



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL AGENDA**  
**SEPTEMBER 18, 2012**

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

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**CITY COUNCIL MEETING FOR SEPTEMBER 18, 2012**  
777 B STREET, HAYWARD CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

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**CLOSED SESSION**  
**Closed Session Room 2B – 5:00 PM**

**1. PUBLIC COMMENTS**

2. Conference with Legal Counsel  
Pursuant to Government Code 54956.9  
➤ Anticipated Litigation (One Case)

3. Conference with Property Negotiators  
Pursuant to Government Code 54956.8  
➤ Property Transactions  
APN 432-0124-001-04 & APN 432-0124-002-00

Property Negotiators: City Manager David, Assistant City Manager Morariu, City Attorney Lawson, Deputy City Attorney Brick, Director of Public Works – Engineering and Transportation Fakhrai, and Airport Manager McNeeley

4. Conference with Legal Counsel  
Pursuant to Government Code 54956.9  
➤ Pending Litigation

City of Hayward, et. v. Young, et al., Alameda County Superior Court No. HG 11609627

5. Adjourn to City Council Meeting

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

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

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PUBLIC COMMENTS**

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

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

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## CONSENT

1. Dixon Street Improvements - Tennyson Road to Valle Vista Avenue: Approval of Plans and Specifications and Call for Bids  
[Staff Report](#)  
[Attachment I](#)  
[Attachment II](#)
2. Park In-Lieu Fee Allocation to the Hayward Area Recreation and Park District (HARD) for Skywest Golf Course Improvements Projects and Silver Star Veterans Park Bocce Ball Court Reconstruction Project  
[Staff Report](#)  
[Attachment I Draft Resolution](#)  
[Attachment II Skywest Golf Course Improvements Projects](#)  
[Attachment III Silver Star Veterans Park Bocce Ball Court Reconstruction Project](#)  
[Attachment IV Park In Lieu Zone Map](#)

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*The following order of business applies to items considered as part of Public Hearings and Legislative Business:*

- *Disclosures*
- *Staff Presentation*
- *City Council Questions*
- *Public Input*
- *Council Discussion and Action*

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## LEGISLATIVE BUSINESS

3. Introduction of Ordinance Amending the Hayward Municipal Code Chapter 11, Article 3 by adding Section 11-3.404 to accept Fats, Oil and Grease (FOG) Waste at the Water Pollution Control Facility, and Establishing Fees and Charges for Permitting and Receiving Fats, Oil and Grease (Report from Director of Public Works - Utilities & Environmental Services Ameri)  
[Staff Report](#)  
[Attachment I Ordinance](#)

## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

SEPTEMBER 18, 2012



## ADJOURNMENT

**NEXT REGULAR MEETING - 7:00 PM, TUESDAY, SEPTEMBER 25, 2012**

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

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

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

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

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**Please visit us on:**



SEPTEMBER 18, 2012



**DATE:** September 18, 2012

**TO:** Mayor and City Council

**FROM:** Director of Public Works – Engineering and Transportation

**SUBJECT:** Dixon Street Improvements - Tennyson Road to Valle Vista Avenue: Approval of Plans and Specifications and Call for Bids

### **RECOMMENDATION**

That Council adopts the attached resolution (Attachment I) approving the plans and specifications for the Dixon Street Improvements - Tennyson Road to Valle Vista Avenue project and calls for bids to be received on November 6, 2012.

### **BACKGROUND**

In January 2010, the Metropolitan Transportation Commission (MTC), through its Transportation for Livable Communities (TLC) program, issued a call for projects to support community-based transportation projects. Dixon Street was selected due not only to its proximity to the South Hayward BART Station, which is a designated Priority Development Area (PDA), but also because the project is located in an area that has development potential as a result of its proximity to public transit.

On July 20, 2010, Council adopted a resolution supporting the TLC grant application submitted by City staff to the MTC for streetscape and access improvements to Dixon Street. The original project submitted to MTC included improvements on Dixon Street from Tennyson Road to Valle Vista Avenue, the south side of Tennyson Road, and access improvements within the South Hayward BART station plaza area as well as the BART overflow parking lot. Access improvements within the BART station area were part of the Wittek-Montana mixed-use development project; however, due to the economic downturn, the Wittek-Montana development has been re-phased to the BART overflow parking lot and the Perry & Key site. Therefore, City staff worked with MTC staff to scale down the Dixon Street Improvements project accordingly, which now consists of streetscape and roadway improvements to both sides of Dixon Street between Tennyson Road and Valle Vista Avenue. Attachment II provides a visual depiction of the project scope.

On June 8, 2011, the MTC Board approved the revised version of the project and awarded the City \$1.8 million. On July 26, 2011, Council authorized the City Manager to execute an agreement with BKF Engineers to provide engineering services for the Dixon Street Improvements project. The project estimate, plans, and specifications are now complete.

## DISCUSSION

The project will adhere to the goals of the TLC grant, which is to support community-based transportation projects that bring new vibrancy to downtown areas, commercial cores, neighborhoods, and transit corridors. The TLC program is also intended to enhance a community's amenities and ambiance and to make them places where people want to live, work, and visit.

Key improvements associated with this project include the undergrounding of aerial utilities, upgraded pedestrian and bicycle access, a new traffic signal on Dixon Street, a modification to signal phasing at Dixon Street and Tennyson Road, planting of street trees, and the installation of new energy-efficient LED street lighting. Other utilities, such as storm drain, sewer, and water, which are required for the Wittek-Montana development project, will be installed with the City's project at the developer's expense.

