



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
MAY 26, 2015

MAYOR BARBARA HALLIDAY
MAYOR PRO TEMPORE GREG JONES
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER AL MENDALL
COUNCIL MEMBER SARA LAMNIN
COUNCIL MEMBER ELISA MÁRQUEZ

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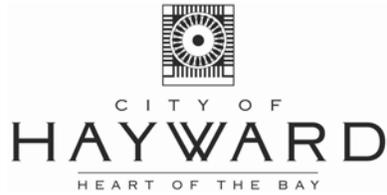
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CITY COUNCIL MEETING FOR MAY 26, 2015
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

Conference Room 2B – 5:00 PM

1. CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS;
PUBLIC COMMENTS
 2. CLOSED SESSION
 3. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Public Works-Engineering & Transportation Director Fakhrai; Human Resources Director Collins; Senior Human Resources Analyst Lopez; Assistant City Attorney Vashi; Community and Media Relations Officer Holland; Jack Hughes, Liebert Cassidy and WhitmoreUnder Negotiation: All Groups
 4. Conference with Property Negotiators
Pursuant to Government Code 54956
 - Lead Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Library and Community Services Director ReinhartUnder Negotiation: Tennyson/Ruus Multiservice Center – 680 West Tennyson Road, Hayward
 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

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 Information 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 any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

1. USEPA Grant Funds for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project - Adoption of Resolution Approving Receipt of the Grant
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2. Filing Nuisance Abatement/Municipal Code Violations with the County Recorder's Office for Non-Abatable Code Violations
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[Attachment I](#)

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



WORK SESSION

5. Review of Council Priorities and Proposed Performance Measures for FY2016 (Report from Assistant City Manager McAdoo and Director of Finance Vesely)

[Staff Report](#)
[Attachment I](#)

6. Presentation of Proposed FY 2016 Operating Budget (Report from Finance Director Vesely)

[Staff Report](#)

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*
-

PUBLIC HEARING

7. Resolution of Formation to Create Community Facilities District (CFD No. 3) Intended to Finance Police and Fire Protection Services in the South Hayward BART Area; Resolution Calling Special Landowner Election; Resolution Declaring Election Results; and Introducing an Ordinance to Levy a Special Tax within the Community Facilities District (CFD No. 3)

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LEGISLATIVE BUSINESS

8. 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Construction Project: Approval of Plans and Specifications and Call for Bids (Report from Public Works Director Fakhrai and Library and Community Services Director Reinhart)

[Staff Report](#)
[Attachment I](#)
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9. La Vista Quarry: Request to Amend Conditions of Approval No. 58 and No. 120 Related to Construction of Water System Improvements at the Garin Hills Site, and Authorization for the City Manager to Negotiate and Execute an Agreement for Reimbursement of Costs (Report from Utilities & Environmental Services Director Ameri)

[Staff Report](#)

[Attachment I - Resolution](#)

Information items are presented as general information for Council and the public. Should Council wish to take action on any of the “information” items, they will direct the City Manager to bring them back on a future Council agenda as an Action Item.

INFORMATION ITEMS

None

CITY MANAGER’S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

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 SPECIAL MEETING – 8:30 AM, Saturday, May 30, 2015

REGULAR MEETING – 7:00 PM, Tuesday, June 2, 2015

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 before speaking and are expected to honor the allotted time. Speaker Cards are 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:



DATE: May 26, 2015

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT: USEPA Grant Funds for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project - Adoption of Resolution Approving Receipt of the Grant

RECOMMENDATION

That the Council adopts the attached resolution (Attachment I) authorizing the City Manager to execute an agreement, accepting the USEPA Region IX Water Quality Improvement Grant monies to fund the City's Trash Reduction Project.

SUMMARY

This report is intended to re-familiarize the Council with the City's Youth-Based Trash Capture, Reduction, and Watershed Education Project and to request Council's approval to receive the grant funds. Upon City Council's approval, the Project will be funded by the United States Environmental Protection Agency (EPA) Region IX Water Quality Improvement Fund. The four-year, \$1.6 million project will be funded with \$800,000 from the San Francisco Bay Water Quality Improvement Fund. The matching contribution from the City and its partners will be in the form of in-kind resources.

BACKGROUND

Under the National Pollutant Discharge Elimination System (NPDES) permit program for non-point source discharges to the waters of the state, which was an amendment to the federal Clean Water Act (CWA) in 1987, the City is regulated by the Municipal Regional Stormwater Permit (MRP) for its stormwater discharge to the San Francisco Bay. The MRP consists of twenty-one (21) provisions, including fourteen (14) provisions prescribing best management practices (BMPs) the City must implement. Provision C.10 of the MRP, Trash Load Reduction, requires a number of trash reduction activities, including a 70% reduction of trash by the year 2017 and a 100% reduction of trash by the year 2022.

To comply with provision C.10, the City currently reduces trash using one large underground trash capture device located under Tennyson Road that filters approximately 150 acres of stormwater runoff. The City has in place seventy-nine small trash capture devices located in storm drain inlets

throughout the City to filter stormwater runoff from various streets. The City also has an aggressive street sweeping program, including parking restrictions to limit cars parked on the streets during street sweeping activities; maintenance crews remove trash found on streets and in open spaces; and a trash can management program to improve the collection of trash from City containers and minimize overflowing trash. In addition, the City's mural program, adopt-a-block program, and clean up events by the Keep Hayward Clean and Green (KHCG) Task Force are annually reported as active control measures that reduce trash in Hayward.

The City's stormwater program is managed by the Water Pollution Source Control (WPSC) program within the Environmental Services Division. WPSC actively assesses trash in the streets and is mapping trash problems in an ongoing effort to report trash reduction and meet the MRP's C.10 requirements. WPSC has researched grant opportunities to fund additional trash control measures, primarily trash capture devices to reduce Hayward's trash impact to the Bay and comply with the 100% trash reduction schedule in the MRP. In 2014, WPSC wrote and submitted a proposal entitled a "Youth-Based Trash Capture, Reduction, and Watershed Education Project" (Attachment II) to the San Francisco Bay Water Quality Improvement Fund. The following discussion is a result of that effort.

Council Sustainability Committee Review

This Project was presented to the Council Sustainability Committee on March 23, 2015¹. Committee members supported the Project and suggested that data from the cataloging of trash be used to identify sources of trash and to strategically locate additional public litter containers.

DISCUSSION

The EPA Region IX has awarded the City \$800,000 from the San Francisco Bay Water Quality Improvement Fund for the Youth-Based Trash Capture, Reduction, and Watershed Education Project (Project). The City's proposal was one of thirty-two received by the EPA Region IX, requesting over \$39 million to improve water quality throughout the Bay Area. Eight proposals were selected to be funded equaling approximately \$14 million. Four proposals were selected to be funded in 2014. An additional four proposals were selected to be funded in 2015, including Hayward's proposal.

The Project is a four-year, \$1.6 million project, to include the EPA grant funds and matching contributions of \$800,000 from the City and its partners as in-kind resources. It will begin in spring of 2015 and end in spring of 2019. The Project is designed to reduce trash in the City by partnering with local school groups to install large trash capture devices (large underground stormwater filters) in the City's storm sewer system, characterize and quantify trash collected from each device, assess trash sources, and implement trash reduction initiatives based on trash collected.

The City will partner with the Hayward Unified School District, private schools, and the Youth Commission, from which seventh through twelfth grade students will have an opportunity to assist the City's stormwater pollution prevention program with trash capture design, trash collection and

¹ See Item 6 at <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/COUNCIL-STANDING-COMMITTEES/COUNCIL-SUSTAINABILITY-COMMITTEE/2015/CSC-CCSC032315full.pdf>

assessment. Subsequent trash reduction activities will include researching the sources of trash and designing anti-littering campaigns amongst their student peers and beyond, and helping to develop anti-littering activities such as posters and worksheets. The project also includes a watershed (including creek health and ecology) and trash reduction curriculum for first through sixth grade students.

During the first year of the Project, two large trash devices will be installed (currently scheduled for the fall of 2015). In the following three years, the devices will be assessed for effectiveness during their maintenance (how much and the type of trash the devices remove). Concurrently, the school children will begin a curriculum designed by the Project beginning in September 2015 to learn about stormwater management and actively participate in designing the locations and installation of the devices. In the months following installation, the school children will begin assessing trash collected from the devices as well as learning trash management through WPSC's program of assessing trash on the streets, mapping trash, and designing outreach to the community. During the four years of the project, the first through sixth grade students will experience and participate in creek activities, learning about trash pollution and how our local Sulphur Creek and Shoreline Regional Park are connected and affected by stormwater pollution running through our storm drains. In addition to HUSD, partners will include:

1. California State University East Bay (will provide interns, staff resources, and project support),
2. Hayward Area Recreation and Park District (HARD) (will provide staff resources, project support, and interpretive facilities),
3. East Bay Regional Park District (will provide staff resources, project support, and nature facilities),
4. Hayward Promise Neighborhood through Chabot College (will provide staff resources and project support),
5. Keep Hayward Clean & Green Task Force (will provide volunteer resources and project support),
6. Alameda County-Wide Clean Water Program (will provide staff resources, materials, and project support); and
7. Eden Area YMCA (will provide staff resources and project support).

Implementation of the Project will contribute toward the City's compliance with C.10, support the City Council's adopted priorities of "Safe, Clean, and Green", increase Hayward's sustainability as a community, protect the Bay Area waters including local creeks, beaches and San Francisco Bay, and educate students about trash-related pollution prevention.

ECONOMIC IMPACT

The Project will provide economic benefits, not only with reducing pollution into our local waterways thus reducing the money spent on trash reduction using City funds, but also provide an increase in community involvement and education during its school outreach activities.

FISCAL IMPACT

The Project will have minimal impact on the City's General Fund. In-kind staff resources will be provided by already-budgeted staff positions in the Environmental Services Division and the Maintenance Services Department. An interdisciplinary staff team will coordinate the installation of the trash devices and outreach activities with the school children. The grant monies will provide \$800,000 toward trash reduction activities. These are costs the City would otherwise incur to reach 100% trash reduction by the year 2022, which is a MRP requirement.

NEXT STEPS

Staff will be coordinating with the Project partners (HUSD, the park districts, private schools, the Keep Hayward Clean and Green Task Force, YMCA, Youth Commission, and local colleges) in the next three to four months to finalize the school curriculum as well as plan the installation of the trash capture devices (purchase and installation). Installation of the devices is tentatively scheduled for the fall of 2015 and the school curriculum will begin in September 2015, pending the school programs' availability. Detailed scheduling for the Project's four-year period will be finalized in the next two months.

Prepared by: Elisa Wilfong, Water Pollution Control Administrator

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

Approved by:



Fran David, City Manager

Attachment I	Resolution
Attachment II	Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project Proposal

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION SUPPORTING A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX TO THE CITY OF HAYWARD FOR IMPLEMENTATION OF A YOUTH-BASED TRASH CAPTURE, REDUCTION, AND WATERSHED EDUCATION PROJECT

WHEREAS, the City of Hayward (herein referred to as City) has submitted an application to the United States Environmental Protection Agency (USEPA) for grant funding to the City of Hayward for the Youth-Based Trash Capture, Reduction, and Watershed Education Project (herein referred to as PROJECT); and

WHEREAS, the Project supports the Council priorities of Safe, Clean, and Green as well as compliance with the City's stormwater ordinance and the requirements of the National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the Project supports the following policies from the City's General Plan: Economic Development Policy 5.4 (Community Appearance Programs); Community Safety Policy 1.15 (Blight, Litter, Graffiti, Illegal Dumping and Abandoned Vehicles); and Natural Resource Policy 6.8 (NPDES Permit Compliance); and

WHEREAS, on January 23, 2014, the USEPA Region IX selected the City's Project proposal for funding by the San Francisco Bay Water Quality Improvement Fund (SFBWQIF) (#EPA-R9-WTR3-14-01) in the amount of \$800,000; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby supports the City's receipt of grant funds for implementation of the Project.

BE IT FURTHER RESOLVED that the City and its partners will provide required matching funds; and

BE IT FURTHER RESOLVED that the City Manager, or designee to execute agreements with the USEPA for the PROJECT is hereby authorized to execute the agreement as referenced in this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

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

San Francisco Bay Water Quality Improvement Fund
Full Proposal: Hayward Youth-Based Trash Capture, Reduction,
and Watershed Education Project

City of Hayward

July 16, 2014

I. PROJECT ABSTRACT

The City of Hayward's (City) Youth-Based Trash Capture, Reduction and Watershed Education Project (Project) will partner with local school groups to install two (2) large trash capture devices in the City's municipal storm sewer system, characterize and quantify trash collected from each device, assess trash sources and implement trash reduction initiatives based on trash collected. The City will partner with the Hayward Unified School District, private schools, and the Hayward Youth Commission (HYC), where 7th-12th grade students will have an opportunity to assist the City's stormwater pollution prevention program with trash capture design, trash collection and assessment, subsequent trash reduction activities, and help develop watershed activities and education and engage with 1st-6th grade students. In addition, the City will partner with the Hayward Area Recreation and Park District (HARD), the East Bay Regional Park District, and others to promote trash reduction activities with children and educate young people about Hayward's local ecology, connecting the message of littering and its impacts to wildlife and water bodies. The two large trash capture devices will treat approximately 693 acres and remove approximately 20,000 gallons of trash per year that would otherwise wash downstream, into the San Francisco Bay along the Hayward shoreline. This youth-based partnership will begin with the installation of the trash devices (learning about hydrology, engineering, and environmental science) and will include assessing the trash collected by the devices, designing trash reduction activities, cleaning Hayward's streets during school events and contests, and creating awareness of trash and the importance of keeping our watershed free of trash. Implementation of this Project will provide compliance with Provision C.10, Trash Load Reduction, of the Municipal Regional Stormwater NPDES Permit (MRP), which requires 100% trash reduction by 2022. The Project will also support the City Council adopted priorities of "Safe, Clean and Green", and increase Hayward's sustainability while becoming a litter-free community. A youth-based trash reduction project template for use by other watersheds will be also developed to assist other agencies in implementing a similar program.

II. PROJECT BACKGROUND

Trash is a severe pollution source for the San Francisco Bay Watershed, its creeks and shoreline, the Bay itself, and the Pacific Ocean. Trash impairs water quality, creates an aesthetic nuisance, degrades recreational water resources, and poses a health risk to freshwater ecosystems, estuaries, and the ocean. Some trash, such as plastic, does not biodegrade and threatens wildlife through ingestion, entrapment, and entanglement. Trash also leaches harmful chemicals into the environment and in some cases, contaminates a community's drinking water.

Hayward recognizes trash is a pollution source that also endangers the City's watershed. As its slogan suggests, Hayward is situated as the 'Heart of the Bay' and encompasses not only a dense, culturally diverse population in the central East Bay but also a rich ecological diverse landscape as well. The City's boundaries overlap two major watersheds: San Lorenzo Creek Watershed to the north and Alameda Creek Watershed to the south including a well-known subwatershed, Sulphur Creek Watershed (see Attachment 1: Hayward Watershed Map). The City has a

substantial urban environment sustaining a viable watershed system from the eastern hillside boundary to the western waters of the Bay. The City has a complex creek system that flows from the Hayward Hills beginning as natural creeks and riparian woodlands, through the downtown and southern residential areas, to the Bay via channelized creeks. Five major creeks flow through the City, two of which have main outfalls to the Bay and run along the border of the City (Sulphur Creek and Alameda Creek). Alameda Creek is included in the Regional Water Quality Control Board's (Water Board) 303(d) list as impaired with trash. The City also has a manmade flood control channel that collects stormwater from central Hayward and discharges to the Bay. Hayward is deeply concerned with protecting and preserving its creeks and ecological diversity from trash pollution. It is clear that even with the City's extensive current trash reduction activities (i.e., manual pick up of trash, street sweeping, storm drain inlet cleaning, volunteer street cleanups, products bans, trash ordinances, trash capture devices, local enforcement, etc.) more and innovative efforts need to be implemented to address the trash pollution problem. The City needs additional resources to meet this challenge and to comply with the MRP's trash reduction goals.

To comply with the MRP and meet the trash reduction requirement of 100% by 2022, the City created a Long-Term Trash Reduction Plan (Plan) to address trash problems in receiving waters by reducing the impacts associated with trash in discharges from Hayward's municipal separate storm sewer system (MS4). One of the control measures in the City's Plan for reducing trash is a goal to deploy infrastructure improvements, primarily large trash capture devices to screen trash from stormwater flow and prevent trash from discharging to the Bay. Trash diverted from stormwater and the Bay will be measured by removal of trash from the devices, quantifying the trash, and identifying sources of trash by visual characterization. Another control measure in the City's Plan for reducing trash is to conduct outreach to local schools and educate students regarding Hayward's trash problems, reduce trash sources from schools, and engage students to actively participate in trash reduction. The City recognizes that since people and their behaviors are the source of the trash, student involvement is crucial in promoting a sustainable anti-littering movement. The City understands that by partnering with local schools, we can build long-lasting relationships to create public awareness regarding trash concerns in the City and provide a community-based solution to littering. By combining infrastructure improvements with the involvement of local school children to participate in the trash device installation, trash collection and assessment, and trash reduction activities as a result of the trash collected, Hayward's Project will provide an innovative solution that not only improves the City's trash problem but creates partnerships that will sustain trash reduction for generations to come.

