where appropriate • Continue implementation of South Hayward BART TOD Project • Revise the City's Sign Ordinance • Update Downtown Plan Develop a Downtown Specific Plan • Plan for update of the General Plan Develop framework, scope, budget, and funding for updating the General Plan • Continue implementation of Airport development projects including CA Air National Guard reuse • Continue to implement Historic Preservation Program elements • Develop a housing strategy and implementation plan • Pursue and support City Center Project • Begin update of the Housing Element for the General Plan • Continue to participate in development of a regional Sustainable Communities Strategy • Update the City's Subdivision Ordinance | <ul style="list-style-type: none"> • Implement programs to resolve long-term structural deficit • Protect local revenues • Increase community property values <ul style="list-style-type: none"> - Increase academic performance in Hayward schools in partnership with HUSD and the community - Brand, market, and promote the community of Hayward • Determine strategy and funding options for economic development efforts following dissolution of Redevelopment Agency • Protect City's assets and key interests in the wake of the State legislation to eliminate the Redevelopment Agency • Strengthen and protect Hayward's business community <ul style="list-style-type: none"> - Engage in and succeed at aggressive economic development - Protect and promote Hayward's industrial base - Strengthen Chamber & business/industrial partnerships • Seek and secure outside funding <ul style="list-style-type: none"> - Grants - Appropriations - Federal & State programs • Explore Public Facilities Bond Measure; develop supporting data • Develop long term facilities master plan to identify and evaluate City facility needs and funding options |

| SAFE | CLEAN | GREEN (Sustainable) |
|---|--|--|
| <ul style="list-style-type: none"> ✦ Improve public safety in targeted areas <ul style="list-style-type: none"> - Downtown - Neighborhoods (SMASH) - Entertainment areas - Retail areas - BART Stations ✦ Continue consistent, determined use of the SMASH Program ✦ Reduce gang violence in Hayward <ul style="list-style-type: none"> - Continue implementation of a continuous and focused gang enforcement strategy - Develop a gang injunction tool program for use as appropriate - Support gang prevention and intervention programs through the schools and other agencies - Partner with all applicable agencies and organizations to reduce gang activity in Hayward ✦ Improve safety of school campuses and routes to/from schools <ul style="list-style-type: none"> - Partner with HUSD to improve training and operations of school campus safety personnel - Enhance curfew and truancy enforcement ✦ Reduce negative impact and unacceptable social behaviors of various individuals or groups on commercial and retail areas of the community with an emphasis on the Downtown ✦ Improve the ambiance of, and shopping experience in, all major retail areas, particularly Downtown and in malls and centers. ✦ Improve Disaster Preparedness and disaster response in the organization and within the neighborhoods community ✦ Continue to abate homeless encampments in the community | <ul style="list-style-type: none"> ✦ Strengthen code enforcement and eliminate blight citywide (SMASH) ✦ Continue the Neighborhood Partnership Program. <ul style="list-style-type: none"> - Revise Strategic Plan to incorporate strategies for the next phase of the program - Implement next phase of program ✦ Strengthen and expand KHCG Task Force into neighborhood organizations ✦ Decrease litter in the city ✦ Decrease illegal dumping ✦ Prevention and rapid abatement of graffiti ✦ Improve graffiti prevention through increased use of public art in retail and commercial areas ✦ Control and/or regulate car sales in the Public ROW ✦ Eliminate blight throughout the city | <ul style="list-style-type: none"> ✦ Continue implementation of the Climate Action Plan ✦ Increase Hayward's sustainability as a community in all aspects of urban life ✦ Continue efforts to increase the overall tree inventory throughout the community ✦ Develop, fund, and implement residential and commercial energy efficiency and renewable energy programs, including non-General Fund financing components. ✦ Increase use of clean and green energy such as solar photovoltaic and bio-gas-to-energy production at utility facilities ✦ Increase use of recycled water ✦ Position Hayward and gain recognition as a "Healthy City" program and to gain under-national and state recognition programs <ul style="list-style-type: none"> - Partner with other agencies to fight obesity among Hayward youth - Pursue and implement a model "urban gardening" program throughout the community ✦ Work with partners to successfully implement the Promise Neighborhood grant, and to secure multi-year funding ✦ Through partnership with other agencies and organizations, develop and support the necessary elements to provide high quality educational opportunities for all throughout the community ✦ Continue efforts to eliminate long-term homelessness in Hayward and to identify housing for individuals when and where appropriate. |

| <u>Organizational Health</u> | <u>Land Use</u> | <u>Fiscal Stability</u> |
|--|--|---|
| <ul style="list-style-type: none"> • Ensure a safe and healthy work environment • Implement the selected Financial Enterprise/Enterprise Resource Planning (ERP) system • Improve the organization’s ability to apply business process analysis in decision-making. • Redesign and deploy the City’s WEB page • Continue staff development and succession planning • Develop an employee attraction and retention program • Strengthen the organization’s ability and capacity to manage disasters. • Continue the development, adoption, and maintenance of strategic plans for key functions <ul style="list-style-type: none"> - Finance Functions (develop) - Economic Development (update & implement) - Police (update & maintain) | <ul style="list-style-type: none"> • Conclude implementation of the 238 Settlement Agreement • Implement a 238 Corridor land disposition strategy • Adopt and implement Mission Boulevard Corridor-Form-Based Code • Redesign and update gateways and corridors; partner with County where appropriate • Continue implementation of South Hayward BART TOD Project • Revise the City’s Sign Ordinance • Develop a Downtown Specific Plan • Develop framework, scope, budget, and funding for updating the General Plan • Continue implementation of Airport development projects including CA Air National Guard reuse • Continue to implement Historic Preservation Program elements • Begin update of the Housing Element for the General Plan Continue to implement Housing Element program elements • Continue to participate in development of a regional Sustainable Communities Strategy • Update the City’s Subdivision Ordinance | <ul style="list-style-type: none"> • Implement programs and fiscal policies to resolve long-term structural deficit • Protect and maximize local revenues • Increase community property values <ul style="list-style-type: none"> - Increase academic performance in Hayward schools in partnership with HUSD and the community - Brand, market, and promote the community of Hayward • Determine strategy and funding options for economic development efforts following dissolution of Redevelopment Agency • Protect City’s assets and key interests in the wake of the State’s elimination of the Redevelopment Agency • Strengthen and protect Hayward’s business community <ul style="list-style-type: none"> - Engage in and succeed at aggressive economic development - Protect and promote Hayward’s industrial base - Strengthen Chamber & business/industrial partnerships • Seek and secure outside funding <ul style="list-style-type: none"> - Grants - Appropriations - Federal & State programs • Develop long term facilities master plan to identify and evaluate City facility needs and funding options |

NOTE: Red text indicates additions from 1/17/12 Council Work Session; strikethrough indicates discussed deletions.