While this project is within the City's right-of-way, there is a need for "permits to enter" from sixteen property owners; the permits would allow the contractor to enter onto private properties for the purpose of facilitating utility undergrounding work as well as conforming driveways and walkways to match the new sidewalk. Staff has notified all affected property owners and has secured all but one permit to enter. Staff continues to work with the remaining property owner to obtain the necessary rights. The City cannot force property owners to allow this work on their properties; therefore, if permits to enter are not secured from any property owner, the City will be forced to continue serving that property with overhead utilities on a riser pole on their property.

Since this project is partly funded with Federal funds, the Federal Disadvantaged Business Enterprise (DBE) program applies. As directed by the Federal Highway Administration (FHWA), the DBE program is now transitioning to a race-conscious DBE program that will apply to this project. Contract goals must now include all DBE groups whose members are certified as socially and economically disadvantaged. The project will have a contract goal of sixteen percent DBE participation.

The project is categorically exempt under Section 15301 (c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities. Additionally, the Local Assistance Branch of Caltrans concurs that this project is categorically excluded from the National Environmental Policy Act.

## FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$1,950,000
City Design and Administration	150,000
Consultant Design	300,000
Construction Staking, Inspection and Testing	<u>150,000</u>
Total:	\$2,550,000

Per prior approval from MTC, the project will receive \$1.8 million in TLC funds. On June 28, 2011, Council approved a transfer of \$450,000 from the Redevelopment operating budget to the Street System Improvements Fund in the Capital Improvement Program (CIP) to provide for the required local matching funds for this project. As these matching funds originally came from the Redevelopment Agency, they may be impacted by the State of California's action to dissolve all RDAs in the State. However, this is unlikely as the funds were transferred for goods and services as part of the matching requirement for the grant. If the availability of the matching funds becomes an issue, staff will propose alternative funding sources, if necessary, at the time of award of the construction contract.

As noted earlier, some improvements required of the Wittek-Montana mixed-use development project will be installed with this project, which total approximately \$300,000; and the developer will reimburse the City for all improvement costs associated with the development upon completion of the project.

The estimated project revenue sources are as follows:

TLC Grant	\$1,800,000
City's Local Match	450,000
Developer Reimbursement	300,000
Total:	\$2,550,000

**PUBLIC CONTACT**

Staff has been in contact with all the affected property owners and tenants. Additionally, staff continues to work extensively with property owners, where permissions to enter the property are required. After the project is awarded, staff will send notification letters to all affected residents regarding the project schedule.

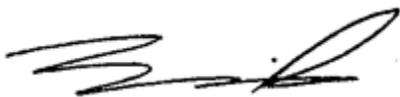
**SCHEDULE**

Open Bids	November 6, 2012
Award Contract	December 4, 2012
Start Construction	January 7, 2013
Complete Construction	November 27, 2013

*Prepared by:* Yaw Owusu, Assistant City Engineer

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

Approved by:




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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 DIXON STREET IMPROVEMENTS – TENNYSON ROAD TO VALLE VISTA AVENUE PROJECT, PROJECT NO. 5167, AND CALL FOR BIDS

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

WHEREAS, those certain plans and specifications for the Dixon Street Improvements – Tennyson Road to Valle Vista Avenue Project, Project No. 5167, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;

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

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, November 6, 2012, and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room, 4D, located on the 4<sup>th</sup> Floor of City Hall, Hayward, California;

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

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

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

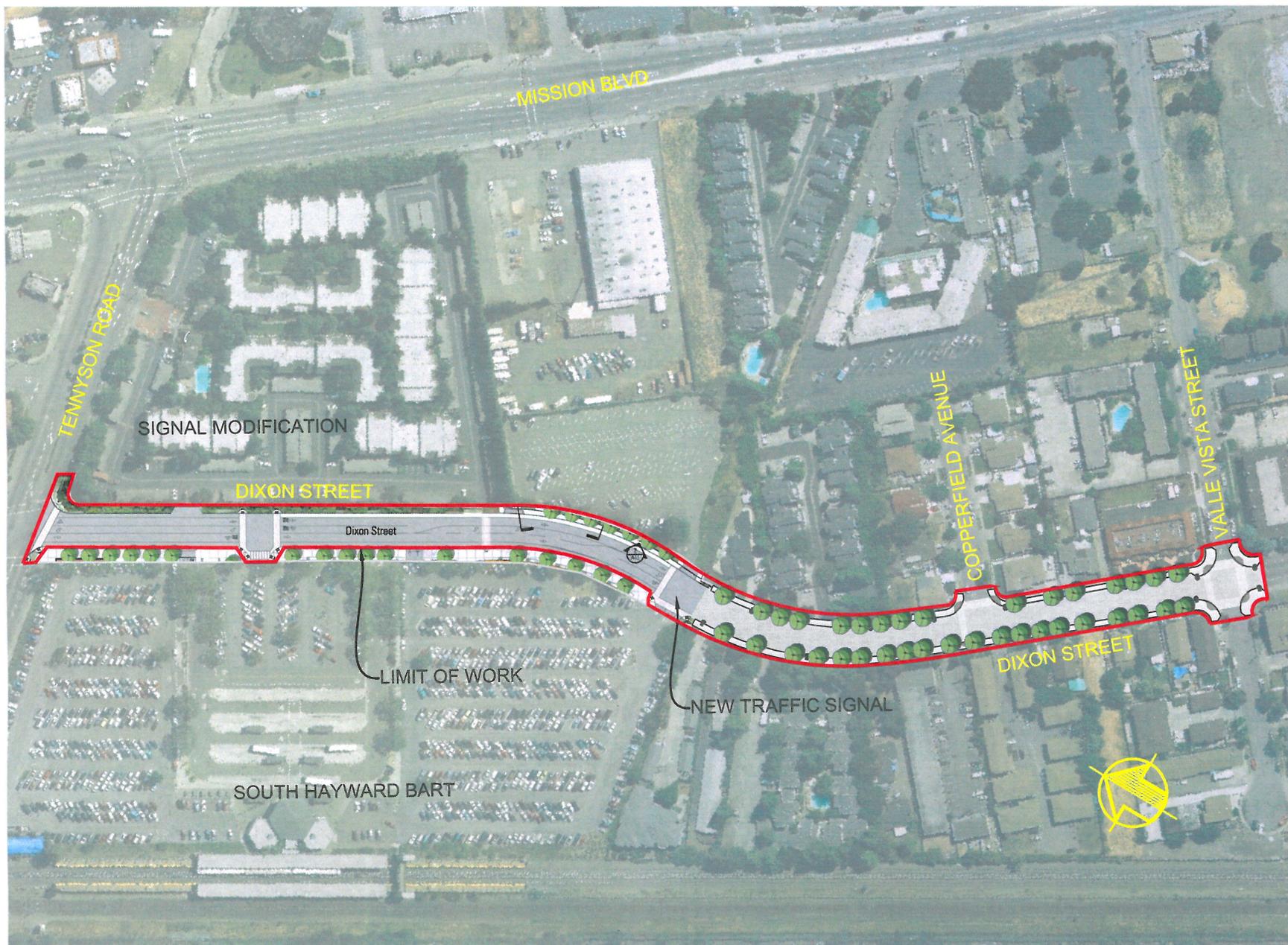
ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