III. PROJECT PARTNERS

The strength of this Project is its partnerships between the City and local schools, youth groups, and local recreation and park districts. Each partner will bring their own expertise to support the overall Project, focused on the goal of trash reduction. Since the source of trash is Hayward's community, of which youth are a significant part, the City's Water Pollution Source Control (WPSC) Division as well as other City staff will extend its traditional scope of services to the community and partner with local schools and youth groups, and park districts to bring about social change to reduce trash pollution. The expertise offered by all partners working on this Project will be key to successful completion of this project.

Key Project partners will include:

- Hayward Unified School District (HUSD)
The HUSD will be a critical partner with City staff to select the students to participate in the Project as well as provide a leading role in developing and promoting the trash

reduction activities and contests for the participating students. HUSD consists of thirty (30) schools within the City's boundaries including twenty-one (21) elementary schools, five (5) middle schools, and four (4) high schools. Over the course of the four-year project, one of the most important goals will be to involve as many students as possible from as many schools as possible. Another important goal is to develop trash reduction curriculum for 1st-12th grade so every student body receives trash reduction educational opportunities. HUSD faculty's expertise will be instrumental in providing the knowledge, resources, and time to assist City staff to develop this curriculum. Though HUSD has collaborated with City departments in the past, namely the Hayward Youth Commission (HYC) and other shorter projects, this Project is the first of its type in scale and longevity to be proposed. HUSD will contribute in-kind resources of approximately \$200,000 towards the Project.

- East Bay Regional Park District (EBRPD)

The EBRPD manages, maintains and preserves more than 114,000 acres including 65 regional parks, 1,200 miles of trails, and 11 freshwater recreational water bodies, among other public areas within Alameda and Contra Costa Counties. Within Hayward, EBRPD maintains and manages the Hayward Regional Shoreline, an area consisting of 1,811 acres of salt, fresh, and brackish water marshes, seasonal wetlands and public trails. The City has two outfalls (the Alameda Flood Control Channel and Sulphur Creek) that discharge directly into the Hayward Regional Shoreline and impact the ecological preservation of the shoreline as well as valuable wetland restoration the District has completed since the 1980s. The District will support the Project with guided field trips for students to the Hayward Regional Shoreline and its upstream outfalls, illustrating the connection of how litter travels from the urban environment through the watershed, down to the Bay. This Project is the first long term collaboration between the City and EBRPD involving education for Hayward schools. In addition, EBRPD will promote trash reduction activities, education, and outreach to the students during the Project. EBRPD in-kind resources towards the Project will be approximately \$10,000.

- Hayward Area Recreation and Park District (HARD)

HARD is a special district that manages and provides park and recreation services within the City of Hayward as well as Castro Valley and San Lorenzo and parts of unincorporated areas of Alameda County. Within Hayward, HARD manages a number of parks and recreational facilities, most notably the Hayward Shoreline Interpretative Center and the Sulphur Creek Nature Center, both intimately connected with the Bay and with Hayward's Sulphur Creek subwatershed. HARD will provide educational events, field trips, and locations for meeting with the students (particularly providing programs for the 1-6th grade students to understand Hayward's watersheds) throughout the Project as well as staff resources to develop trash reduction activities, and promote trash cleanup events and contests. HARD has been a long-standing contributor and education advocate for school children in Hayward. The Project provides another opportunity for HARD to directly collaborate with the City and HUSD to benefit children. HARD's in-kind resources towards the Project will be approximately \$60,000.

- Hayward Youth Commission (HYC)

The HYC advises the Mayor and City Council, and the elected boards of HARD and HUSD about issues that affect young people in the Hayward community. Members work on a number of projects and activities throughout the year, e.g., identifying youth needs, organizing youth speakouts and conferences, etc. The HYC's members will be actively involved in organizing their peers within their schools as well as other schools

participating in the project and volunteer during trash clean up events, outreach events and help organize and promote the annual trash contest. Since its conception, HYC has been a collaboration between the City, HARD, and its schools. This Project provides the first large scale opportunity to outreach to a much larger group of youth, similar to and promoting the same educational goals of the HYC.

- **Keep Hayward Clean & Green (KHCG) Task Force**
The KHCG Task Force is volunteer-based community group dedicated to improving Hayward's neighborhoods by cleaning streets and open spaces of trash and graffiti as well as beautifying Hayward's landscaped areas. The KHCG Task Force activities and events will be aligned with the Project's trash reduction activities and volunteers from both ventures will be coordinated to address findings of trash collection from the large trash capture devices. This coordination supports the Project's objectives of prioritizing trash cleanup events with the results of the Project's trash assessments. This Project's collaboration with the KHCG is the first large scale expansion of cleaning Hayward's streets, meeting the KHCG's goals and mission.
- **California State University East Bay (CSUEB)**
CSUEB is the local state university dedicated to educating local Hayward students as well as students throughout the entire East Bay Community providing more than 100 career-focused fields of study including environmental sciences and sustainability. City staff have partnered with the Environmental Studies Department to provide student interns the opportunity to work with the City's WPSC staff and develop, participate, and implement trash reduction activities with Hayward's youth and assess the effectiveness of the Project's trash reduction activities with City staff. Under the direction of Dr. Michael Lee, CSUEB will provide coordination, support, and expertise in water quality improvement toward this project with an in-kind contribution through staff resources and student interns equating to \$64,000. This partnership between the City and CSUEB will be ground breaking as CSUEB and the City have never united to work together on such a Project to benefit 1-12th grade students in the field of environmental science.

IV. PROJECT DESCRIPTION AND SCHEDULE

The purpose of this project, through youth participation, is to capture trash and prevent it from impairing the local watershed, characterize and quantify the trash collected, and implement actions to engage the public to prevent littering. There are four phases of this four-year Project. Table 1 provides an overview of the Project work phases with the associated budget and outputs and outcomes. Table 2 provides a detailed budget for the Project. A description of each of the four phases is provided below.

A. Phase I

With the help of local participating high school students, Phase I of the Project will begin with confirming the proposed locations where the two large hydrodynamic separator trash capture devices will be installed. Preliminary work with the students and City staff will include an introduction to general watershed and stormwater management concepts, then specifically about the MRP trash provision C.10, trash reduction management, full trash capture design and a lecture on Hayward's trash problems and trash reduction history. Students will then engage in group brainstorm sessions with their peers about trash reduction measures both short and long term to solve Hayward's trash problems. City staff will visit each group of students at each school approximately three to four times during this preparation for students to assist with installation of the trash capture devices. Then the students will work side by side with the City's

engineers, environmental managers, Street Maintenance Division, and the WPSC Division using City storm drain maps, trash generation maps, among other resources and field reconnaissance to determine the hydrology and engineering specifications needed to verify the proposed locations (see Attachment 2: Proposed Locations for Trash Devices) for the trash capture device installations.

The students will consider engineering aspects of this project including City storm sewer locations, drainage calculations, excavation shoring and sizing, location of other utilities, existing infrastructure considerations, and traffic control (to install and service the devices). The students will work with City engineering and construction inspectors to ensure local ordinances are followed and permits are procured to complete device installations. The students will learn their local government process of requesting contractor bids, receiving bids, and working with City Council to approve the contractor and work plans for the device installations. City staff will procure the appropriate permits and contractors, prepare the selected locations, and acquire City Council approval to prepare the installation of the two devices within six months of the Project. City staff, along with in-kind support from CSUEB interns, will coordinate with high school students (from science, humanity, and environmental classes and clubs) representing the public and private schools within Hayward during Phase I to allow for many students to benefit from this engineering and scientific phase of the Project. Phase I will also include development of the annual trash cleanup contest using “Litterati” (<http://www.litterati.org/index.php>), the popular online trash cleanup movement on Instagram as well as 1-6th grade trash reduction curriculum with HARD and EBRPD.

Expected Outputs: Within six months, the proposed locations of the devices will be verified, contractor(s) will be selected and approved, and City staff will be prepared to break ground and install the devices. Students from high schools throughout Hayward will interact with the City’s Utilities and Environmental Services and Maintenance Services Departments to learn about stormwater regulation, trash reduction measures, and design the installation of the devices using maps, hydrology, engineering and trash assessments to verify the devices will treat the high generation areas noted on the City’s trash generation map. In addition, City staff and the Project partners will develop materials, field trips, and trash reduction activities for 1-6th grade students. City staff will provide the first two quarterly reports pursuant to the requirements of the grant during Phase 1.

B. Phase 2

Phase 2 of the Project will be 12 months long and will begin with breaking ground and installing the two large trash capture devices. If displaced small inlet trash capture devices located in the same location as the large device installation will be relocated to an appropriate high trash generating area determined by City staff during Phase 2. The participating high school students will witness the installation of the devices, learn about engineering modifications needed in the field, and understand the maintenance each device will. Based on current experience with the one existing large trash capture device, the City anticipates that each future device will be serviced (trash loads captured will be pumped out via a vacuum truck, aka a vactor truck) on average twice each year. City staff and the assisting CSUEB interns will outreach to middle schools during Phase 2 of the Project and provide as many field trip opportunities as possible for the students to witness the installation process.

Preliminary work with the middle school students will be one to two visits to their classes to introduce stormwater regulation, trash reduction measures, simplified engineering and science concepts of hydrology and construction to prepare the students to understand what it takes to install a trash capture device. Once the devices are installed, the high school students will

witness the cleaning of the devices for the first time and will assist City staff with assessment of the volume and type of trash collected in the devices. The high school students will complete trash assessment field forms and begin the analysis to determine the sources of the trash collected. Phase 2 will extend approximately six months to one year with the goal of completing both installations in six months and completing the first cleanout of the devices and assessments within six months of installation. During the first six months of Phase 2 the first annual Litterati contest will be completed and the students will be asked to start thinking about trash reduction activities to promote amongst their peers at their schools. During the second half of Phase 2 the first series of introductory visits and field trips will begin for the 1-6th grade students for as many elementary schools in Hayward as possible. With a collaborative effort between HARD and EBRPD, the Project will utilize the local Sulphur Creek Nature Center and the Hayward Shoreline Interpretative Center as much as possible for the younger grade students, making the connection between litter on the streets and how it impacts Hayward's watershed.

Expected Outputs: Within the first half of Phase 2 (within six months to one year) both large trash capture devices will be installed. High school and middle school students will witness the installation, learn about installation engineering and maintenance of the devices. During the second half of Phase 2 (within an additional six months) high school students will assist City staff with assessment of the volume and type of trash collected, and begin designing trash reduction activities with their peers. The first Litterati contest will be completed and the first series of class visits and field trips will be facilitated for students in 1-6th grade. Follow up reporting for trash reduction, enforcement actions, and outreach to the public will be ongoing as required by the MRP and included in quarterly progress reports pursuant to the grant requirements as well as a final report delivered at the end of the four year period of the project.

C. Phase 3

Phase 3 of the Project will last 24 months and will include routine assessments of the large trash capture device cleanout events (including the existing device Hayward installed prior to this Project) in tandem with a new group of participating high school students and middle school students to witness the event and assist City staff to assess the trash collected. The students will be instrumental in analyzing the trash and identify trends and possible sources of the trash collected. This data will be analyzed by City staff, along with the students' theories and input, and used to develop trash reduction activities like outreach to the community, enhanced street sweeping, enhanced trash container management, and other measures. Trash reduction activities will be implemented based on the students' findings, particularly a series of trash cleanup events around the participated students' schools. Phase 3 will also include utilizing the Project's partners such as HYC, KHCG, and the YMCA to organize trash cleanup events throughout Hayward. Two annual Litterati contests will be completed during Phase 3 as well a continuation of the class visits and field trips for the 1-6th grade students.

Expected Outputs: Over the course of two years, Phase 3 will complete a series of trash capture devices cleaning events where high school and middle school students will witness the cleanouts and assess the volume and type of trash collected. Trends and sources of the trash will be analyzed and trash reduction activities will be selected from this data to implement by City staff. The students will have an active role in the trash data collection and analysis, and the decisions of their City's trash reduction plan and implementation. Completion of Phase 3 will also include two annual Litterati contests and a series of class visits emphasizing the impacts of trash on Hayward's watershed and field trips for the 1-6th grade students.

D. Phase 4

Phase 4 is the final phase of the Project and will last six months. Phase 4 will include the final trash device cleanout events with student participation. The accumulation of trash assessment data collected by the high school and middle school students will be compiled by the students and presented to their peers and to younger students at each participating school to spread the message of how litter is managed in Hayward and how it impacts Hayward's watershed. The older students will become 'mentors' to the younger students and teach a strong anti-littering message by illustrating the message with real trash data they collected themselves. Phase 4 will also include the final annual Litterati contest and the final field trips and classes for the 1-6th grade students. The total contest accumulation of trash (how much was collected and where it was collected) will be summarized by City staff and given to the students to add to their presentation to their peers. All trash collection data, trash assessment, student outreach (the number students reached and which grade level and school they represent) conducted, as well as feedback provided by teachers, City staff, and other Project partners will be reported in quarterly reports to the grant committee. City staff will conclude its partnerships with all of the Project partners during Phase 4, including the ongoing interns provided by CSUEB. All maintenance, clean outs, and trash assessments of the trash capture devices will continue by the City staff in perpetuity. All relationships formed during this Project with the students and the students' interest to learn more about trash reduction and stormwater protection in Hayward will be encouraged by City staff also in perpetuity.

Expected Outputs: Phase 4 will include the final student participation with device clean outs and trash assessments, final data compilation, student presentations, final Litterati contest, final 1-6th grade field trips and classes, and conclusion of partnerships. Phase 4 will also include final Project report submittal and quarterly reports required by the grant.

Table 1: Project Phases, Budget, and Associated Outputs and Outcomes

Project Phase	Timeframe	Responsible Partners	Grant Funding	Local Match	Total	Outputs/Outcomes
Phase 1: Engage students, complete preliminary trash capture device installation work, and develop 1-6 th grade trash curriculum	1 st and 2 nd quarter of year 1	City staff, CSUEB, HUSD, Private schools	\$350,000	\$217,500	\$567,500	<ul style="list-style-type: none"> ●Project permitting and design for trash capture devices ●Full assessment of ~693 acres of City land treated by trash capture devices ●Youth-based curriculum for trash reduction ●Student participation with trash reduction activities ●Progress reports
Phase 2: Trash device installation, student participation, trash assessments from device clean outs, 1-6 th grade curriculum implementation and first Litterati contest.	3 rd and 4 th quarter of year 1, 1 st and 2 nd quarter of year 2	City staff, CSUEB, HUSD, Private schools, HARD, EBRPD	\$350,000	\$204,375	\$554,375	<ul style="list-style-type: none"> ●Install two (2) large trash capture devices ●Treat ~693 acres of City land for trash, resulting in the prevention of over 20,000 gallons of trash from entering the San Francisco Bay Watershed per year ●Social media trash contests ●Progress reports
Phase 3: Continual student trash assessment participation, trash data	3 rd and 4 th quarter of year 2, year 3,	City staff, CSUEB, HUSD, Private	\$50,000	\$204,375	\$254,375	<ul style="list-style-type: none"> ●Characterization of collected trash loads, quantifying and identifying trash sources

analysis, trash reduction activities selected, two Litterati contests, and continue 1-6 th grade curriculum implementation.	and 1 st and 2 nd quarter of year 4	schools, HARD, EBRPD				<ul style="list-style-type: none"> ●Providing monitoring data for all Bay Area municipalities to use for current and future trash collection activities and assessment ●Social media trash contest ●Student participation and education with trash reduction activities ●Progress reports
Phase 4: Final trash assessment participation, trash analysis, presentations, final Litterati contest and 1-6 th grade curriculum.	3 rd and 4 th quarter of year 4	City staff, CSUEB, HUSD, Private schools, HARD, EBRPD	\$50,000	\$173,750	\$223,750	<ul style="list-style-type: none"> ●Provide a tested template for youth-based trash reduction curriculum ●Maintaining and servicing all devices in perpetuity ●Social media trash contest ●Community participation with local schools in direct trash reduction and anti-littering stewardship ●Final report
Totals:			\$800,000	\$800,000	\$1,600,000	

Table 2: Project Phases, Budget, and Associated Outputs and Outcomes

Project Phase	Grant Funding	Local Match	Partner Match
Phase 1			
Coordination with schools		\$20,000	\$10,000
Introductory sessions with students		\$10,000	\$10,000
Student field trips and sessions during preliminary trash device installation		\$15,000	\$20,000
Preliminary trash capture device installation work		\$20,000	
Development of 1-6 th grade trash reduction curriculum	\$10,000	\$10,000	\$10,000
Subtotal	\$10,000	\$75,000	\$50,000
Phase 2			
Coordination with schools		\$10,000	\$10,000
Introductory sessions with students		\$20,000	
Student field trips and sessions to witness device installation		\$20,000	\$50,000
Trash capture device purchase and installation	\$740,000	\$217,500	
Device cleanouts and assessments (with student participation)		\$20,000	
1-6 th grade field trips and visits		\$10,000	\$20,000
Litterati contest (prizes and promotion)	\$5,500		
Subtotal	\$745,500	\$297,500	\$80,000
Phase 3			
Device cleanouts and assessments (with student participation)		\$13,500	\$60,000
Trash data analysis and trash reduction activities selection and implementation with student participation (supplies and	\$40,000	\$20,000	\$22,000

personnel)			
2 Litterati contests (prizes and promotion)	\$3,000	\$5,000	
1-6 th grade field trips and visits		\$5,000	\$20,000
Subtotal	\$43,000	\$43,500	\$102,000
Phase 4			
Final trash assessment (with student participation)		\$20,000	\$60,000
Trash analysis and student peer presentations		\$20,000	\$22,000
1-6 th grade field trips and visits		\$5,000	\$20,000
Litterati contest (prizes and promotion)	\$1,500	\$5,000	
Subtotal	\$1,500	\$50,000	\$102,000
Total	\$800,000	\$466,000	\$334,000