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



Project Location Map  
11

**DATE:** September 18, 2012

**TO:** Mayor and City Council

**FROM:** Director of Development Services

**SUBJECT:** Park In-Lieu Fee Allocation to the Hayward Area Recreation and Park District (HARD) for Skywest Golf Course Improvements Projects and Silver Star Veterans Park Bocce Ball Court Reconstruction Project

### **RECOMMENDATION**

That Council adopts the attached resolution (Attachment I) reimbursing the Hayward Area Recreation and Park District \$195,667 for Skywest Golf Course improvements from the Park in-Lieu fee account for Zones A, B, C, D and E, and \$17,746.38 for the Silver Star Veterans Park Bocce Ball Court Reconstruction Project from the Park in-Lieu fee account for Zone B.

### **BACKGROUND**

The City of Hayward requires all subdivisions and other developments of land for residential purposes to set aside land and/or pay in-lieu fees to provide for park and recreational facilities serving the area being subdivided or developed. Collected park in-lieu fees are required to be used for the purpose of acquiring necessary land and developing new or rehabilitating existing parks in the Park Dedication Zone in which the property is located. Exceptions to fund allocation by zone are made for district-wide parks and facilities, such as the Skywest Golf Course. The Hayward Area Recreation and Park District (HARD) submits annual requests for disbursement of these funds; Council approval is required prior to disbursement.

Approximately ten years ago, the City entered a lease agreement with HARD distributing \$75,000 per year for ten years from the district-wide park in-lieu funds for capital improvements to Skywest Golf Course. The distributions from the lease agreement ended in December 2011 and there is a current balance of \$43,346.20. This balance remains allocated to be used toward reimbursing for improvements at the golf course.

### **DISCUSSION**

*Skywest Golf Course Putting Green #4 Reconstruction and Capital Improvements Projects - Skywest Golf Course, located at 1401 Golf Course Road, is an eighteen-hole public golf course situated on 125 acres, which includes a pro shop and restaurant. HARD has completely rebuilt the*

hole four putting green for the cost of \$112,194. The project included reconstruction of the green, new bunker sand and placement, a new drainage pipe, new irrigation materials, and purchase and installation of new sod. This project will provide golfers an improved putting green and will serve all Hayward residents.

Also, in fiscal years 2011 and 2012, HARD made new capital improvements to Skywest, including: electrical and fleet improvements; trees, greens, tees and fairway improvements; cart path upgrades; and general improvements to the golf course. These improvements totaled \$83,472. HARD seeks reimbursement of \$43,346.20 from the remaining balance in the Park in-Lieu lease agreement and \$40,125.80 from the district wide in-lieu accounts.

HARD seeks a total reimbursement of \$195,667 for reconstruction of hole number 4 putting green and the other improvements listed above from the in-lieu fee account for Zones A, B, C, D and E.

Silver Star Veterans Park Bocce Ball Court Project - Silver Star Veterans Park is a one-acre park located at 695 Industrial Parkway West that offers a picnic area with tables, barbecues, a basketball court, and an open lawn area. HARD has completely rebuilt the bocce ball court, with new bedding material, and new framing lumber to make the new court usable for tournament play. These improvements cost \$17,746.38. This rebuilt court will provide bocce players a professional court and will serve all Hayward residents. HARD seeks reimbursement of \$17,746.38 from the Park in-Lieu fee account from Zone B.

Staff supports the use of the park in-lieu funds for these two projects. The Skywest Golf Course hole number 4 putting green reconstruction and capital improvements at the golf course will require allocation of \$195,667 divided among Zones A, B, C, D and E; and the Silver Star Veterans Park bocce ball court reconstruction projects will require allocation of \$17,746.38 from Zone B. There are sufficient funds in those Zone accounts to fund the improvement projects, as shown below.

Park In-Lieu Funds

	Zone A	Zone B	Zone C	Zone D	Zone E
<b>Available funds</b>	<b>\$204,159</b>	<b>\$138,573</b>	<b>\$1,667,984</b>	<b>\$441,864</b>	<b>\$349,055</b>
Funding required for Skywest Golf Course #4 Green Reconstruction (Requested total \$112,194.67)	\$22,438.93	\$22,438.93	\$22,438.93	\$22,438.94	\$22,438.94
Funding required for Skywest Capital Improvements – Fiscal years 2011/2012 (Requested total \$83,472)	\$16,694.40	\$16,694.40	\$16,694.40	\$16,694.40	\$16,694.40
Funding required for Silver Star Veterans Park Bocce Ball Court Reconstruction (Requested total \$17,746.38)		\$17,746.38			
<b>Remaining balance after the allocation</b>	<b>\$165,025.67</b>	<b>\$81,693.29</b>	<b>\$1,628,850.67</b>	<b>\$402,730.66</b>	<b>\$309,921.66</b>

**FISCAL IMPACT**

No fiscal impact to the City general fund is anticipated, since park in-lieu fee funds will cover the requested cost reimbursement.