V. HAYWARD PROGRAMMATIC CAPABILITY, PAST PERFORMANCE

The City of Hayward possesses an extensive history of effectively administering local, state, and federal assistance grants supporting a wide variety of city services areas. This assistance has included hundreds of thousands of dollars of external funding that has appreciably advanced city service programs in public safety, education, energy, and renewable and recyclable waste streams. Notable examples of the City's grant administration history in the last three years include:

Granting Agency	Grant Title	Purpose	Amount	Date	Notes
CalRecycle	Beverage Container Recycling Grant	Fund purchase of outreach materials to support and promote beverage container recycling services; also \$113,000 were used to purchase and install trash capture devices in order to comply with the City's MRP.	\$40,000 to \$45,000 annually	FY2000-2015	Annual Reports are submitted to report revenue received and expenses incurred. An Annual Grant Application is also submitted.
Department of Energy	Energy Efficiency and Conservation Block Grant	Implement the City's Climate Action Plan, preserve and create jobs, and promote economic recovery as required by the American Recovery and Reinvestment Act of 2009	\$1,361,900	CY 2010 - 2012	Objectives were met and grant was closed out in December 2012.
Federal Department of Education	Promised Neighborhood Education Grant	Fund used to optimize the 'cradle to career' educational spectrum in Hayward using place-based education and neighborhood improvement strategies.	\$25,000,000	CY 2012-2016	The City of Hayward and other community partner agencies serve as subrecipients to CSUEB, the primary grant recipient. Hayward has met all reporting requirements.
Federal Housing and Urban Development Agency (HUD)	Community Development Block Grant	Funds used for local community development activities such as affordable housing, anti-poverty programs, and infrastructure development.	\$2,000,000/year	For the past 20 years and more	Hayward is a formula grantee and has met all federal regulations and requirements to be able to continue to receive funding.
California Board of State and Community Corrections (BSCC)	California Gang Reduction, Intervention and Prevention (CalGrip) Program	To provide support to gain prevention, intervention and suppression activities.	\$1,500,000	CY 2009-2014	Hayward has met all state regulations and requirements to be able to continue to receive funding.

Federal Department of Education	Fund for the Improvement of Education Grant (under the No Child Left Behind Act)	To conduct after school homework assistance programs.	\$263,318	FY 2007-2012	Hayward is a formula grantee and has met all federal regulations and requirements to be able to continue to receive funding.
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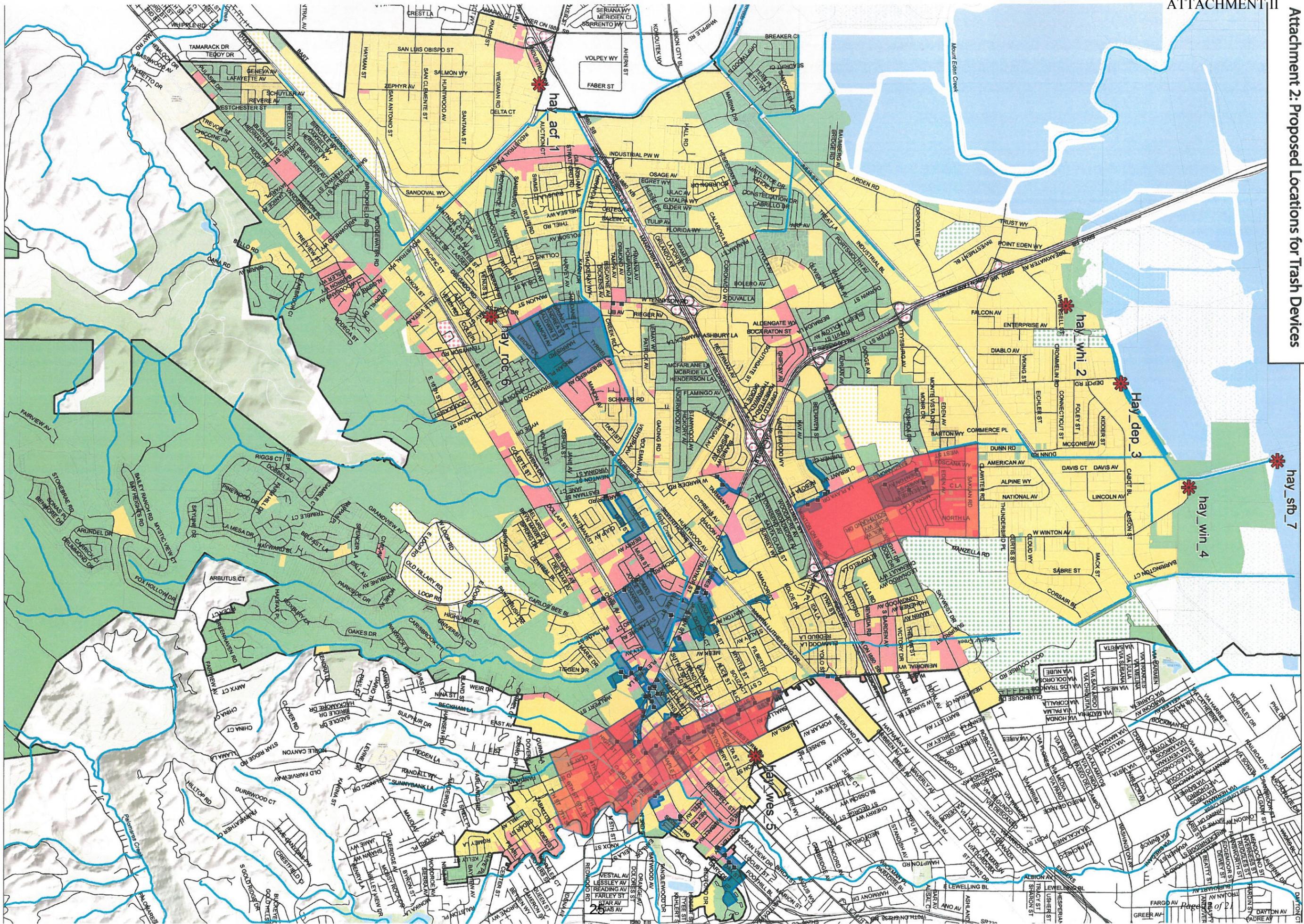
VI. HAYWARD EXPERTISE/QUALIFICATIONS FOR PROJECT

City staff will successfully achieve the Project goals with the dedicated and qualified team committed to the Project. This team will include City staff from the Public Works Utilities & Environment Services Department with assistance from the Street Maintenance and Engineering Departments. The Project's team members have experience managing Federal Safe Routes to School grants, including all reporting requirements, and corresponding educational outreach programs. The subject outreach program spanned two municipalities, delivering traffic safety programs to students K-12 in a district with roughly 30,000 students. This familiarity with managing school programs will benefit the proposed education component of this grant. Team members have also worked closely with the Hayward Unified School District to facilitate operation of a summer jobs training program for local youth. The program, California Youth Energy Services, trains youth to install energy and water efficiency measures, and perform simple energy audits for local residents, free of charge. The City is the lead in facilitating the program, but partners with HUSD to provide facility space to house the program and also assist with applicant recruitment.

The Project Manager will be Elisa Wilfong. Elisa is the City's Water Pollution Control Administrator who manages the City's stormwater pollution prevention program. Combined with Elisa's over fifteen years of environmental compliance and water quality knowledge and expertise, Elisa provides over ten years of experience with students, particular young children and previously working with stream restoration and monitoring with high school students for two years during the 'Clean Streams/Clean Bay' grant project along Coyote Creek in the city of San Jose. Project Coordinators will be associate engineers and administrative analysts skilled with the engineering aspects of trash capture device installation and maintenance as Hayward has one large trash capture device and seventy-nine (79) small trash capture devices installed within the city. The Project coordinators also provide experience implementing of the public outreach component of the Municipal Regional Permit. This includes a dedicated staff member on the Public Information and Participation subcommittee of the Alameda County Clean Water Program, as well as coordination of multiple outreach events at the local level throughout the year. The focus is to educate residents and business owners about stormwater pollution prevention.

VI. CONCLUSION

The Project will improve water quality on a watershed basis by directly removing trash from the storm sewer system, preventing trash from entering the San Francisco Bay and creating an innovative youth-based process where the project's trash reduction effort will be conducted by local school children. The City's project milestones with youth participation include design and installation of two trash capture devices, collection of trash in each installed device, removing trash collected and properly disposing of trash, tracking, characterizing and quantifying the trash collected, and using the tracking data to focus trash outreach, engaging the public to be aware of the loads of trash collected in the devices, all at the hands of children.



Legend

Trash Generation Category

- Low
- Medium
- High
- Very High

Proposed Full Trash Capture

- Creek/Shoreline Hotspot
- Full-Capture Location
- Non-Jurisdictional (Dot color = Generation Category)

Streets

- Agency Boundary
- Creeks
- Parcel Boundary

0 0.25 0.5 1 Miles

North Arrow

Data Sources:
 Roads: Alameda County
 City Boundaries: Alameda County
 Background: ESRI World Topographic Map

Map Created By:
 EOA, Inc.

Date:
 December 19th, 2013



HAYWARD UNIFIED SCHOOL DISTRICT

Building a Culture of Success



Stan "Data" Dobbs
Superintendent/CEO

Dr. Matt Wayne
Assistant Superintendent,
Educational Services

Lisa Grant-Dawson
Assistant Superintendent,
Business Services

Leticia Salinas
Assistant Superintendent,
Human Resources

Chien Wu-Fernandez
Assistant Superintendent,
Student & Family Services

Megan Corey
Executive Director,
Classified Human
Resources and
Personnel Commission

July 11, 2014

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3400

Dear Ms. Valiela:

It is with great pleasure that I write to you in support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages our youth to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup Hayward. Our agency's mission is to improve the environment and community by reducing trash and working with children to create a cleaner, healthier future for them and their families. We not only recognize the challenge of reducing trash but the challenge to engage children, making the link from littering as a social issue to the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, our organization looks forward to supporting this project by partnering to educate and outreach to schools and families to reduce trash and expects to contribute \$200,000 worth of staff time over the term of the grant project. We believe this project has the potential to product sustainable and replicable results by empowering and educating our youth and improving our community's future. Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project.

Sincerely,

Lisa Grant-Dawson
Assistant Superintendent, Business Services



CALIFORNIA STATE
UNIVERSITY
E A S T B A Y

College of Letters, Arts, and Social Sciences
Department of Anthropology, Geography and
Environmental Studies

25800 Carlos Bee Boulevard, Hayward, CA 94542-3049
510.885-3193 (phone) • <http://class.csueastbay.edu/geography/> • www.csueastbay.edu

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Valiela,

It is with great pleasure that I write to you in support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our immediate community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages local youth to learn about how trash impacts the environment, how to reduce trash, and how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup Hayward. Cal State East Bay's strategic commitment includes *"contributing to a sustainable planet through our academic programs, university operations, and individual behavior"* and *"supporting the civic, cultural, and economic life of all communities in the regions we serve through partnerships that promote education and social responsibility."* Thus we join with the City of Hayward in recognizing the joint challenge of reducing trash and engaging children, making the link between littering as a social issue and the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, my department looks forward to supporting this project by partnering to educate and outreach to schools and families to reduce trash and potentially could contribute around \$64,000 worth of in-kind services (student intern labor plus staff supervision) over the term of the grant project. We believe this project has the potential to produce sustainable and replicable results by empowering and educating our youth and improving our community's future.

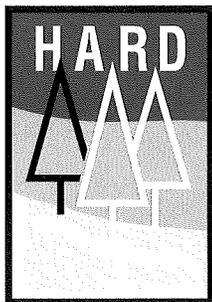
Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project.

Sincerely,

Michael D. Lee Ph.D.
Professor

THE CALIFORNIA STATE UNIVERSITY

Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles • Maritime Academy
Monterey Bay • Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus



HAYWARD AREA RECREATION AND PARK DISTRICT

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

July 14, 2014

Luisa Valiela, SFBWQIF Lead Watersheds Office
 EPA Region 9 (WTR-3)
 75 Hawthorne Street
 San Francisco, CA 94105
 415-972-3400

Dear Ms. Valiela:

It is with great pleasure that I write to you in support for the "Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project" grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages our youth to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup Hayward. Our agency's mission is to improve the environment and community by reducing trash and working with children to create a cleaner, healthier future for them and their families. We not only recognize the challenge of reducing trash but the challenge to engage children, making the link from littering as a social issue to the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, our organization looks forward to supporting this project by partnering to provide collaborative educate and outreach to local families and our recreation participants to reduce trash and expects to contribute \$60,000 of in-kind donation of staff time and facility use over the term of the grant project. We believe this project has the potential to product sustainable and replicable results by empowering and educating our youth and improving our community's future.

Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project.

**BOARD OF
 DIRECTORS**

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

Sincerely,


 Kerrilyn Ely
 Recreation Superintendent

GENERAL MANAGER
 John Gouveia



2950 PERALTA OAKS COURT • P.O. BOX 5381 • OAKLAND • CA • 94605-0381
T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

July 16, 2014

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3400

Dear Ms. Valiela:

It is with great pleasure that I write to you in support of the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward. We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (particularly the Hayward Shoreline one of the shoreline parks that we manage), and engages our youth to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup the City of Hayward.

The District's mission is to improve the environment and community by protecting and managing open space lands. This project will directly contribute to our mission by reducing trash and working with children to create a cleaner, healthier future for them and their families. We not only recognize the challenge of reducing trash but the challenge to engage children, making the link from littering as a social issue to the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, our organization looks forward to supporting this project by partnering to educate and provide outreach to schools and families to reduce trash and expects to contribute \$10,000 worth of in-kind services over the term of the grant project to accomplish these goals. We believe this project has the potential to produce sustainable and replicable results by empowering and educating our youth and improving our community's future.

Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community and the East Bay Regional Park District. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project.

Sincerely,

Matthew Graul
Chief of Stewardship

Board of Directors

Ayn Wieskamp President Ward 5	Whitney Dotson Vice-President Ward 1	Ted Radke Treasurer Ward 7	Doug Siden Secretary Ward 4	Beverly Lane Ward 6 29	Carol Severin Ward 3	John Sutter Ward 2	Robert E. Doyle General Manager Page 16 of 21
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July 15, 2014

Hayward Promise Neighborhood
Chabot College
25555 Hesperian Blvd
Hayward, CA 94545

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3400

Dear Ms. Valiela:

It is with great pleasure that I write to you in support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages our youth to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup Hayward. Our agency's mission is to improve the environment and community by reducing trash and working with children to create a cleaner, healthier future for them and their families. We not only recognize the challenge of reducing trash but the challenge to engage children, making the link from littering as a social issue to the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and protect our local watershed.

If funded, our organization looks forward to supporting this project by partnering to educate and outreach to schools and families to reduce trash [and expects to contribute \$2,500/year in-kind funding over the 4-year term of the grant project.] We believe this project has the potential to product sustainable and replicable results by empowering and educating our youth and improving our community's future.

Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marie DeLeon', with a long horizontal stroke extending to the right.

Marie DeLeon
Grant Project Manager

KEEP HAYWARD CLEAN & GREEN**TASK FORCE**

www.hayward-ca.gov/KHCG

777 B STREET HAYWARD, CA 94541

July 16, 2014

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3400

Dear Ms. Valiela:

It is with great pleasure that I write to you in support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages our youth to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup Hayward. Our agency's mission is to improve the environment and community by reducing trash and working with children to create a cleaner, healthier future for them and their families. We not only recognize the challenge of reducing trash but the challenge to engage children, making the link from littering as a social issue to the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, our organization looks forward to supporting this project by partnering to educate and outreach to schools and families to reduce trash and expects to contribute staff time over the term of the grant project to accomplish these goals. We believe this project has the potential to product sustainable and replicable results by empowering and educating our youth and improving our community's future.

Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project.

Sincerely,



Stacey Bristow, Interim Deputy Director Development Services
Staff Liaison, Keep Hayward Clean and Green Task Force

Office of the President

July 8, 2014

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Valiela:

It is with great pleasure that I write to you in support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages our students to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter, and cleanup Hayward. Our school is committed to improving the environment and community by reducing trash and working with children to create a cleaner, healthier future for them and their families. We not only recognize the challenge of reducing trash but the challenge to engage children, making the link from littering as a social issue to the harmful pollution it creates downstream for people, wildlife, and the entire local and global ecosystem. Cleaning up trash is not enough; we need to address the behaviors that cause littering. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project would directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, Moreau Catholic High School looks forward to supporting this project by partnering to educate and outreach to our students and families to reduce trash, and expects to contribute staff time over the term of the grant project to accomplish these goals. We believe this project has the potential to produce sustainable and replicable results by empowering and educating our youth and improving our community's future.

Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable. We strongly encourage your funding consideration for this project. Thank you.

Sincerely,



Mr. Terry Lee
President



Protecting Alameda County Creeks, Wetlands & the Bay

July 8, 2014

Luisa Valiela, SFBWQIF Lead
 Watersheds Office
 EPA Region 9 (WTR-3)
 75 Hawthorne Street
 San Francisco, CA 94105
 415-972-3400

399 Elmhurst St.
 Hayward, CA
 94544
 p. 510-670-5543

Dear Ms. Valiela:

On behalf of the Alameda Countywide Clean Water Program (Program), I am very pleased to support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

The Program's member agencies are striving to reduce the amount of trash that is getting into our creeks and the Bay. As you know, this is a very difficult problem, and success will require a wide range of activities including source control, trash capture, and public education. This project will not only reduce trash and protect local water bodies, but will also provide a model for our other member agencies and jurisdictions throughout the Bay Area as we continue our effort to reduce the impacts of litter on our creeks and the Bay.

If funded, the Program will coordinate closely with the City of Hayward and anticipates expending significant staff resources in support of the project. We strongly encourage your funding consideration for this project.

Sincerely,

James Scanlin
 Program Manager

MEMBER AGENCIES:

Alameda

Albany

Berkeley

Dublin

Emeryville

Fremont

Hayward

Livermore

Newark

Oakland

Piedmont

Pleasanton

San Leandro

Union City

County of Alameda

Alameda County Flood

Control and Water

Conservation District

Zone 7 Water Agency



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

July 14, 2014

Luisa Valiela, SFBWQIF Lead
Watersheds Office
EPA Region 9 (WTR-3)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3400

Dear Ms. Valiela:

It is with great pleasure that I write to you in support for the Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project grant proposal submitted by the City of Hayward.

We are enthusiastic about the prospect of this project as it directly reduces trash in our community, protects our local sensitive water bodies (i.e., Hayward's creeks and the San Francisco Bay), and engages our youth to learn about how trash impacts the environment, how to reduce trash, how to work collaboratively in our neighborhood and with their peers to prevent litter and cleanup Hayward. Our agency's mission is to improve the lives of our community members through Youth Development, Healthy Living, and Social responsibility. The Hayward Youth-Based Trash Capture, Reduction, and Watershed Education Project is a shining example of a program that incorporates all 3 of these focus areas. We know that it will directly coordinate local efforts with local agencies and Hayward's youth to actively reduce trash and project our local watershed.

If funded, our organization looks forward to supporting this project by partnering to educate and outreach to schools and families to reduce trash. We believe this project has the potential to product sustainable and replicable results by empowering and educating our youth and improving our community's future.

Keeping Hayward's local creeks and the San Francisco Bay free of trash would benefit the health of the community. Educating and engaging our youth makes this goal far more achievable, while also creating strong leaders for tomorrow. We strongly encourage your funding consideration for this project.

Sincerely,

Kenny Altenburg
Branch Operations Director
Eden Area YMCA
951 Palisade St
Hayward, CA 94542

EDEN AREA YMCA
951 Palisade Street
Hayward, CA 94542
P 510 247 8284 F 510 581 9351
www.edenareaymca.org



DATE: May 26, 2015

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Filing Nuisance Abatement/Municipal Code Liens with the County Recorder's Office for Non-Abatable Code Violations.

RECOMMENDATION

That Council adopts the attached resolution (Attachment 1) confirming the report, non-abatable code violations, and penalty liens associated with the Code Enforcement Division and Community Preservation/Rental Housing Programs.

BACKGROUND

The purpose of the Nuisance Abatement/Municipal Code confirmation is to consider the proposed report and filings of liens with the County Recorder's Office as a third collection tool for the Community Preservation and Rental Housing Programs. The Resolution will officially confirm the properties in violation of the following City ordinances and will be filed with the County.

Community Preservation and Improvement Ordinance: Article 7, Chapter 5 of the Hayward Municipal Code (HMC), otherwise known as the Community Preservation and Improvement Ordinance, makes it unlawful for Hayward property owners to allow the condition of their property to deteriorate to the point that it becomes detrimental to the public health, safety, or general welfare of the community. This includes both inhabited properties and vacant properties, whether residential or commercial. Typical violations included debris, trash, vegetation, graffiti, signs, zoning issues, abandoned and/or inoperable vehicles, and the like.

Residential Rental Inspection Ordinance: Article 5, Chapter 9 of the Hayward Municipal Code (HMC), otherwise known as the Residential Rental Inspection Ordinance creates an inspection program for residential rental units in the City. The purpose of the Ordinance is to safeguard the stock of safe and sanitary rental housing by inspecting units for violations of housing and building codes. This includes all rental housing units and hotels and motels. Typical violations include housing violations involving inadequate maintenance, and un-permitted building, plumbing, electrical and mechanical work.

Public Nuisance Ordinance: Article 1, Chapter 4 of the Hayward Municipal Code (HMC), otherwise known as the Public Nuisance Ordinance defines a public nuisance as anything which is injurious to health, or is indecent, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable or safe enjoyment of life or property of the community. These ordinances provide staff an alternative method of enforcement and collections for non-abatable violations of the HMC. A condition on property is considered non-abatable when City staff cannot perform the abatement and the property owner fails to comply with the City's requirement to perform an abatement. Examples of non-abatable conditions include fence height(s) and/or setback requirements, illegal structures, businesses operating without an approved Use Permit (if applicable) or failing to comply with Conditions of Approval of an approved use permit, parking violations, rental housing violations, and illegal units. Adoption of the Resolution will authorize staff to file a lien against the property with the County.

This additional enforcement process does not affect or change the Administrative Hearing request process, nor the Special Assessment Process. However, this Nuisance Abatement/Municipal Code Violations lien process is an additional means of enforcement when dealing with non-abatable code violations. Authority for this process is granted under the Community Preservation and Improvement Ordinance, Residential Rental Inspection Ordinance and Government Code Section 38773.1.

DISCUSSION

As of the date of this report, there are (11) properties being submitted to Council for the filing of a Nuisance Abatement/Municipal Code Violations lien as listed below. The unpaid charges, plus any administrative costs of the County, will become a lien of the property title. When the properties are sold or refinanced, the lien will be paid through escrow.

Address / Lien Amount

Violation

1. 1057 Central Blvd
\$2,708

Un-permitted Garage Conversion. California Building Code Section 105.1, Permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or to cause any such work to be done, shall first make application to the building official and obtain the required permit

Single-Family Residential District (RS) HMC 10-1.3370. c – Garage Conversion The garage has been converted for uses other than for storing/parking vehicles. In no case may an application be accepted and/or a variance be granted to allow physical

changes in a garage which would result in the conversion of a garage to purposes other than for parking vehicles.

2. 27828 E. 15th St.
\$1,686
Single-Family Residential District (RS) HMC 10-1.2725. g (a)
Fences, hedges, and walls in the required front yard or side street side yard shall not exceed four feet in height. Fences, hedges or walls in interior side or rear yards shall not exceed six feet in height.

3. 25499 Belmont Ave.
\$2,708
The existing non-conforming rear yard structure has been altered without permits (building, electrical and plumbing).
California Building Code Section 105.1,
Permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or to cause any such work to be done, shall first make application to the building official and obtain the required permit

4. 26318 Peterman Ave.
\$2,817
Un-permitted Garage Conversion.
Medium Density Residential –RM
2013 California Building Code Section 105.1 Permits Required:
Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

5. 2063 Bolero Ave.
\$2,817

Un-permitted Garage Conversion.

Single Family Residential -RS

2013 California Building Code Section 105.1 permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Single Family Residential -RS

HMC Section 10-1.33709: Variances to Uses, Density, and Garage Conversions Prohibited: (c) In no case may an application be accepted and/or a variance be granted to allow physical changes in a garage which would result in the conversion of a garage to purposes other than for parking vehicles. A waiver may be made by the Planning Director for a physically handicapped person who resides in the single-family home when the property owner can establish that the terrain is such that there is no reasonable access to the living quarters except through the garage portion of the residence. For purposes of this section, a waiver to allow accessibility for persons with physical disabilities to the dwelling by creating living quarters within the garage shall not be considered a garage conversion.

6. 22751 4th St.
\$2,817

Un-permitted Garage Conversion

Single Family Residential -RS

2013 California Building Code Section 105.1 permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Single Family Residential -RS

HMC 10-1.245.b(1)(2) Minimum Design and performance Standards. The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character and general

welfare of neighborhoods. This Section establishes design and performance standards that shall apply to the construction of new single-family dwellings, additions to existing dwellings, and accessory buildings and uses.

(b) Additions and Accessory Structures Attached to Primary Buildings.

(1) Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

(2) At the time that cumulative additions to a single-family dwelling increase the original building floor area by more than 50 percent or increase the number of sleeping rooms, the dwelling shall be required to provide all required off-street parking (per Section 10-2.200(d) of the Off-Street Parking Regulations).

7. 28023 Tampa Ave.
\$2,817

CG - General Commercial Unpermitted Construction Interior re-model.

2013 California Building Code Section 105.1 permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Residential Use added on upper floor.

HMC 10-1.2810(a): No structure or fence may be erected, maintained, moved, expanded, or structurally altered, nor may any use be established without approval by the Planning Director, pursuant to the provisions of this ordinance.

Un-permitted gateway and fence along side yard.

HMC 10-1.245(1)&(2): Additions and accessory structure(s) attached to primary building shall meet all the development standards required of the primary building, including but not limited to setbacks, the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

Correction: Abated attached gateway at side yard of property.

8. 27573 E. 12th St.
\$2,817

CC-C - Central City Commercial

Un-Permitted Construction-Interior Re-model.

2013 California Building Code Section 105.1 permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Deteriorated Building Conditions

HMC Section 9-3.30202 Unsafe, Substandard, Dangerous Buildings: For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a public nuisance and an unsafe, substandard, and dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

(d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(g) Whenever the building or structure, or any portion thereof, because of:

- (1) dilapidation, deterioration, or decay;
- (2) faulty construction;
- (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
- (4) the deterioration, decay, or inadequacy of its foundation; or
- (5) any other cause

9. 571 Jackson St.
\$2,817

RS- Single Family Residential

Un-permitted attached/detached structure in rear yard of property.

HMC Section 10-1.245.b (1) & (2)

Additions and accessory structure(s) attached to primary building shall meet all the development standards required of the primary building, including but not limited to setbacks, the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines. In addition, at the time the cumulative additions to a single-family dwelling increase the original building floor area by more than 50 percent or increase

the number of sleeping rooms, the dwelling shall be required to provide all required off-street parking (per Section 10-2.200d. of the Off-Street Parking Regulations).

HMC Section 10-1.245.a (1) through (10)

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following requirements: (1) shall not exceed one story or 14 feet in height; (2) shall be of exterior building materials and colors which match or are compatible with the primary building, with the exception of pre-manufactured structure less than 120 square feet in area (Special design consideration should be given to structures visible from a public street); (3) shall not be located in a required front yard or side street yard; (4) shall not be located in front of the primary building, with the exception of detached carports or garages; (5) accessory buildings less than 120 square feet in area and less than 14 feet in height may be setback a minimum of 3 feet from a side and rear property line; (6) accessory buildings exceeding 120 square feet in area shall be setback a minimum of 5 feet from a side and rear property line; (7) all accessory buildings shall be setback a minimum of 6 feet from the primary building and any other accessory building; (8) the area of all accessory buildings, either individually or cumulatively, shall not exceed 50 percent of the ground floor area of the primary building; (9) accessory buildings and single-story home additions shall not cumulatively exceed 40% coverage of a required rear yard; AND (10) accessory buildings may include a bathroom but may not include a kitchen or sleeping quarters at any time.

10. 1122 B St.
\$2,817

RS- Single Family Residential

Un-permitted attached/detached structure in rear yard of property.

HMC Section 10-1.245.b (1) & (2)

Additions and accessory structure(s) attached to primary building shall meet all the development standards required of the primary building, including but not limited to setbacks, the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines. In addition, at the time the cumulative additions to a single-family dwelling increase the original building floor area by more than 50 percent or increase the number of sleeping rooms, the dwelling shall be required to provide all required off-street parking (per Section 10-2.200d. of the Off-Street Parking Regulations).

HMC Section 10-1.245.a (1) through (10)

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11. 22896 Hesperian Blvd.
\$3,805

RS- Single Family Residential

Un-permitted attached/detached structure in rear yard of property.
HMC Section 10-1.245.b (1) & (2)

Additions and accessory structure(s) attached to primary building shall meet all the development standards required of the primary building, including but not limited to setbacks, the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines. In addition, at the time the cumulative additions to a single-family dwelling increase the original building floor area by more than 50 percent or increase the number of sleeping rooms, the dwelling shall be required to provide all required off-street parking (per Section 10-2.200d. of the Off-Street Parking Regulations).

HMC Section 10-1.245.a (1) through (10)

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colors which match or are compatible with the primary building, with the exception of pre-manufactured structure less than 120 square feet in area (Special design consideration should be given to structures visible from a public street); (3) shall not be located in a required front yard or side street yard; (4) shall not be located in front of the primary building, with the exception of detached carports or garages; (5) accessory buildings less than 120 square feet in area and less than 14 feet in height may be setback a minimum of 3 feet from a side and rear property line; (6) accessory buildings exceeding 120 square feet in area shall be setback a minimum of 5 feet from a side and rear property line; (7) all accessory buildings shall be setback a minimum of 6 feet from the primary building and any other accessory building; (8) the area of all accessory buildings, either individually or cumulatively, shall not exceed 50 percent of the ground floor area of the primary building; (9) accessory buildings and single-story home additions shall not cumulatively exceed 40% coverage of a required rear yard; AND (10) accessory buildings may include a bathroom but may not include a kitchen or sleeping quarters at any time.

FISCAL IMPACT

There is no negative fiscal impact to the City of Hayward resulting from this action. There will be 100% cost recovery reimbursement through the lien process. In order to change ownership of a property, a lien must be satisfied. If the property is sold or the owner refinances, the City will receive reimbursement through escrow. All reimbursed funds are allocated to the General Fund.

Summary Chart

1.	1057	Central Blvd.	\$ 2,708
2.	27828	E. 15 th Street	\$ 1,686
3.	25499	Belmont Avenue	\$ 2,708
4.	26318	Peterman Avenue	\$ 2,817
5.	2063	Bolero Avenue	\$ 2,817
6.	22751	4 th Street	\$ 2,817
7.	28023	Tampa Avenue	\$ 2,817
8.	27573	E. 12 th Street	\$ 2,817
9.	571	Jackson Street	\$ 2,817
10.	1122	B Street	\$ 2,817
11.	22896	Hesperian Blvd.	<u>\$ 3,805</u>

TOTAL **\$30,626**

PUBLIC CONTACT

Notice of City Council's confirmation of this report was published in the Daily Review on April 30, 2015

Prepared by: Eusebio Espitia, Code Enforcement Supervisor

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution confirming the Lien Report

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION CONFIRMING THE REPORT AND NON-ABATABLE CODE VIOLATIONS AND PENALTIES LIEN LIST ASSOCIATED WITH THE CODE ENFORCEMENT DIVISION COMMUNITY PRESERVATION/RENTAL HOUSING PROGRAMS.

WHEREAS, in connection with the Code Enforcement Division, Community Preservation/Rental Housing Programs, the Code Enforcement Supervisor has rendered an itemized report in writing to this Council showing the Community Preservation/Residential Rental Inspections and Zoning Ordinance non-abatable code violations and related fines, fees, penalties and lien costs for certain properties in the City of Hayward described in the report; and

WHEREAS, the hour of 7 p.m. on Tuesday, May 26, 2015, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this published in the manner required by section 5-7.110 of the Municipal Code; and

WHEREAS, the report was presented at the time and place fixed, and the City Council has considered the report and all comments with respect thereto.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward confirms, except as may be amended by Council, the report of the Code Enforcement Supervisor of the City of Hayward Code Enforcement Division, Community Preservation/Rental Housing Programs on costs and non-abatable ordinance violations from the properties therein described.

BE IT FURTHER RESOLVED that payments of all fines, fees, penalties and lien costs confirmed hereby may be received by the City of Hayward Finance Director within 10 days from the date of this resolution and thereafter such official shall transmit the unpaid charges to the County Recorder's Office for a Nuisance Abatement lien on said property(s) listed in report.