*Prepared by:* Michelle Koo, RLA ASLA, Landscape Architect

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

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I      Draft Resolution
- Attachment II     Letter of Request from HARD for Skywest Golf Course Putting Green #4 Green Reconstruction dated March 1, 2012 and Capital Improvement Project dated January 31, 2012
- Attachment III    Letter of Request from HARD for Silver Star Veterans Park Bocce Ball Court Project, dated March 1, 2012
- Attachment IV     Park In-Lieu Fee Zone Map

HAYWARD CITY COUNCIL

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

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

RESOLUTION APPROVING REQUEST OF HAYWARD AREA RECREATION AND PARK DISTRICT FOR ALLOCATION OF PARK DEDICATION IN-LIEU FEES FOR THE PURPOSE OF RECONSTRUCTING SKYWEST GOLF COURSE PUTTING GREEN #4 AND CAPITAL IMPROVEMENTS AT SKYWEST GOLF COURSE, AND REBUILDING BOCCE BALL COURT AT SILVER STAR VETERANS PARK

BE IT RESOLVED that the City Council of the City of Hayward does hereby approve the request of Hayward Area Recreation and Park District for allocation of park dedication in-lieu fees in the amount of \$195,667 for the purpose of capital improvements and Hole Number 4 Putting Green Reconstruction at Skywest Golf Course, and \$17,746.38 for rebuilding a bocce ball court at Silver Star Veterans Park, to be divided among the following park sites:

- 1. Skywest Golf Course Capital Improvements and #4 Green Reconstruction –  
In Lieu Zone A, B, C, D and E - \$195,667.00
- 2. Silver Star Veterans Park Bocce Court Reconstruction –  
In Lieu Zone B – \$17,746.38

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

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



## HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

March 1, 2012

Kelly Morariu  
Assistant City Manager  
City of Hayward  
777 "B" Street  
Hayward, CA 94541

**RECEIVED**  
AUG 14 2012  
PLANNING DIVISION

**RE: Skywest Golf Course Putting Green # 4 Green Reconstruction Project**

Dear Ms. Morariu;

At Skywest Golf Course, the Hayward Area Recreation and Park District (HARD) has completely rebuilt the #4 Putting Green. The project included reconstruction of the green, new bunker sand and placement, a new drainage pipe, new irrigation materials and purchase and installation of new sod. This project will provide golfers a new putting green and will serve all Hayward residents. The total cost of this project was \$112,194.67. The Park District is seeking **\$112,194.67** from the in-lieu account to fund this project from areas A,B,C, D and E.

In the fiscal year 2011/2012 the Skywest Golf Course made new improvements totaling \$83,472 to be paid out of the in-lieu ten-year account agreement. Since this agreement only had a remaining balance of \$43,346.20 the District was informed that the unpaid balance of \$40,125.80 would need to be requested separately. Since the Golf Course improvements serve all Hayward residents (see attached letter with projects), and there is available in-lieu funding in areas A,B, C, D and E, the District is seeking **\$40,125.80** from the District wide in-lieu accounts A,B,C, D and E. Thus the total in-lieu request amounts to **\$152,320.47**.

The Hayward area in-lieu account has sufficient funds to fund the new Skywest Golf Course Projects. If you have any questions, please call me at (510) 881-6716 or email me at [lepl@haywardrec.org](mailto:lepl@haywardrec.org).

Sincerely,

**Larry Lepore**  
**Superintendent of Parks**

Cc: Michelle Koo  
090602 Adobe /Weekes

BOARD OF  
DIRECTORS

Louis M. Andrade  
Paul W. Hodges Jr.  
Minane Jameson  
Carol A. Pereira  
Dennis M. Waespi



# HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

January 31, 2012

Ms. Fran David  
City Manager  
City of Hayward  
777 'B' Street  
Hayward, California 94541

**Re: Skywest Golf Course \$83,472.20 Invoice**

As per our amended Lease Agreement for Skywest Golf Course, the Hayward Area Recreation and Park District annually reports to the City of Hayward and submits a capital improvement project progress report pertaining to improvements at Skywest Golf Course. Under this ten-year agreement, which became effective December 31, 2002, the City of Hayward annually distributes park in-lieu fees in the amount of \$75,000 to H.A.R.D.

In 2010, the District expended \$31,653.80 for improvements and upgrades and a request was made last year to carry over \$43,346.20 for projects to be completed during 2011. In 2011, the District expended \$83,472.20 for improvements that included cart building electrical improvements (\$29,073.56); golf course fleet improvements (\$21,751.85); trees (\$3,418.46); greens, tees and fairway improvements (\$24,419.25); general golf course improvements (\$4,052.21) and cart path improvements (\$756.87).

Attached is the 2011 capital improvement project list, which provides details of the \$83,472.20 expended on improvements at Skywest Golf Course. An invoice for that amount is enclosed, along with a copy of HARD's April 1, 2011 letter.

If you have any questions regarding the expenditures, please feel free to call me at 510/881-6710 or email me at [shur@haywardrec.org](mailto:shur@haywardrec.org).

Sincerely,

Rita Shue  
General Manager

BOARD OF DIRECTORS

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Minane Jameson  
Carol A. Pereira  
Dennis M. Waespi

Enclosures

GENERAL MANAGER: Michelle Koo, Landscape Architect, City of Hayward  
Rita Bedoya Shue

HAYWARD AREA RECREATION AND PARK DISTRICT  
 SKYWEST GOLF COURSE IMPROVEMENTS 2011

<u>PROJECT #</u>	<u>DESCRIPTION</u>	<u>GRAND TOTAL</u>
1	CART BUILDING ELECTRICAL IMPROVEMENTS	\$ 29,073.56
2	GOLF COURSE FLEET IMPROVEMENTS	\$ 21,751.85
3	TREES	\$ 3,418.46
4	GREENS, TEES, FAIRWAY IMPROVEMENTS	\$ 24,419.25
5	GENERAL GOLF COURSE IMPROVEMENTS	\$ 4,052.21
6	CART PATH IMPROVEMENTS	\$ 756.87
	TOTAL 2011 SKYWEST GOLF COURSE PROJECTS	\$ 83,472.20

**HAYWARD AREA RECREATIN AND PARK DISTRICT  
SKYWEST GOLF COURSE IMPROVEMENTS 2011**

<u>DESCRIPTION</u>	<u>COST</u>	<u>ITEM</u>
<b>CART BUILDING ELECTRICAL IMPROVEMENTS</b>	\$ 1,550.00	Harvey Electric/Diagnose Electrical Panel
	\$ 2,406.59	Integrated Design/Documents
	\$ 605.97	Integrated Design/Documents
	\$ 2,600.00	RQS Concrete/concrete repair
	\$ 21,911.00	S&S Cummins/Electrical Upgrade
<b>TOTAL</b>	<b>\$ 29,073.56</b>	
<b>GOLF COURSE FLEET IMPROVEMENTS</b>	\$ 19,302.83	Golf Ventures West/Utility Truck
	\$ 1,224.51	Turf Equip Services Inc/Rebuild engine
	\$ 1,224.51	Turf Equip Services Inc/Rebuild engine
<b>TOTAL</b>	<b>\$ 21,751.85</b>	
<b>TREES</b>	\$ 105.36	Pinus Mugho
	\$ 1,500.00	Ornamental Pruning for Eucalyptus by Clubhouse
	\$ 1,600.00	Preventive maintenance Pruning Euc Trees/Fire
	\$ 81.49	Clubhouse plants
	\$ 131.61	Replacement Trees
<b>TOTAL</b>	<b>\$ 3,418.46</b>	
<b>GREENS, TEES, FAIRWAY IMPROVEMENTS</b>	\$ 731.18	Green Soil Amendments
	\$ 4,327.69	Seed for Green Surrounds, tees & Fairways
	\$ 596.19	Seed for Green Surrounds, tees & Fairways
	\$ 1,400.23	Diatomic Humus Rhizo Boost Greens
	\$ 889.86	Diatomic Humus Rhizo Boost Greens
	\$ 3,575.90	Soil Amendment Greens
	\$ 2,133.54	Soil Amendment Greens
	\$ 1,131.33	Soil Amendment Greens
	\$ 3,545.58	Soil Amendment Fairways
	\$ 3,543.47	Soil Amendment Fairways
	\$ 926.70	Bunker Improvements/Sand
	\$ 1,009.58	Tractor/Soil Amendments
	\$ 108.00	Tractor/Soil Amendments
	\$ 500.00	Tractor/Soil Amendments
<b>TOTAL</b>	<b>\$ 24,419.25</b>	
<b>GENERAL GOLF COURSE IMPROVEMENTS</b>	\$ 3,236.64	Upgrade VHS Pump Motor
	\$ 615.66	Ball Washer Upgrade
	\$ 199.91	Ball Washer Upgrade
<b>TOTAL</b>	<b>\$ 4,052.21</b>	
<b>CART PATH IMPROVEMENTS</b>	\$ 591.17	Cart Path Rock
	\$ 165.70	Cart Path Concrete
<b>TOTAL</b>	<b>\$ 756.87</b>	
<b>GRAND TOTAL</b>	<b>\$ 83,472.20</b>	



**HAYWARD AREA RECREATION AND PARK DISTRICT**

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

March 1, 2012

Kelly Morariu  
Assistant City Manager  
City of Hayward  
777 "B" Street  
Hayward, CA 94541

**RECEIVED**  
AUG 14 2012  
PLANNING DIVISION

**RE: Silver Star Veterans Park Bocce Ball Court Project**

Dear Ms. Morariu;

The Hayward Area Recreation and Park District (HARD) has completely rebuilt the bocce ball court at Silver Star Veterans Park in Hayward. The project included a complete reconstruction of the court, with a new bedding material using compacted oyster shell, and new framing lumber to make the new court usable for tournament play, unlike the old court. This project will provide bocce players a professional court and will serve all Hayward residents. The total cost of this project was \$17,746.38. The Park District is seeking **\$17,746.38** from the in-lieu account to fund this project from area B.

The Hayward area in-lieu account has sufficient funds to fund the new Silver Star Veterans Park Bocce Ball Court Project. If you have any questions, please call me at (510) 881-6716 or email me at [lepl@haywardrec.org](mailto:lepl@haywardrec.org).