IN COUNCIL, HAYWARD, CALIFORNIA May 26, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

MAYOR:

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

DATE: May 26, 2015

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: Fire Stations 1-6 and Fire Training Center Improvement Project – Authorization for the City Manager to Execute Professional Services Agreements for Final Design Services and for Project Management Services, and Appropriation of Funds

RECOMMENDATION

That Council adopts the attached resolutions (Attachments I, II and III):

1. Authorizing the City Manager to execute a professional services agreement with Ross Drulis Cusenbery (RDC) Architecture for final design services for the Fire Stations 1-6 and Fire Training Center Improvement project in an amount not to exceed \$1,500,000;
2. Authorizing the City Manager to execute a professional services agreement with Kitchell for project management services for the Fire Stations 1-6 and Fire Training Center Improvement project in an amount not to exceed \$200,000; and
3. Appropriating \$1,900,000 for this project from the Measure C Capital Projects Fund.

BACKGROUND

On August 12, 2013, a Request for Proposals (RFP) was sent to twelve architectural firms for a City Facilities Needs Assessment Study and Master Plan for the Police Administration Building and Fire Stations 1 – 6, including the Fire Training Center at Fire Station 6. Some of the key objectives of the study were to determine the current and long-term (25-year) facility and operational needs of these buildings, while evaluating energy efficiency options and proposing recommendations for meeting operational needs through better facility planning.

On October 11, 2013, staff received and began evaluating proposals from five firms specializing in this work. RDC, which specializes in public safety building design, was found to be the most qualified consultant. RDC is a Bay Area firm specializing in the planning, programming, and design of police and fire facilities, 9-1-1 communications centers, emergency operations centers, and other public safety projects. On December 17, 2013, Council approved a resolution authorizing the City Manager to negotiate and execute an agreement with RDC for professional services for the Facilities Needs Assessment Study and Master Plan.

On June 3, 2014, Measure C, a City of Hayward sales tax measure, was approved with more than a two-thirds “Yes” vote. Measure C authorized the City of Hayward to increase the sales tax rate in the City by one-half cent for twenty years to restore and maintain City services and facilities, including firefighting/emergency medical services; improving police services to neighborhoods; replacing the aging library with a 21st century facility; repairing potholes and streets; updating aging neighborhood fire stations; and other City services.

DISCUSSION

RDC completed their assessment of Fire Stations 1-6 and the Fire Training Center, and issued a final report on October 10, 2014. The report confirms that there are substantial upgrades needed in these aging facilities to correct problems of varying degrees, such as: structural and seismic deficiencies; substandard training rooms and biohazard equipment cleaning areas; code compliance; ADA compliance; air quality/vehicle exhaust ventilation; office space, storage, and parking; and inadequate accommodations for department personnel. Needed energy efficiency and modernization improvements include items such as LED lighting, double pane windows, updated kitchen appliances, roof and wall insulation, solar panels, and other mechanical, electrical and plumbing upgrades. There are also opportunities to decrease response times by providing more efficient apparatus bay doors, better alert systems, strategically located battery charging stations, and a GPS-based traffic signal preemption system. Apparatus bay door modifications will have an added benefit of substantially reducing future emergency vehicle costs, due to the existing, relatively low-height apparatus bay doors. The Fire Department is bound by new vehicle emission standards that have made apparatus considerably taller. Older station apparatus door openings are not large enough to accommodate the size of modern fire apparatus.

RDC performed well during the Needs Assessment Study and they now have a high level of familiarity with the City’s fire stations and fire department personnel. To supplement their qualifications and expertise regarding the planning and design of the Fire Training Center, RDC will add Abercrombie Planning + Design (APD) to their consultant team. APD is a planning and design consulting firm that specializes in the research, programming, and design of state-of-the-art public safety training facilities. They have completed national and international projects, including the Sacramento Metropolitan Fire District’s Fire Training Center.

Besides design of the recommended facility improvements, RDC will provide recommendations for phasing or accelerating the construction work in a manner that minimizes operational disruptions at each fire station during construction, while those stations are occupied. They will also provide recommendations for alternative accommodations when some portion or all of any station must be vacated during construction. Detailed planning is needed to ensure a safe work environment for fire department personnel and to maintain effective response times.

In addition, staff will be working with RDC and APD to explore options that will enhance the Fire Training Center with realistic props that would simulate expected emergency situations. Potential scenarios may involve an airplane rescue, railroad oil tank car derailment, enclosed space rescue, and engine/truck driver training. RDC and APD will prepare the preliminary design and establish cost estimates for Fire Training Facilities. Staff will also engage other regional and local

emergency services providers to identify potential additional funding sources to create training scenarios that are not available within the Bay Area or, in some cases, within the State.

As part of the overall design effort, a complete construction phasing plan will be established to include an aggressive construction schedule while minimizing disruptions to the Fire Department's operational needs. Because this is a complex project for improvements at six fire stations and certain construction activities might be more cost effective if they were to occur simultaneously or sequentially at all stations, a very high level of fire safety construction and coordination expertise is needed. On February 20, 2015, a Request for Proposals (RFP) was issued for Project Management Services for the design, remodelling and/or construction of these fire facilities. Responses from ten firms were received on March 6, 2015. Staff evaluated those proposals and selected four firms specializing in this work for follow-up interviews. Because of their expertise, past experience, familiarity with the needs of the project and the proposed staffing, Kitchell was chosen as the most suitable firm for this work.

These proposed agreements with RDC and Kitchell are for professional services during design and bidding phases of this project. Staff will request additional authorization with both of these firms for services during the construction phase at the time of award of construction contract.

FISCAL & ECONOMIC IMPACT

Staff has negotiated a scope of work for design services with RDC in an amount not to exceed \$1,500,000, including potential extra work. Staff has also negotiated a scope of work for project management services during the project's design phase with Kitchell in an amount not to exceed \$200,000, including potential extra work. In addition to the contract with RDC, City staff will expend approximately \$200,000 in total project-related costs, bringing the total cost for the design of Fire Stations 1-6 and Fire Training Center Improvement project to \$1,900,000.

Consultant Design Services	\$1,500,000
Consultant Project Management Services	200,000
Administration – City Staff	200,000
Total Project Design Services	\$1,900,000

The project will be entirely funded by Measure C funds. To facilitate transparency in the spending of Measure C funds, all Measure C revenues and expenses will be tracked in a separate revenue fund, Fund 101. Funds allocated for capital projects will be transferred to a new CIP Fund, Fund 406, and expended accordingly. In order to commence project design, staff recommends Council approve the resolution (Attachment III) appropriating \$1,900,000 from Fund 101 to the newly created Fund 406. Work will start in June, but first payment will likely not be made until after July 1, 2015.

PUBLIC CONTACT

The need for fire station upgrades was discussed extensively prior to the vote on Measure C during June 2014.

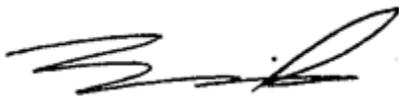
SCHEDULE

Upon Council approval, design efforts will commence in June 2015. Work associated with the various Fire Station Facilities will be completed in multiple phases as designed by the consulting team in coordination with the Fire Chief, with all work expected to be completed by Fall/Winter 2018.

Prepared by: Yaw Owusu, Assistant City Engineer

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

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution – Authorization to Execute a Professional Services Agreement with RDC
- Attachment II: Resolution – Authorization to Execute a Professional Services Agreement with Kitchell
- Attachment III: Resolution – Appropriation of Funds

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROSS DRULIS CUSENBERRY ARCHITECTURE FOR FINAL DESIGN SERVICES FOR THE FIRE STATIONS 1-6 AND FIRE TRAINING CENTER IMPROVEMENT PROJECT

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with Ross Drulis Cusenberry Architecture for Final Design Services for the Fire Stations 1-6 and Fire Training Center Improvement Project, in an amount not to exceed \$1,500,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KITCHELL FOR PROJECT MANAGEMENT SERVICES FOR THE FIRE STATIONS 1-6 AND FIRE TRAINING CENTER IMPROVEMENT PROJECT

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with Kitchell for Project Management Services for the Fire Stations 1-6 and Fire Training Center Improvement Project, in an amount not to exceed \$200,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 14-098, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2015, RELATING TO AN APPROPRIATION OF FUNDS FROM THE MEASURE C CAPITAL PROJECTS FUND (FUND 101) FOR THE FIRE STATIONS 1-6 AND FIRE TRAINING CENTER IMPROVEMENT PROJECT, PROJECT NO. 07474

BE IT RESOLVED by the City Council of the City of Hayward that Resolution 14-098, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2015, is hereby amended by approving an appropriation of \$1,900,000 from the Measure C Capital Projects Fund (Fund 101) for the Fire Stations 1-6 and Fire Training Center Improvement Project, Project No. 07474.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

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

DATE: May 26, 2015

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Authorization for City Manager to Execute a Master Lease-Purchase Agreement with Holman Capital for the Lease-Purchase of a Fire Apparatus totaling \$1,475,935

RECOMMENDATION

That City Council approves the attached resolution (Attachment I) authorizing the City Manager to execute a Master Equipment Lease Purchase Agreement for a Fire Department Vehicle and other documents necessary to procure equipment lease financing totaling \$1,475,935 with Holman Capital Corporation.

BACKGROUND

The Maintenance Services Department manages a fleet of over 360 vehicles. As part of the City’s twenty-year vehicle replacement plan, each year specific vehicles are scheduled for replacement. Funding constraints have caused the City to extend the useful lives of many vehicles beyond best practices. The fire truck scheduled for replacement is a twenty-year old apparatus (circa 1995), and has exceeded its useful life. Fire apparatus generally have useful lives of ten – fifteen years.

Over the past several years, the City has taken advantage of low-interest rate leases to spread the cost of large equipment purchases over a portion of their useful lives. Staff recommends using lease financing for the purchase of the replacement fire truck. The City has been allocating annual funding toward the Vehicle Replacement Fund in order to allow for cash purchases of fleet equipment and vehicles by FY 2017.

DISCUSSION

Staff is requesting approval for an Equipment Lease-Purchase Agreement to finance the purchase of one Seagrave Tractor Drawn Aerial Ladder, Type 1 Fire Engine for a total estimated acquisition cost of \$1,272,000 as described in Table 1.

Table 1 – Lease/Purchase Vehicle

	Type	Loan Term	Number/Type of Vehicles	Loan Amount
1	Fire Vehicle	10 years	(1) Type 1 Engine	\$1,272,000

The lease purchase agreement for this vehicle is a planned replacement, with no addition to the operating fleet and the replaced fire truck will be retained as a reserve vehicle.

Capital Lease Financing – On April 7, 2015, in an effort to acquire the best financing option for the City, staff issued a Request for Proposal (RFP) to eight providers of municipal lease financing (as well as posting on the City’s website for all interested parties). The RFP requested, among other specifications, annual percentage rate (APR) and structure for the lease-purchasing agreement. The City received responses from three financial institutions. The two low responsive bidders stated an APR of 2.95% with identical fees, payments and structure.

On May 19, 2015, Council authorized staff to reject all bids and negotiate further with the responders to procure the best possible financing option. The lowest negotiated rate, 2.92%, was submitted by Holman Capital Corporation. The financing will be spread over a ten-year term (twenty semi-annual payments of \$73,797) for the vehicle acquisition cost of \$1,272,000. The total cost, including the financing is \$1,475,935 as seen in Table 2. The lease term reflects a ten-year rate for the purchase of the fire apparatus (due to the average life span of ten to fifteen years).

Table 2 – Rate Summary

Name of Company	10-Year Rate	Payments	Total Cost
Holman Capital Corporation	2.92%	\$ 73,797	\$ 1,475,935
Municipal Financial Corporation (1)	3.05%	N/A	N/A
BBVA Compass (2)	N/A	N/A	N/A

(1) Municipal Financial Corporation originally quoted an APR of 2.95%, however, when the City returned to the vendor to open negotiations, the rate increased to 3.05% and no payment information was provided.

(2) The rate and response provided by BBVA Compass was not specific to City needs and it contained only general information; for this reason the vendor was not considered.

ECONOMIC IMPACT

There is no direct economic impact of this action.

FISCAL IMPACT

City vehicle purchases are appropriated in the Fleet Management Capital Fund, where all General Fund fleet purchases occur, and are part of the currently approved FY 2015 Capital Improvement Program budget. While direct cash purchase is the preferable mechanism for equipment replacement, this fund does not currently have adequate capital resources to purchase all fleet vehicles out-right. In accordance with Council policy, staff seeks the most economical method of purchase for fleet vehicles. To that end the General Fund Ten-Year Plan includes increased allocations to the Fleet Capital Fund to fully fund future vehicle purchases starting in FY 2017 with a goal of eliminating the need for future lease financing.

Payments on existing and future leases are budgeted in the Fleet Operating Fund. This fund has \$1.2 million budgeted for debt service payments in FY 2015, which will cover the costs for the existing and new leases. These ongoing debt service payments are funded through charges to applicable departments for replacement and maintenance of vehicles. Lease payments for the next five years for existing vehicle lease acquisitions and the new leases, are listed below.

Table 3: Uses of Debt Service Payments

Type of Obligation	Vehicles	Term (years)	Issue Date	Interest Rate	Total Lease Purchase	Annual Debt Service				
						FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Lease/purchase	1 fire apparatus	10	June-2015	2.92%	\$ 1,272,000	\$ 73,797	\$ 73,797	\$ 73,797	\$ 73,797	\$ 73,797
Lease/purchase	1 fire apparatus	10	Jan-2014	3.05%	\$ 962,257	\$ 96,226	\$ 96,226	\$ 96,226	\$ 96,226	\$ 96,226
Lease/purchase	12 vehicles	4	Jan-2014	2.46%	\$ 535,000	\$ 141,259	\$ 141,259	\$ 141,259	\$ 141,259	\$ -
Lease/purchase	13 vehicles	4	Oct-2012	1.30%	\$ 520,000	\$ 133,826	\$ 133,826	\$ 66,913	\$ -	\$ -
Lease/purchase	18 vehicles	4	Oct-2011	2.05%	\$ 815,000	\$ 213,260	\$ 106,630	\$ -	\$ -	\$ -
Lease/purchase	3 fire apparatus	10	Sept-2011	3.24%	\$ 1,991,524	\$ 234,749	\$ 234,749	\$ 234,749	\$ 234,749	\$ 234,749
Lease/purchase	6 vehicles	7	Sept-2010	2.88%	\$ 818,558	\$ 129,957	\$ 129,957	\$ 129,957	\$ 64,978	\$ -
Lease/purchase	4 vehicles	4	Sept-2010	2.28%	\$ 360,000	\$ 46,870	\$ -	\$ -	\$ -	\$ -
Loan from Sewer Fund	utility vehicles	7	Oct-2009	2.00%	\$ 1,000,000	\$ 148,690	\$ 145,833	\$ 71,845	\$ -	\$ -
TOTAL					\$ 8,274,339	\$ 1,218,633	\$ 1,062,277	\$ 814,746	\$ 611,009	\$ 404,772

NEXT STEPS

Once the lease/purchase agreement is finalized, City staff will complete the purchase of the vehicle from Seagrave Fire Apparatus LLC, the current provider of all major apparatus for the Hayward Fire Department.

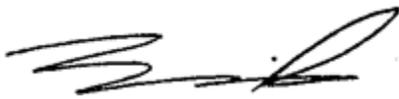
PUBLIC CONTACT

On April 7, 2015 Request for Proposal (RFP) Bid # 1524-031225 for the Lease-Purchase Financing was issued. On May 19, 2015 Council rejected all bids received and directed staff to negotiate on the open market. The lease documents are on file and available for review with the City Clerk and Finance Department.

Prepared by: Dustin Claussen, Deputy Director of Finance

Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments: I - Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EQUIPMENT LEASE-PURCHASE AGREEMENT AND AN ESCROW AGREEMENT FOR THE ACQUISITION OF NEW FIRE APPARATUS.

WHEREAS, the City of Hayward (the “City”), is authorized by the laws of the State of California to purchase, acquire, and lease personal property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, it is necessary for the City to acquire one new fire apparatus to replace an apparatus that has been extended beyond its useful life; and

WHEREAS, the City issued a Request for Proposals and negotiated for lease-purchase financing with Holman Capital Corporation; and

WHEREAS, in order to acquire such equipment, the City proposes to enter into an Equipment Lease-Purchase Agreement with Holman Capital Corporation (the “Lessor”) and an Escrow Agreement with the Lessor and Deutsche Bank National Trust Company as escrow agent;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, that the City Manager is hereby directed to negotiate and execute an Equipment Lease-Purchase Agreement of a Fire Apparatus totaling \$1,475,935 with Holman Capital Corporation and an Escrow Agreement with Holman Capital Corporation and Deutsche Bank National Trust Company, and any other documents necessary to complete the transaction, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA MAY 26, 2015

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



DATE: May 26, 2015

TO: Mayor and City Council

FROM: Assistant City Manager
Director of Finance

SUBJECT: Review of Council Priorities and Proposed Performance Measures for FY2016

RECOMMENDATION

That the Council reviews and comments on the draft priorities, factor maps, and approach to performance metrics that will be included in the FY2016 budget and that will form the basis for further organizational efforts around accountability through performance measurement.

BACKGROUND AND DISCUSSION

During the FY2015 budget development and adoption process, the City Council expressed a strong interest in incorporating more meaningful performance measures in the budget document and throughout the City organization to allow staff, the Council, and the public to better monitor organizational effectiveness and achievement of Council priorities. To that end, a staff working group has been meeting over the past few months and has created a process to begin establishing more meaningful and effective performance measures that support City Council priorities.