Sincerely,

**Larry Lepore**  
**Superintendent of Parks**

Cc: Michelle Koo  
090602 Adobe /Weekes

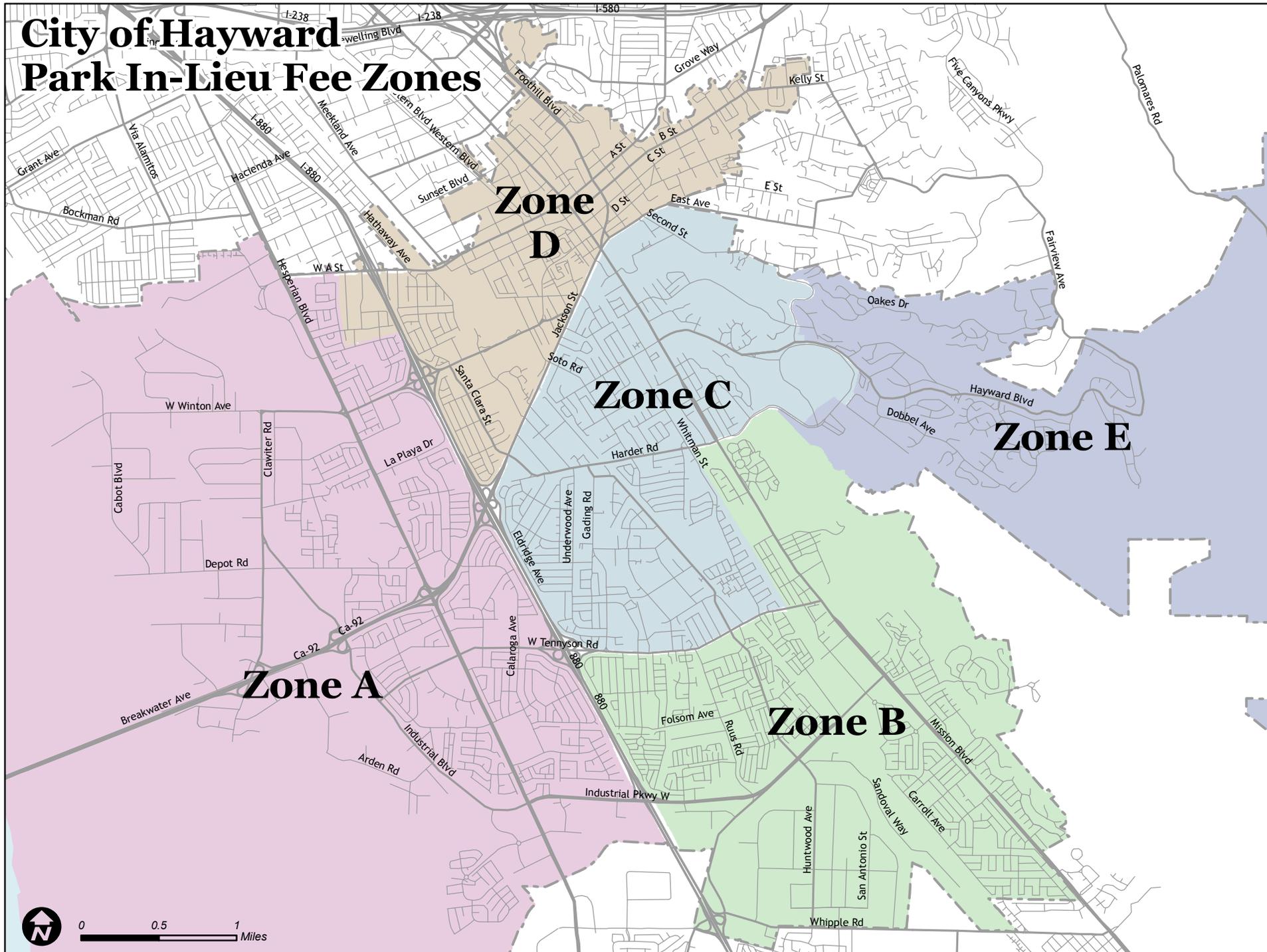
**BOARD OF DIRECTORS**

- Louis M. Andrade
- Paul W. Hodges Jr.
- Minane Jameson
- Carol A. Pereira
- Dennis M. Waespi

2-172 SILVER STAR VETERANS PARK

Asset ID	Suf	Asset Description	Acquisition Date	Acquisition Cost	Extended Description
2-172	2	2-172A/R2277-OYSTER SHELLS	9/13/2011	\$7,645.83	BOCCEMON
2-172	3	2-172/LUMBER/HARDWARE/EQUIPMNT RENTAL	9/30/2011	\$1,576.89	E. LITTLE AO PRKS CC SEPT 2011
2-172	4	2-172 SEPT/OCT 2011 DIRECT LABOR COST	11/30/2011	\$8,523.66	SEPT/OCT 2011 PARKS TIMESHEET
<b>TOTAL PROJ COST FOR 2-172</b>				<b>\$17,746.38</b>	

# City of Hayward Park In-Lieu Fee Zones



**DATE:** September 18, 2012

**TO:** Mayor and City Council

**FROM:** Director of Public Works- Utilities & Environmental Services

**SUBJECT:** Introduction of Ordinance Amending the Hayward Municipal Code Chapter 11, Article 3 by adding Section 11-3.404 to accept Fats, Oil and Grease (FOG) Waste at the Water Pollution Control Facility, and Establishing Fees and Charges for Permitting and Receiving Fats, Oil and Grease

## **RECOMMENDATION**

That Council adopts the attached ordinance to allow the Water Pollution Control Facility (WPCF) to receive fats, oil and grease (FOG) transported by permitted haulers, subject to certain conditions, and to establish fees and charges for permitting and receiving fats, oil and grease.

## **SUMMARY**

The Hayward Municipal Code (HMC) includes regulations and standards for disposal of residential and industrial wastewater into the sewer system. Staff recommends that the City Council amend the HMC to allow permitted contractors to deliver to and dispose of FOG at the WPCF receiving station, which is currently under construction. FOG can be effectively utilized to increase co-generation energy production. A waste acceptance permit system would be implemented with sufficient conditions to protect the WPCF. In addition to the cost of a permit, haulers would be required to pay a fee for each gallon of FOG accepted by the City.

## **BACKGROUND**

FOG originates from several sources, predominantly restaurants, grocery stores and food processing facilities. Most FOG is so-called “brown grease,” generated by food preparation and collected in grease interceptors and traps. A smaller amount, known as cooking oil filtrate, is typically comprised of waste vegetable oil used in deep fryers. Disposing of these materials has been challenging for the generators and haulers in the past because the characteristics of FOG are such that they are not typically permitted to be discharged into sanitary sewers. In fact, the City’s Wastewater Discharge Regulations currently prohibit discharge of grease and oils to the sanitary sewer system in concentrations of greater than 300 milligrams per liter.

In recent years, however, FOG has become a valuable resource at wastewater treatment facilities because it can boost digester gas production. Like many other wastewater treatment plants, the City's WPCF utilizes renewable biogas, commonly known as "digester gas," to fuel a cogeneration system and produce a portion of needed electric energy onsite. Methane, a constituent in digester gas, is the fuel used for cogeneration. If proper receiving facilities are in place, FOG can be injected directly into the WPCF digesters, bypassing other treatment unit processes, to significantly increase digester gas production. By providing specialized receiving equipment and storage tanks, FOG can be mixed and metered directly into the WPCF digesters at a rate favorable for solids treatment and cogeneration operations. On April 24, Council awarded a contract for the construction of a FOG receiving station at the WPCF.

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. However, some FOG hauling businesses have indicated interest in disposing of their waste at Hayward's WPCF to minimize hauling distances and, thus, save on fuel costs and reduce greenhouse gas emissions.

## **DISCUSSION**

In order to receive FOG at the WPCF, staff recommends that City Council adopt the proposed ordinance, which authorizes the acceptance of FOG at the receiving station, sets policies and conditions for acceptance, and establishes permitting and disposal fees. Most importantly, the material must conform to all discharge limits, except for the limitation on oil and grease. This provision is needed to ensure that the City continues to meet its regulatory requirements. The ordinance further states that the FOG will need to be produced by food-related establishments, such as restaurants, grocery stores and food processing facilities, and delivered to the WPCF by haulers that are permitted by the Alameda County Department of Environmental Health.

Staff will implement a waste acceptance permitting process to regulate hauling of FOG to the WPCF grease receiving station. The permit will clearly define the allowable sources of FOG, procedures for disposal, insurance and licensing requirements, fees and charges, and other terms and conditions. The permit would be subject to renewal annually. Staff recommends a \$300 initial fee for the permit, based on the anticipated resources needed to prepare and administer the permit terms and conditions, and a \$100 fee for the annual renewal thereafter.

Although there are benefits to the City in receiving FOG, there are also costs associated with maintaining and operating the grease receiving station, administering the permits, and providing haulers with a convenient means of disposing of their loads. Therefore, it is appropriate that fees be collected at the time of disposal to recover the City's costs. Staff recommends an initial standard fee for FOG disposal of \$0.05 (five cents) per gallon. This fee is in the range of those charged by some other local wastewater treatment facilities, which are typically between \$0.02 and \$0.10 per gallon. (The agency charging a lower per-gallon fee of \$0.02 also requires an annual permit fee of \$1,750.) Staff further recommends application of a fifty percent reduction of the standard fee for deliveries that include at least fifty percent cooking oil filtrate in recognition of its higher energy content and proven ability to boost digester gas production to greater levels and, therefore, increased economic value to the WPCF. The initial fee for such loads would be \$0.025 (two and a half cents) per gallon. In keeping with common practice among wastewater treatment facilities, the proposed ordinance grants

authority to charge for services based on the carrying capacity of the truck, with a minimum charge equivalent to a 500-gallon vehicle.

A key consideration in operating a FOG receiving station cost effectively is to ensure sufficient delivery of FOG on a regular and consistent basis. For the City's WPCF, staff has determined that, optimally, about 20,000 gallons of FOG per day are needed to maximize the benefits of co-generation energy production. As more wastewater treatment plants bring FOG receiving stations on line, the competition for high quality FOG will increase. A potential strategy to help ensure delivery of adequate quantities of FOG is for the City to enter into agreements with qualified haulers, which obligate the haulers to deliver a minimum quantity of acceptable FOG on a regular basis in exchange for a reduced per-gallon fee. Staff would develop terms and conditions for such agreements to ensure that haulers keep their commitments and that the City is not harmed financially. Staff believes that a forty percent reduction in the fee would provide sufficient incentive for major haulers to consider such an agreement and to commit to deliver the FOG over longer distances to Hayward's facility. The draft ordinance, therefore, contains a provision that would allow for this reduction in exchange for a guarantee of at least 10,000 gallons of acceptable material daily.

Given that the grease receiving station is a new endeavor for the City, it is difficult to assess with certainty the level of effort that will be needed to operate and maintain the system. Once staff has operational experience, the fee will be revisited to ensure full cost recovery.

## **ECONOMIC IMPACT**

The WPCF grease receiving station will provide haulers with a local, cost effective means of food-related FOG disposal. Other alternatives include hauling the waste oil and grease to locations where the material can be used to manufacture animal feed or biodiesel, typically a longer distance, or to another wastewater treatment facility. Haulers have indicated an interest in disposing of their FOG at the Hayward WPCF because of its proximity to freeways and the attendant reductions in fuel consumption.

## **FISCAL IMPACT**

Any revenue realized from the WPCF grease receiving station will be placed in the Wastewater Operating Fund and utilized for WPCF operations and maintenance. While it is difficult to determine the amount of revenue with certainty, staff estimates that the average amount of FOG disposed will be about 10,000 gallons per day initially, with the potential to double the initial amount. At the recommended per gallon rates, this could result in revenues in the range of \$100,000 per year. However, the FOG market is currently very volatile. With large FOG receiving facilities about to come online, there's a concern that sooner or later not only will we not get paid much for receiving FOG, but we may even have to compete with others to receive sufficient quantities. Therefore, the amount of revenue is not being relied on in the coming years. The true, sustainable benefit of the program is utilizing a renewable source of energy.