On March 24, 2015, the Council held a work session on “Overview of Performance Management Systems and Tools” and received a presentation from a consultant from the Government Finance Officers Association (GFOA), Mike Mucha. The work session provided the City Council with an overview of performance measurement systems and tools as well as examples from other cities that have been recognized as leaders in utilizing performance measures. Mr. Mucha presented to the Executive Team on March 24 as well to begin setting the stage for utilizing performance measurement throughout the organization.

One key aspect of the consultant’s presentation was to foster a common understanding concerning meaningful performance measurement tools. Mr. Mucha provided the following definition of performance management: “Performance management is an ongoing, systematic approach to improving results through evidence-based decision making, continuous organizational learning, and focus on accountability for performance.” The goal of the staff working group and of this effort is to create a system citywide that allows the City Council, members of the public, and City staff to effectively manage and monitor meaningful performance and outcomes, ensuring effective use of limited resources.

Following the work session with Council, the GFOA consultant facilitated a workshop on March 25 with the Executive Team and key staff from each department involved in the budget process. During the workshop, staff discussed and developed the “factors” that support successful implementation of the Council’s priorities. In addition, staff attending the workshop brainstormed possible performance measures that would help the organization, the Council and the community gauge successful outcomes around the Council priorities. Following this workshop, the staff working group compiled the notes and worked with the City Manager to develop the document attached (Attachment I), which is also included in the FY 2016 Proposed Operating Budget.

Achieving Council agreement on the six priority areas and the related factors is the first step in moving the organization towards a more performance-based system. Staff is still working on specific metrics and we anticipate that this work will continue and evolve over the next year: the metrics reflected in Attachment I are primarily examples and should not be considered complete. The intent of tonight’s work session is to present the proposed priorities, factor maps and metrics to the Council for feedback and discussion. In particular, staff would like Council feedback and discussion on:

- 1) The six proposed priorities (Four Primary Priorities and two Supporting Initiatives: Safe, Clean, Green, and Thriving; and Organizational Health and Fiscal Stability.)
- 2) The associated factor maps and direction on development of metrics

Based on Council input during this work session, staff will make any necessary revisions for inclusion in the final budget document.

Prepared and Recommended by: Tracy Vesely, Director of Finance
Kelly McAdoo, Assistant City Manager

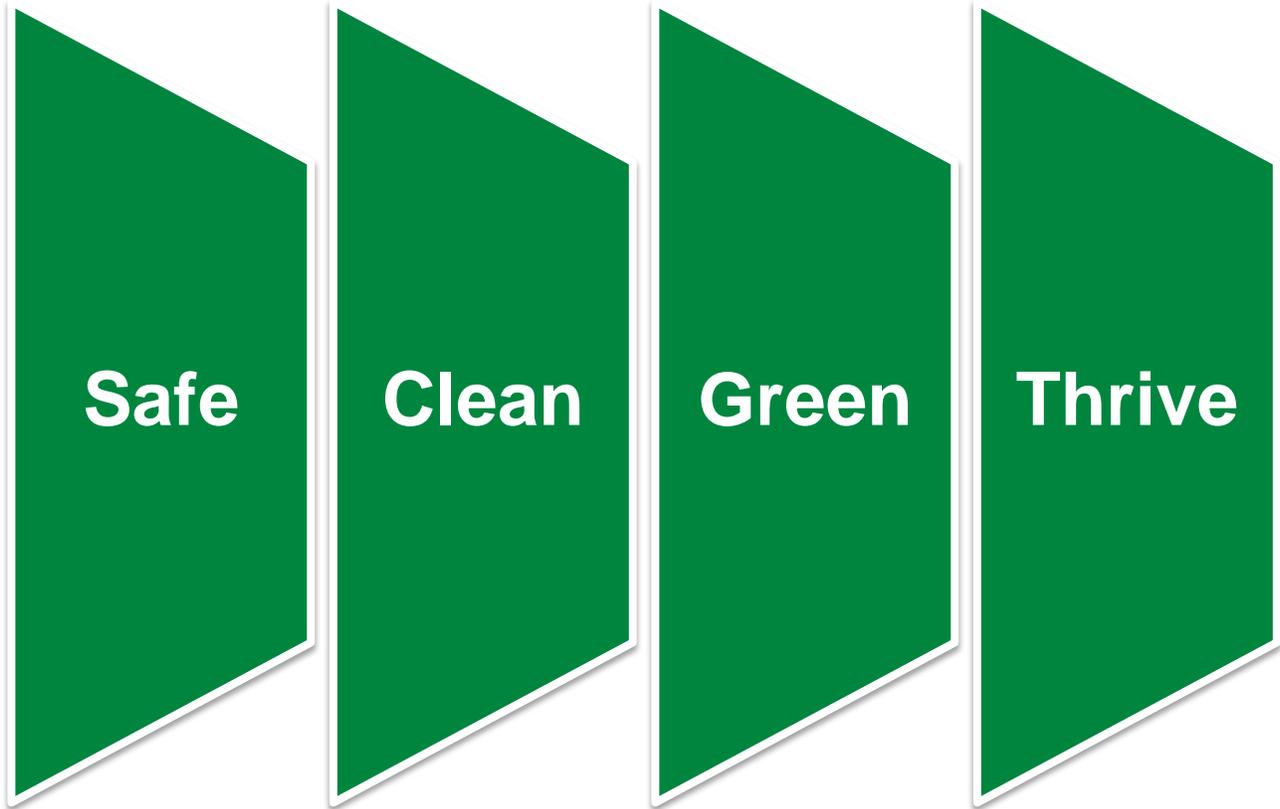
Approved by:



Fran David, City Manager

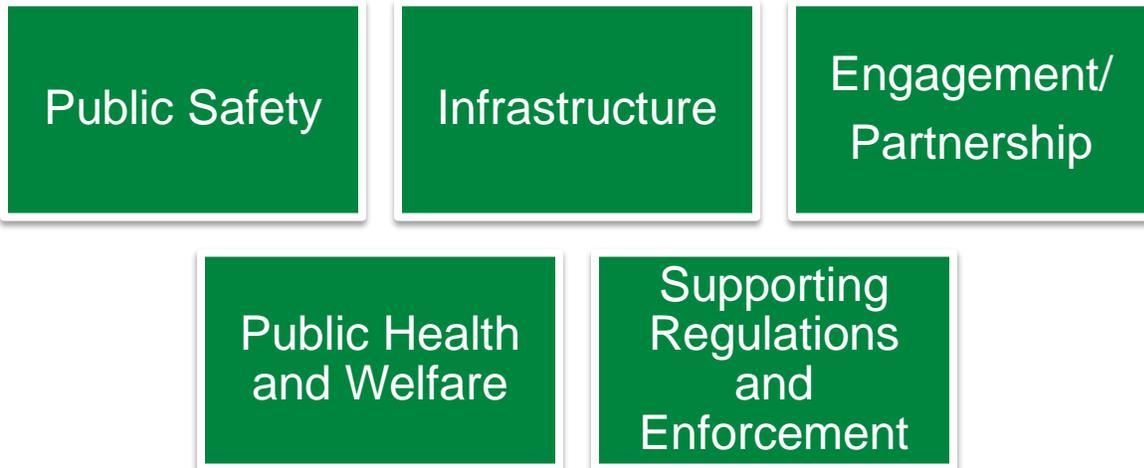
Attachments:

Attachment I – Proposed Council Priorities, Factor Maps and Performance Measures



Hayward is a Safe City

Factors



Metrics

- ❖ **Number of Total Traffic Collisions**
- ❖ **Average Pavement Condition Index**
- ❖ **Enrollment in CERT/CodeRED/Neighborhood Alert**
- ❖ **Part 1 Crimes per Capita Compared to Similar Sized Bay Area Cities**
- ❖ **Volume of Hazardous Materials Disposed Properly**
- ❖ **Police metrics relative to similarly situated jurisdictions or to desired outcomes such as public trust**
- ❖ **Fire metrics relative to similarly situated jurisdictions or to desired outcomes such as lives saved**

Hayward is a Clean City

Factors

Well-Maintained
Streets &
Buildings

Consistent and
Responsive
Enforcement of
Regulations

Litter, Trash and
Graffiti Free

Inviting Public
Spaces

Metrics

- ❖ Increase in Number of Code Enforcement Cases Completed by XX%
- ❖ Response time to Graffiti Removal
- ❖ Response time to Illegal Dumping Removal
- ❖ Satisfaction Ratings of Cleanliness
- ❖ Pounds per device of trash removed from storm water trash capture devices
- ❖ Outdoor Air Quality Index—Fine Particulate Matter 2.5 Microns (PM2.5)

Hayward is a Green City

Factors

Environmentally Sustainable

Innovative Land Use

Resource Conservation

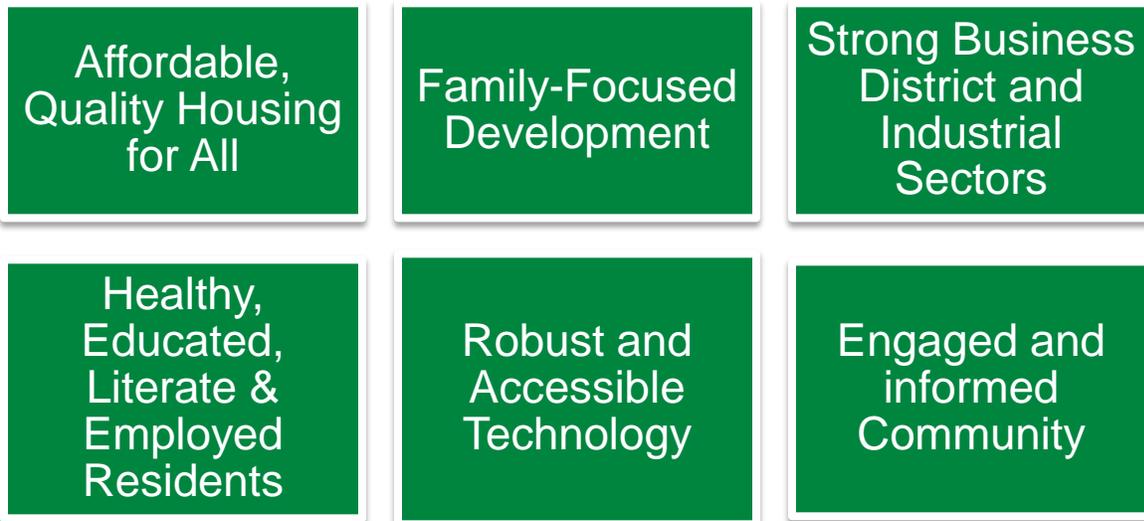
Community-Oriented Open Spaces and Recreational Opportunities

Metrics

- ❖ Amount of Landscaping Replaced with Drought Resistant Plants at City Facilities
- ❖ Amount of Greenhouse Gas Emissions Produced by City Operations
- ❖ Number of Businesses using City Incentives for Waste Reduction and Increased Recycling
- ❖ Volume of Recycled Material
- ❖ Average MPG of City Fleet Vehicles
- ❖ Average Daily Municipal Water Usage

Hayward is a Thriving Community

Factors



Metrics

- ❖ **% of Hayward Students Participating in After School Programs**
- ❖ **Percent of Population Living Within Walking Distance to Public Transit**
- ❖ **Resident Satisfaction Rates according to Biennial Residential Satisfaction Surveys**
- ❖ **Percent of Population with Access to High Speed Internet**

Hayward has a Well-Managed and Fiscally Sustainable Government

Factors



Metrics

- ❖ Percentage of Unfunded Liabilities
- ❖ Balanced budget w/o use of reserves
- ❖ Percentage of One-time Revenues
- ❖ Number of New Businesses
- ❖ Total Number of New or Renewed Business Licenses

The City of Hayward is a Strong and Healthy Organization

Factors



Metrics

- ❖ Cumulative City Employee Retention Rate
- ❖ Cumulative City Employee Workers Compensation Claims
- ❖ Cumulative City Employee Sick Leave Usage
- ❖ Employee Training Opportunities for New Technologies

DATE: May 26, 2015
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Presentation of Proposed FY 2016 Operating Budget

RECOMMENDATION:

That Council receives and comments on the FY 2016 Operating Budget.

BACKGROUND:

The Proposed FY 2016 Operating Budget is hereby presented to City Council. Tonight is simply a presentation of the document and its contents. The Council will consider the annual budget over the next five weeks prior to adopting the FY 2016 budget on June 23, 2015. Opportunities for public input and comment are:

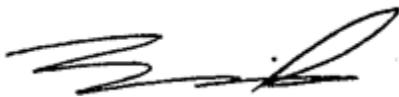
- May 30: all-day Special Session of Council, including Departmental presentations
- June 16: Budget hearings at regular Council meeting

The highlights of the Proposed FY 2016 Operating Budget can be found in the City Manager's Budget Message & Budget Overview in the front of the document.

Prepared and Recommended by:

Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Proposed FY 2016 Operating Budget available at:
[http://www.hayward-ca.gov/CITY-
GOVERNMENT/DEPARTMENTS/FINANCE/documents/2015/FY16 Proposed Operating
Budget.pdf](http://www.hayward-ca.gov/CITY-
GOVERNMENT/DEPARTMENTS/FINANCE/documents/2015/FY16_Proposed_Operating
Budget.pdf)

DATE: May 26, 2015

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Resolution of Formation to Create Community Facilities District (CFD No. 3) intended to Finance Police and Fire Protection Services in the South Hayward BART area; Resolution Calling Special Landowner Election; Resolution Declaring Election Results; and Introducing an Ordinance to Levy a Special Tax within the Community Facilities District (CFD No. 3)

RECOMMENDATION

That Council holds a public hearing and:

1. Adopts the attached three resolutions related to the formation of a Community Facilities District for the South Hayward BART Transit-Oriented Development (TOD) area (CFD No. 3); and
2. Introduces the Ordinance Levying the Special tax within CFD No. 3.

Action steps to accomplish both are as follows:

- Prior to the public hearing, determine if any property owners or registered voters wish to file a written protest.
- Open public hearing to inquire into the formation of CFD No. 3 (See Boundary map Attachment I – Exhibit B), and levy special taxes for police and fire protection services.
- **Adopt Resolution** of Formation of CFD No. 3.
- **Adopt Resolution** Calling Special Landowner Election for CFD No. 3.
- City Clerk will announce the results of the election, confirming that at least 2/3rds of the property owners voted for the levy of special taxes and the appropriations limit in CFD No. 3.
- **Adopt Resolution** Declaring Results of Special Landowner Election and Directing Recording of the Notice of Special Tax Lien within CFD No. 3.
- **Introduce (first reading) Ordinance** of the City of Hayward Levying Special Tax within CFD No. 3.

BACKGROUND

Community Facilities Districts are created by local governments in California under legislation known as the Mello-Roos Community Facilities Act of 1982, California Government Code 53311 et. seq. (Act). The Act allows for financing of certain public facilities and services.

The City has approved a major development, the South Hayward BART Transit-Oriented Development (TOD) Project, located directly across from the South Hayward BART station

between Dixon Street and Mission Boulevard. The Developers, Eden Housing and AMCAL Communities, and the City, have been working together to assure the success of this Project. The Project includes the development of 357 units, comprised of 206 market rate apartments and 151 affordable apartments. The Developers and the City have agreed through Owner Participation Agreements on the creation of a CFD to assure the financing of supplemental police and fire protection services to the project area in perpetuity.

The CFD Team consists of the city's current financial advisor, NHA Advisors, as well as Goodwin Consulting Group as special tax consultant, Jones Hall as special legal counsel, and senior City staff. The CFD Team has been working with the Developers to form CFD No. 3. On April 21, 2015, the Council approved a Resolution of Intention to create a CFD No. 3 in the South Hayward BART TOD area.

DISCUSSION

Determination of CFD Boundary – The CFD No. 3 boundary currently includes the area between Mission Boulevard and Dixon Street comprised of two parcels with Assessor's Parcel Numbers 078C-0441-006-00 and 078C-0801-001-00.

Proposed Special Tax Rates – For CFD No. 3, the proposed Maximum Special Tax is \$484.00 per residential Market-Rate Unit and Affordable Unit beginning in July 2016 (as agreed upon in the Owner Participation Agreement executed on June 19, 2012).

For market-rate properties, beginning July 2016, and each July 1 thereafter, Maximum Special Tax per Market-Rate Unit for the prior fiscal year shall be increased by a percentage equal to the lesser of the increase, if any, from the prior fiscal year (April to April) in the Bay Area Consumer Price Index (CPI) or 2%. For affordable properties, beginning July 2016, and each July 1 thereafter in which the Residential Receipt Amount exceeds \$0, the Base Affordable Maximum Special Tax for the prior fiscal year shall be increased by a percentage equal to the lesser of the increase, if any, from the prior fiscal year (April to April) in the Bay Area Consumer Price Index (CPI) or 2%. The tax will be levied annually, and collected in the same manner as regular property taxes.

The Rate and Method of Apportionment (RMA) outlines the methodology used to calculate these taxes due for all parcels of taxable properties in the district boundaries, after a Certificate of Occupancy has been issued by the City. Government-owned properties and vacant land are not subject to the tax.