## **PUBLIC CONTACT**

All legal noticing requirements applicable to amending the Municipal Code change have been, or will be, met prior to adoption of the ordinance. As the recommended actions would affect only a limited number of waste haulers, staff will notify applicable businesses directly.

## **NEXT STEPS**

If the City Council approves the introduction of the ordinance to amend the Municipal Code as described in this report, the ordinance would be placed on Council's agenda for adoption on or soon after September 25 and become effective thirty days after the adoption date. Staff would then work with applicable businesses to implement the permitting procedures prior to accepting FOG.

*Prepared by:* Marilyn Mosher, Administrative Analyst III

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

Approved by:



---

Fran David, City Manager

Attachments:

Attachment I - Proposed Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING POLICIES REGARDING  
THE FATS, OILS AND GREASE (FOG) RECEIVING STATION,  
AND ESTABLISHING FEES FOR DISPOSAL

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD  
DOES ORDAIN AS FOLLOWS:

Section 1. Upon the adoption of this ordinance, Article 11, Chapter 3, Section 404 of the Hayward Municipal Code, relating to policies regarding the fats, oils and grease receiving station and establishing fees for disposal, is hereby enacted to read as follows:

SECTION 11-3.404 FATS, OILS AND GREASE RECEIVING STATION.  
Appendix 'B' entitled 'FATS, OILS AND GREASE RECEIVING STATION,' attached hereto and by such reference incorporated herein and made a part hereof as though set forth in full, is hereby adopted for the purposes stated therein.

ARTICLE 3  
SECTION 404

APPENDIX 'B'  
FATS, OILS AND GREASE RECEIVING STATION

(a) Purpose. The purpose of this ordinance is to establish the authority for the City of Hayward to accept hauled Fats, Oil and Grease (FOG) waste at the Water Pollution Control Facility (WPCF) at its FOG receiving station, and to establish the necessary policies and fees for operation of the FOG receiving station.

(b) Definitions. The following definitions shall apply to this ordinance.

1. Fats, oils and grease (FOG) – Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “FOG.” Petroleum based oils are prohibited and not included in the definition of fats, oil and grease.
2. Food Service Establishments (FSE) – Those establishments primarily engaged in activities of preparing, serving or otherwise making foodstuffs available for consumption.

3. FOG Receiving Station – The collection of devices and structures at the City of Hayward Water Pollution Control Facility that has specifically been designed and installed for the collection of FOG from waste haulers with the purpose of introduction of the FOG into the City’s digester to increase biogas production.

Other definitions as provided in the Hayward Municipal Code, Sanitary Sewer System, as amended from time to time, are hereby incorporated by reference.

(c) Conditions of Acceptance of FOG. Fats, oil and grease shall not be considered a Prohibited Trucked or Hauled Waste, as defined in Section 2.14 of the Wastewater Discharge Regulations, as long as the waste is produced by a food service establishment and is delivered to the City’s FOG receiving station by a permitted waste hauler. In all other ways, waste haulers must comply with the Wastewater Discharge Regulations.

The City shall issue waste acceptance permits for FOG hauling. The City will issue permits to accept hauled FOG from transportation companies that are permitted by Alameda County Department of Environmental Health for the collection and transportation of FOG from food service establishments.

The fats, oil and grease accepted shall conform to the Local Limits as established by the City Council in Section 2.08 of the Wastewater Discharge Regulations. All would apply with the following exception: There shall be no concentration limit on oil or grease of animal and vegetable origin (polar).

Hauled FOG waste shall contain only FOG generated from food service establishments and shall not be mixed with domestic waste or any other waste type.

The City reserves the right to refuse acceptance or require scheduled delivery of any hauled waste, including FOG, if doing so would be in the best interest of the operation of the WPCF. This determination may be made by the WPCF Manager, the WPCF Operations Supervisor, or any designee without any prior notice being required.

(d) Fees. Fees for the acceptance of hauled FOG shall be invoiced to permitted haulers monthly and shall be subject to the City’s policies for collection of revenues and delinquent accounts receivable.

The fee shall be charged based on the maximum carrying capacity of the truck making delivery of the FOG to the WPCF. The minimum charge for any delivery shall be equivalent to a 500 gallon truck delivery.

The initial standard disposal fee shall be set at \$0.05 per gallon. The fee for deliveries containing at least fifty percent cooking oil filtrate shall be set at fifty percent of the standard disposal fee.

The per-gallon fee may be reduced by forty percent in the event that a qualified FOG hauler commits to delivering a minimum of 10,000 gallons per day, at least six days per

week, of acceptable FOG to the WPCF, continuously for a period of at least one year. Such reduction will be subject to an agreement, to be approved by the City Attorney and executed by the City Manager, which stipulates the terms and conditions under which the reduction would be applied. All other provisions of this ordinance, including permitting requirements, would be applicable to acceptance of FOG under the terms of an agreement.

The initial waste hauling permit fee shall be set at \$300. The initial fee for waste hauling permit renewals shall be set at \$100.

All fees associated with FOG receiving will be determined from time to time by resolution of the Hayward City Council.

(e) Authority to Establish Operating Policies and Procedures. The Director of Public Works – Utilities and Environmental Services, or designee, shall have the authority to establish operating regulation and procedures, including the issuing of permits to haulers, to ensure the efficient and effective operation of the FOG receiving station in accordance with City ordinances and to protect the integrity of the wastewater treatment plant.

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

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 2012, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 2012, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR: Sweeney

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

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

APPROVED AS TO FORM:

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