CFD Administrative Requirements – On an annual basis the City will need to confirm the special tax rates to be applied within CFD No. 3, including application of the escalation rate, and enroll the taxes with the County Auditor-Controller. When the City collects the special taxes, certain accounting measures will be required to ensure that the revenues are not commingled with City funds used to pay for other City operating costs. If property owners are delinquent in the payment of special taxes, the City may decide to foreclose on such property owners in a process separate from County foreclosure process for ad valorem delinquencies. Costs to administer CFD No. 3, including any foreclosure action, are paid from the special taxes revenues.

FISCAL AND ECONOMIC IMPACT

The City expects to fund supplemental police and fire protection services from the CFD No. 3 special taxes collected. The City has issued building permits for 357 units within CFD No. 3 boundaries. Upon full project build-out (expected by 2017), the City projects the tax (before any annual escalators) to generate about \$172,788 per year based on the FY 2015 rates. These rates are subject to an annual growth rate based on the Bay Area CPI.

PUBLIC OUTREACH

Discussions regarding the formation of community facilities districts and the recommended formation of a new CFD No. 3 for the South Hayward BART TOD Project were discussed with the Council Budget & Finance Committee on December 8, 2014 and briefly on March 13, 2015; and during a Work Session on CFD formation with City Council on February 3, 2015. Council adopted a Resolution of Intention to Form CFD No. 3 on April 21, 2015. Issues and concerns raised in those sessions have been addressed in this report as they relate to the specific Districts discussed. In addition, City staff has had numerous conversations with the Developers, Eden Housing and AMCAL Communities.

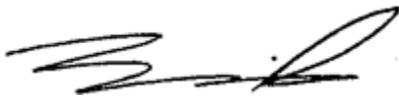
The required Notice of Public Hearing has been published in the Daily Review, and all landowners have received notice of the public hearing and special landowner election. As permitted by the Act, the ballots will be mailed to the property owners within the territory of the proposed CFD and must be returned to the City Clerk at or before the May 26, 2015 Council meeting.

NEXT STEPS

If the Council approves the attached resolutions, holds the Public Hearing, and the election is successful, the CFD will be established. Thereafter, the Council will be asked to hold the second reading of and adopt the Ordinance to Levy Special Tax within CFD No. 3 on June 2, 2015; and the City will have the authority to levy special taxes on or about July 2, 2015 within CFD No. 3. The City will prepare the tax levy and submit to the County by the August due date, in order to receive FY 2016 taxes.

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

- Attachments:
- I. CFD Report and Boundary Map
 - II. Resolution of Formation of Community Facilities District
 - III. Resolution Calling Special Landowner Election
 - IV. Resolution Declaring Results of Special Landowner Election and Directing.
 - V. Recording of the Notice of Special Tax Lien within CFD No. 3
[Notice of Special Tax Lien]
 - VI. Ordinance of the City of Hayward Levying Special Tax within CFD No. 3

**City of Hayward
Community Facilities District No. 3
(South Hayward BART TOD Project)**

COMMUNITY FACILITIES DISTRICT REPORT

CONTENTS

Introduction

- A. Description of Services
- B. Proposed Boundaries of the Community Facilities District
- C. Cost Estimate

EXHIBIT A - Description of the Proposed Services

EXHIBIT B - Boundary Map

EXHIBIT C - Cost Estimate

**City of Hayward
Community Facilities District No. 3
(South Hayward BART TOD Project)**

INTRODUCTION

On April 21, 2015, the City Council (the "Council") of the City of Hayward (the "City") adopted a "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), stating its intention to form the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, Sections 53311 et. seq., California Government Code (the "Act") to finance certain municipal services (the "Services") by levying special taxes (the "Special Taxes") in the area of the CFD.

In the Resolution of Intention, the Council expressly ordered the preparation of a written report (the "Report"), for the CFD containing the following:

1. A description of the Services by type which will be required to adequately meet the needs of the CFD; and
2. An estimate of the fair and reasonable cost of the Services included therewith.

For particulars, reference is made to the Resolution of Intention for the CFD, as previously approved and adopted by the Council.

NOW, THEREFORE, the undersigned does hereby submit the following data:

A. DESCRIPTION OF SERVICES. A general description of the proposed services is set forth in Exhibit "A" attached hereto and hereby made a part hereof.

B. PROPOSED BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. The proposed boundaries of the CFD are those properties and parcels in which special taxes may be levied to pay for the costs and expenses of the Services. The proposed boundaries of the CFD are described on the map of the CFD on file with the City Council, to which reference is hereby made.

C. COST ESTIMATE. The cost estimate for the Services for the District is set forth in Exhibit "C" attached hereto and hereby made a part hereof.

Dated as of May 26, 2015

For and on behalf of the City Manager of the
City of Hayward

By: _____

EXHIBIT A

**CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)**

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

- (a) Police protection services.
- (b) Fire protection and suppression services, and ambulance and paramedic services.

EXHIBIT B

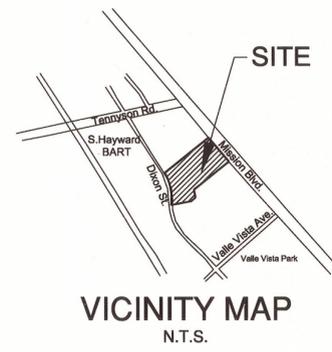
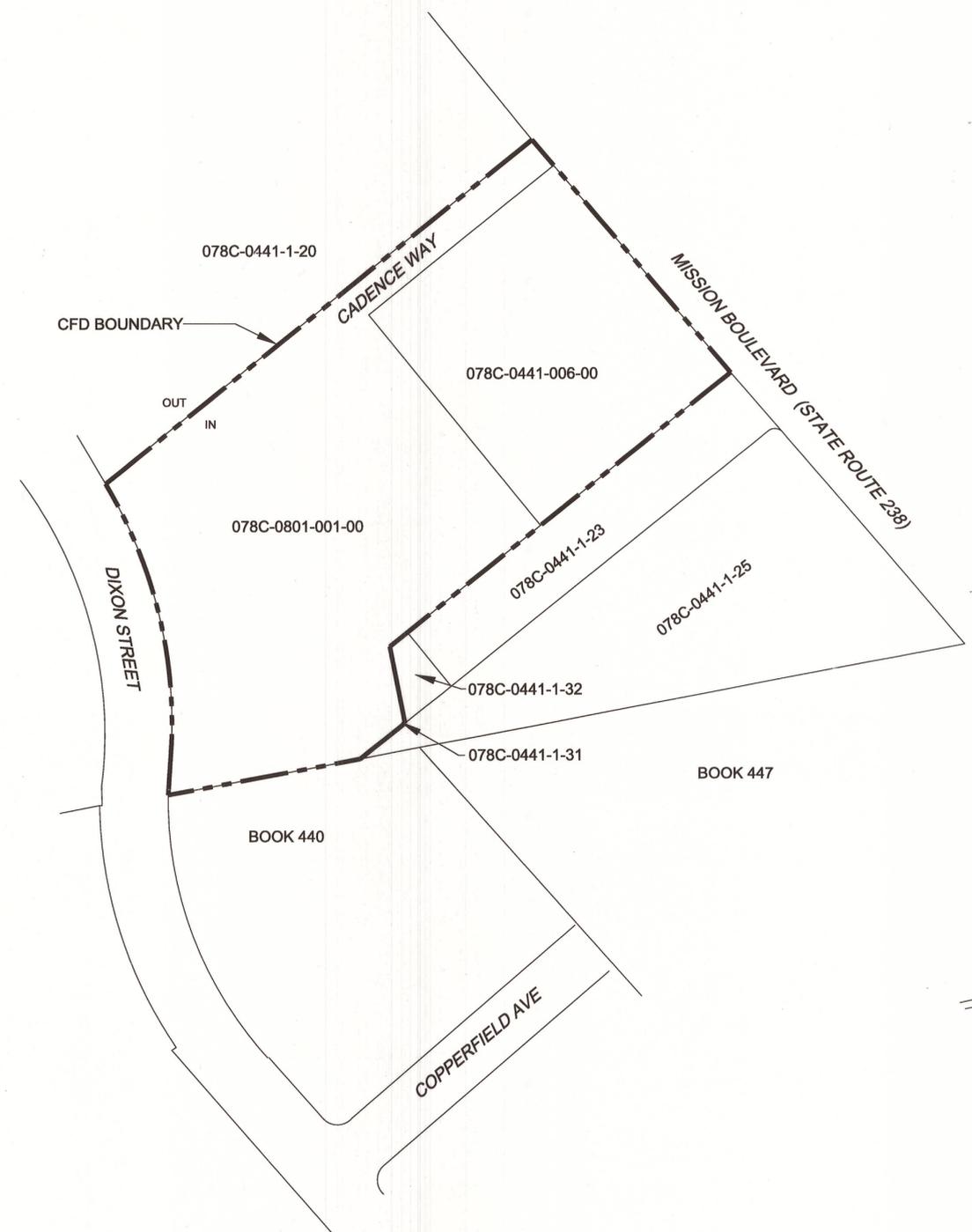
**City of Hayward
Community Facilities District No. 3
(South Hayward BART TOD Project)**

BOUNDARY MAP

Reference is hereby made to the map recorded in the Alameda County Recorder's Office on April 29, 2015, at 2:12 p.m., in the Book of Maps of Assessment and Community Facilities Districts at Page 60 as Document No. 2015113093, on file in the office of the City Clerk for a description of the boundaries of the CFD.

GP-557 1051

PROPOSED BOUNDARIES OF
CITY OF HAYWARD
COMMUNITY FACILITIES DISTRICT NO. 3
 (SOUTH HAYWARD BART TOD PROJECT)
 Alameda County, State of California



1. Filed in the office of the City Clerk of the City of Hayward this 21st day of April, 2015.

William Pears
 City Clerk
 City of Hayward

2. I hereby certify that the within map showing proposed boundaries of City of Hayward, Community Facilities District No. 3 (South Hayward BART TOD Project), County of Alameda, State of California, was approved by the City Council of the City of Hayward, at a meeting thereof, held on the 21st day of April, 2015, by its Resolution No. 15-059

William Pears
 City Clerk
 City of Hayward

3. Filed this 29 day of April, 2015, at the hour of 2:12 o'clock P.m. in Book 18 of Maps of Assessment and Community Facilities Districts at Page 60 in the Office of the County Recorder in the County of Alameda, State of California.

T. Dan
 County Recorder
 County of Alameda

Instrument # 2015113093
 Fee: 9.00

CONFIRMED COPY TO BE FILED
 FILE FOR OPEN COMPUTED ORIGINAL

LEGEND

- 078C-0801-001-00 ASSESSOR'S BOOK, PAGE, & NUMBER
- COMMUNITY FACILITIES DISTRICT BOUNDARY

Scale 1"=100'

EXHIBIT C

**City of Hayward
Community Facilities District No. 3
(South Hayward BART TOD Project)**

Cost Estimate

Expenditures		Revenues from Available Sources	
Development Mix:		Average Development Value (Assessed):	
Unit Type	Unit Count	Unit Type	Avg. Price/Value
SFD	0	SFD	\$0
SFA	0	SFA	\$0
MF	357	MF	\$197,487
Population Growth:		Single Family Detached Revenues per Unit:	
SFD	0	Source	Amount
SFA	0	Property Tax	\$0.00
MF	893	Sales Tax	\$0.00
Total	893	Utility Users Taxes	\$0.00
Historical Service Population per FTE:		Fines and Forfeitures	
Police	551.70	Total Units:	\$0.00
Fire	1,257.60	Single Family Attached Revenues per Unit:	
Additional Police FTE:		Source	Amount
SFD	0.00	Property Tax	\$0.00
SFA	0.00	Sales Tax	\$0.00
MF	1.62	Utility Users Taxes	\$0.00
Total	1.62	Fines and Forfeitures	\$0.00
Additional Fire FTE:		Total Units:	\$0.00
SFD	0.00	Multi-Family Revenues per Unit:	
SFA	0.00	Source	Amount
MF	0.71	Property Tax	\$225.51
Total	0.71	Sales Tax	\$131.42
Cost per FTE:		Utility Users Taxes	\$159.61
Police	\$178,488.81	Fines and Forfeitures	\$25.95
Fire	\$194,394.67	Total Units:	\$542.49
Cost per Unit Type:		Revenue per Unit Type:	
SFD	\$0.00	SFD	\$0.00
SFA	\$0.00	SFA	\$0.00
MF	\$1,195.26	MF	\$542.49

Deficit⁽¹⁾

South Hayward BART TOD Project	
Unit Type	Amount
SFD	\$0.00
SFA	\$0.00
MF	\$652.77

Per Unit Special Tax

South Hayward BART TOD Project	
Unit Type	Special Tax
SFD	\$0.00
SFA	\$0.00
MF	\$484.00

(1) Deficit equals Revenues from Available Sources less Expenditures.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION OF FORMATION OF COMMUNITY
FACILITIES DISTRICT

RESOLVED, by the City Council (the "Council") of the City of Hayward (the "City"), County of Alameda (the "County"), and State of California that:

WHEREAS, this Council, on April 21, 2015, adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), stating its intention to form "City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project)" (the "CFD") pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act");

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the services to be provided and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the services, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein;

WHEREAS, on this date, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD;

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the services to be provided therein and the levy of such special tax were heard and a full and fair hearing was held;

WHEREAS, at the hearing evidence was presented to this Council on such matters before it, including a special report (the "Report") as to the services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises;

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by 50% or more of the registered voters residing within the territory of the CFD or property owners of one-half or more of the area of land within the CFD and not exempt from the proposed special taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD THAT:

SECTION 1. Recitals Correct. The foregoing recitals are true and correct.

SECTION 2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to section 53324 of the Act.

SECTION 3. Prior Proceedings Valid. All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Act.

SECTION 4. Name of CFD. The community facilities district designated "City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project)" of the City is hereby established pursuant to the Act.

SECTION 5. Boundaries of CFD. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Alameda County Recorder's Office on April 29, 2015, at 2:12 p.m., in the Book of Maps of Assessment and Community Facilities Districts at Page 60 as Document No. 2015113093, are hereby approved, are incorporated herein by reference and shall be the boundaries of the CFD.

SECTION 6. Description of Services. The type of public services proposed to be financed by the CFD and pursuant to the Act shall consist of those items shown in Exhibit A hereto and by this reference incorporated herein (the "Services").

SECTION 7. Special Tax.

a. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property in the CFD, is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as may be prescribed by this Council.

b. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are shown in Exhibit B attached hereto and hereby incorporated herein.

SECTION 8. Increased Demands. It is hereby found and determined that the Services are necessary to meet increased demands placed upon local agencies, including the City, as the result of development occurring in the CFD. The Services are in addition to those provided in the territory of the CFD as of the date hereof and will not supplant services already available within the territory of the CFD as of the date hereof.

SECTION 9. Responsible Official. The City Manager of the City of Hayward (or a designee of the City Manager), City Hall, 777 B Street, Hayward, CA 94541, telephone number (510) 583-4302, is the officer of the City who will be responsible for preparing annually a current roll of the levy of the Special Tax obligations by assessor's parcel number and who will be responsible for estimating future levies of the Special Tax.

SECTION 10. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the Special Tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the Special Tax by the City ceases.

SECTION 11. Appropriations Limit. In accordance with the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$1,000,000 and such appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing such annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act and the Constitution.

SECTION 12. Election. Pursuant to the provisions of the Act, the proposition of the levy of the Special Tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

SECTION 13. Effective Date. This resolution shall take effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA MAY 26, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 NOES: COUNCIL MEMBERS:
 ABSTAIN: COUNCIL MEMBERS:
 ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 Deputy City Clerk of the City of Hayward

APPROVED AS TO FORM:

 City Attorney of the City of Hayward

EXHIBIT A

CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

- (a) Police protection services.
- (b) Fire protection and suppression services, and ambulance and paramedic services.

EXHIBIT B

CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Residential Property, as described below. All Residential Property in the CFD, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Accessory Unit” means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means the following actual or reasonably estimated costs directly related to the administration of the CFD: the costs of computing Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting Special Taxes (whether by the City or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Tax; the costs of the City, CFD No. 3, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 3 for any other administrative purposes of the CFD.

“Administrator” means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of Special Taxes.

“Affordable Developer” means Eden Housing Corporation, a California nonprofit public benefit corporation and its successors and assigns, as party to the Owner Participation Agreement.

“Affordable Unit” means a Dwelling Unit within the CFD that is part of an Affordable Development, as defined in the Owner Participation Agreement.

“Affordable Property” means, in any Fiscal Year, all Parcels: (i) for which a certificate of occupancy was issued by the City on or prior to June 1 of the preceding Fiscal Year for one or more Affordable Units, and (ii) on which there are no Market-Rate Units.

“Assessor’s Parcel” or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.

“Assessor’s Parcel Number” or **“APN”** means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the Council when the CFD was formed.

“Base Affordable Maximum Special Tax” means, for each Fiscal Year, the Special Tax determined in accordance with Section C.1.a.

“Calculated Affordable Maximum Special Tax” means, for each Fiscal Year, the Special Tax determined in accordance with Section C.1.b.

“CFD” or **“CFD No. 3”** means the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project).

“City” means the City of Hayward.

“Council” means the City Council of the City, acting as the legislative body of CFD No. 3.

“County” means the County of Alameda.

“Dwelling Unit” means an individual single-family detached unit, an individual residential unit within a duplex, halfplex, triplex, fourplex, townhome, live/work or condominium structure, or an individual mobile home or apartment unit. An Accessory Unit shall not be considered a separate Dwelling Unit for calculation of the Maximum Special Tax for the Parcel.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Housing Authority Loan Documents” means the Housing Authority Loan Agreement and the Loans Regulatory Agreement, as defined in the Owner Participation Agreement, together with the deeds of trust, the promissory note, a notice of affordability restrictions, and any other document or agreement evidencing a loan to the Affordable Developer.

“Market-Rate Unit” means a Dwelling Unit within CFD No. 3 that is not an Affordable Unit.

“Market-Rate Property” means, in any Fiscal Year, all Parcels: (i) for which certificates of occupancy were issued by the City on or prior to June 1 of the preceding Fiscal Year for one or more Market-Rate Units, and (ii) on which there are no Affordable Units.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Mixed-Unit Property” means, in any Fiscal Year, all Parcels for which certificates of occupancy were issued by the City on or prior to June 1 of the preceding Fiscal Year for one or more Affordable Units and one or more Market-Rate Units.

“Owner Participation Agreement” means the agreement by that name, between the City and Eden Housing, Inc., Wittek Development, LLC, Montana Property Group, LLC, and Big Sky Holdings, LLC, including subsequent amendments approved by the City, as originally dated June 19, 2012 and as updated from time to time.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Residential Property.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of the CFD that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Property” means, collectively, Affordable Property, Market-Rate Property, and Mixed-Unit Property.

“Residual Receipt Amount” means, for each Fiscal Year, the amount of Residual Receipts, as defined in the Housing Authority Loan Document, that the City determines the Affordable Developer is permitted to retain under the Housing Authority Loan Documents.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“Special Tax” means a special tax levied pursuant to the Act in any Fiscal Year to pay the Special Tax Requirement.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in the prior Fiscal Year.

B. DATA COLLECTION FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Residential Property within the CFD. The Administrator shall also determine: (i) the number of Affordable Units and/or Market-Rate Units on each Parcel of Residential Property; (ii) the Residual Receipt Amount, and (iii) the Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that (i) a final map or parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the final map or parcel map was recorded, the Assessor does not yet recognize the new parcels created by the final map or parcel map, and (iii) one or more of the

newly-created parcels meets the definition of Residential Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the final map or parcel map by determining the Special Tax that applies separately to each newly-created parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the final map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Affordable Property

For each Fiscal Year, the Maximum Special Tax for Affordable Property shall be the lesser of (i) the Base Affordable Maximum Special Tax; or (ii) the Calculated Affordable Maximum Special Tax.

a. Base Affordable Maximum Special Tax

The Base Affordable Maximum Special Tax for Parcels of Affordable Property shall be \$484 per Affordable Unit for Fiscal Year 2015-16. Beginning in Fiscal Year 2016-17 and each Fiscal Year thereafter in which the Residual Receipt Amount exceeds \$0, the Base Affordable Maximum Special Tax for the prior Fiscal Year shall be increased by a percentage equal to the lesser of (i) the increase, if any, from the prior Fiscal Year in the Consumer Price Index (CPI) for All Urban Consumers published by the U.S. Bureau of Labor Statistics for the San Francisco-Oakland-San Jose Area, or any successor thereof; or (ii) two percent (2%). The CPI used shall be determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2015 to April 2016.

If the Residual Receipt Amount is \$0 in any Fiscal Year, the Base Affordable Maximum Special Tax for the then-current Fiscal Year shall equal the Base Affordable Maximum Special Tax for the prior Fiscal Year.

b. Calculated Affordable Maximum Special Tax

For each Fiscal Year, the Calculated Affordable Maximum Special Tax for each Affordable Unit in the CFD shall be determined by (i) multiplying the Residual Receipt Amount for the Fiscal Year by 50%, and (ii) dividing by the total number of Affordable Units on all Parcels of Residential Property in the CFD.

2. Market-Rate Property

The Maximum Special Tax for Parcels of Market-Rate Property shall be \$484 per Market-Rate Unit for Fiscal Year 2015-16. Beginning in Fiscal Year 2016-17 and each Fiscal Year thereafter, the Maximum Special Tax per Market-Rate Unit for the prior Fiscal Year shall be increased by a percentage equal to the lesser of (i) the increase, if any, from the prior Fiscal Year in the Consumer Price Index (CPI) for All Urban Consumers published by the U.S. Bureau of Labor Statistics for the San Francisco-Oakland-San Jose Area, or any successor thereof; or (ii) two percent (2%). The CPI used shall be determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2015 to April 2016.

3. *Mixed-Unit Property*

For each Fiscal Year, the Maximum Special Tax for Parcels of Mixed-Unit Property shall be the sum of the Maximum Special Taxes determined for each Affordable Unit on the Parcel by application of Section C.1 and the Maximum Special Taxes determined for each Market Rate Unit by application of Section C.2.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Special Tax shall be levied Proportionately on each Parcel of Residential Property in the CFD up to 100% of the Maximum Special Tax determined pursuant to Section C above until the total amount levied is equal to the Special Tax Requirement for the Fiscal Year.

The Special Tax for the CFD shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD.

E. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels within the CFD that are not Residential Property. Furthermore, no Special Tax shall be levied on Public Property, except as otherwise provided in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes or the definition of Residential Property. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. APPEAL OF SPECIAL TAX LEVY

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the Administrator not later than one calendar year after having paid the Special Tax that is disputed. The Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the property owner disagrees with the Administrator's decision relative to the appeal, the owner may then file a written appeal with the Council whose subsequent decision shall be binding. If the decision of the Administrator (if the appeal is not filed with the Council) or the Council (if the appeal is filed with the Council) requires the Special Tax to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Tax levies, but an adjustment shall be made to the next Special Tax levy(ies). This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any legal action by such owner.

H. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as needed to pay the Special Tax Requirement.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION CALLING SPECIAL LANDOWNER
ELECTION FOR COMMUNITY FACILITIES DISTRICT

RESOLVED by the City Council (the "Council") of the City of Hayward (the "City"), County of Alameda, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the "City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project)" (the "CFD"), defining the public services (the "Services") to be provided by the CFD, authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD as required by the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD THAT:

SECTION 1. Issues Submitted. Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

SECTION 2. Qualified Electors. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the ninety (90) days preceding the close of the public hearings heretofore conducted and concluded by this Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that, for these proceedings, the qualified electors are the landowners within the CFD and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the CFD as of the close of the public hearing not exempt from the special tax.

SECTION 3. Conduct of Election. This Council hereby calls a special election to consider the issues described in section 1 above, which election shall be held on May 19, 2015, and the results thereof canvassed at the meeting of this Council on May 19, 2015. The City Clerk is hereby designated as the official to conduct the election and to receive all ballots until the close of business on the election date. It is hereby acknowledged that the Clerk has on file the Resolution of Formation, a map of the boundaries of the CFD, and a sufficient description to allow the Clerk to determine the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by messenger or mail-delivered ballot pursuant to

Section 4000 of the California Elections Code, except that Sections 53326 and 53327 of the Act shall govern for purposes of determining the date of the election.

SECTION 4. Ballot. As authorized by Section 53353.5 of the Act, the issues described in section 1 above shall be combined into a single ballot measure, the form of which as attached hereto as Exhibit "A" is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, have the return postage prepaid, and contain the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot.

SECTION 5. Waivers. This Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the CFD. There is on file with the Clerk a written waiver executed by all of the qualified electors of the CFD allowing for a shortening of the time for the special election to expedite the process of formation of the CFD and waiving any requirement for notice, analysis and arguments in connection with the election. Accordingly, this Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. This Council also finds and determines that the City Clerk has concurred in the shortened time for the election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

SECTION 6. Accountability. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the provision of the Services and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific single purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual report if required by Section 50075.3 of the Government Code.

SECTION 7. Effective Date. This Resolution shall take effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA MAY 26, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
Deputy City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)

OFFICIAL BALLOT
SPECIAL TAX ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Hayward no later than the hour of 7:00 p.m. on Tuesday, May 19, 2015, either by mail or in person. The City Clerk's office is located at 777 B Street, Hayward, California.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Hayward and obtain another.

BALLOT MEASURE: Shall the City of Hayward be authorized to annually levy a special tax solely on lands within the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) (the "CFD") in accordance with the rate and method contained in the Resolution of Formation of the CFD adopted by the City Council of the City on May 19, 2015, commencing in the City's fiscal year 2015-16, to pay for the municipal services described in the Resolution of Formation and to pay the costs of the City in administering the CFD, and shall the annual appropriations limit of the CFD be established in the amount of \$_____?

YES: _____

NO: _____

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Number of acres: _____

Number of Votes: _____

Property Owner: [AMCAL Hayward LLC]
[Eden South Hayward, L.P.]

Authorized Representative

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION DECLARING RESULTS OF SPECIAL
LANDOWNER ELECTION AND DIRECTING RECORDING OF
NOTICE OF SPECIAL TAX LIEN

RESOLVED by the City Council (the "Council") of the City of Hayward (the "City"), County of Alameda, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the "City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project)" (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the provisions of the Resolution of Formation and pursuant to a resolution entitled "Resolution Calling Special Landowner Election for Community Facilities District" (the "Election Resolution") heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the provisions of the Act.

WHEREAS, pursuant to the terms of the Election Resolution, which are by this reference incorporated herein, the special election has been held and the City Clerk has on file a Canvass and Statement of Results of Election, (the "Canvass") a copy of which is attached hereto as Exhibit A; and

WHEREAS, this Council has been informed of the Canvass, finds it appropriate and wishes to complete its proceedings for the CFD.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD THAT:

SECTION 1. Recitals. The foregoing recitals are all true and correct.

SECTION 2. Issues Presented. The issues presented at the special election were the levy of a special tax within the CFD and the approval of an annual appropriations limit of not to exceed \$1,000,000, all pursuant to the Resolution of Formation.

SECTION 3. Canvass and Issues Approved. The Council hereby approves the Canvass and finds that it shall be a permanent part of the record of its proceedings for the CFD. Pursuant to the Canvass, the issues presented at the special election were approved by the qualified electors of the CFD by more than two-thirds of the votes cast at the special election.

SECTION 4. Proceedings Approved. Pursuant to the voter approval, the CFD is hereby declared to be fully formed with the authority to levy the special taxes and to have the established appropriations limit, all as heretofore provided in these proceedings and in the Act. It is hereby found that all prior proceedings and actions taken by this Council with respect to the CFD were valid and in conformity with the Act.

SECTION 5. Notice of Tax Lien. The City Clerk is hereby directed to complete, execute and cause to be recorded in the office of the County Recorder of the County of Alameda a notice of special tax lien in the form required by the Act, such recording to occur no later than fifteen (15) days following adoption of this resolution by the Council

SECTION 6. Effective Date. This Resolution shall take effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA MAY 26, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
Deputy City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

CANVASS AND STATEMENT OF RESULT OF ELECTION

CITY OF HAYWARD
 Community Facilities District No. 3
 (South Hayward BART TOD Project)

I hereby certify that on May 26, 2015, I canvassed the returns of the election held on May 19, 2015, in the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) and the total number of ballots cast in such District and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Qualified Landowner <u> Votes </u>	Votes <u> Cast </u>	<u> YES </u>	<u> NO </u>
City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) Special Tax Election, May 26, 2015.	_____	_____	_____	_____

BALLOT MEASURE: Shall the City of Hayward be authorized to annually levy a special tax solely on lands within the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) (the "CFD") in accordance with the rate and method contained in the Resolution of Formation of the CFD adopted by the City Council of the City on May 26, 2015, commencing in the City's fiscal year 2015-16, to pay for the municipal services described in the Resolution of Formation and to pay the costs of the City in administering the CFD, and shall the annual appropriations limit of the CFD be established in the amount of \$1,000,000?

YES: _____

NO: _____

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND on May 26, 2015.

By: _____
 City Clerk
 City of Hayward

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

City Clerk
City of Hayward
777 B Street
Hayward, California 94541

NOTICE OF SPECIAL TAX LIEN

**CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)**

Pursuant to the requirements of Section 3114.5 of the Streets and Highways Code of California and Section 53328.3 of the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), the undersigned City Clerk of the City of Hayward, County of Alameda, State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the City Council of the City of Hayward, County of Alameda. The special tax secured by this lien is authorized to be levied for the purpose of providing all or a portion of the public services described on Exhibit A attached hereto and hereby made a part hereof.

The special tax is authorized to be levied within "City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project)" (the "CFD") that has now been officially formed and the lien of the special tax is a continuing lien that shall secure each annual levy of the special tax and that shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied, and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with section 53330.5 of the Government Code.

The rate, method of apportionment, and manner of collection of the authorized special tax is as set forth in Exhibit B attached hereto and hereby made a part hereof. Conditions under which the obligation to pay the special tax may be prepaid and permanently satisfied and the lien of the special tax canceled are: None.

Notice is further given that upon the recording of this notice in the office of the County Recorder of the County of Alameda, the obligation to pay the special tax levy shall become a

lien upon all nonexempt real property within the CFD in accordance with Section 3115.5 of the Streets and Highways Code of California.

The names of the owners and the assessor's tax parcel numbers of the real property included within the area of the CFD and not exempt from the special tax are as set forth in Exhibit C attached hereto and hereby made a part hereof.

Reference is made to the boundary map of the CFD recorded on April 29, 2015, at 2:12 p.m., in the Book of Maps of Assessment and Community Facilities Districts at Page 60 as Document No. 2015113093, in the office of the County Recorder for the County of Alameda, State of California, which map is now the final boundary map of the CFD.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the City Manager of the City of Hayward, 777 B Street, Hayward, California 94541; telephone number (510) 583-4302.

Dated: As of May 26, 2015

By: _____
City Clerk,
City of Hayward

EXHIBIT A

**CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)**

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

- (a) Police protection services.
- (b) Fire protection and suppression services, and ambulance and paramedic services.

EXHIBIT B

**CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Residential Property, as described below. All Residential Property in the CFD, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Accessory Unit” means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means the following actual or reasonably estimated costs directly related to the administration of the CFD: the costs of computing Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting Special Taxes (whether by the City or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Tax; the costs of the City, CFD No. 3, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 3 for any other administrative purposes of the CFD.

“Administrator” means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of Special Taxes.

“Affordable Developer” means Eden Housing Corporation, a California nonprofit public benefit corporation and its successors and assigns, as party to the Owner Participation Agreement.

“Affordable Unit” means a Dwelling Unit within the CFD that is part of an Affordable Development, as defined in the Owner Participation Agreement.

“Affordable Property” means, in any Fiscal Year, all Parcels: (i) for which a certificate of occupancy was issued by the City on or prior to June 1 of the preceding Fiscal Year for one or more Affordable Units, and (ii) on which there are no Market-Rate Units.

“Assessor’s Parcel” or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.

“Assessor’s Parcel Number” or **“APN”** means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the Council when the CFD was formed.

“Base Affordable Maximum Special Tax” means, for each Fiscal Year, the Special Tax determined in accordance with Section C.1.a.

“Calculated Affordable Maximum Special Tax” means, for each Fiscal Year, the Special Tax determined in accordance with Section C.1.b.

“CFD” or **“CFD No. 3”** means the City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project).

“City” means the City of Hayward.

“Council” means the City Council of the City, acting as the legislative body of CFD No. 3.

“County” means the County of Alameda.

“Dwelling Unit” means an individual single-family detached unit, an individual residential unit within a duplex, halfplex, triplex, fourplex, townhome, live/work or condominium structure, or an individual mobile home or apartment unit. An Accessory Unit shall not be considered a separate Dwelling Unit for calculation of the Maximum Special Tax for the Parcel.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Housing Authority Loan Documents” means the Housing Authority Loan Agreement and the Loans Regulatory Agreement, as defined in the Owner Participation Agreement, together with the deeds of trust, the promissory note, a notice of affordability restrictions, and any other document or agreement evidencing a loan to the Affordable Developer.

“Market-Rate Unit” means a Dwelling Unit within CFD No. 3 that is not an Affordable Unit.

“Market-Rate Property” means, in any Fiscal Year, all Parcels: (i) for which certificates of occupancy were issued by the City on or prior to June 1 of the preceding Fiscal Year for one or more Market-Rate Units, and (ii) on which there are no Affordable Units.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Mixed-Unit Property” means, in any Fiscal Year, all Parcels for which certificates of occupancy were issued by the City on or prior to June 1 of the preceding Fiscal Year for one or more Affordable Units and one or more Market-Rate Units.

“Owner Participation Agreement” means the agreement by that name, between the City and Eden Housing, Inc., Wittek Development, LLC, Montana Property Group, LLC, and Big Sky Holdings, LLC, including subsequent amendments approved by the City, as originally dated June 19, 2012 and as updated from time to time.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Residential Property.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of the CFD that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Property” means, collectively, Affordable Property, Market-Rate Property, and Mixed-Unit Property.

“Residual Receipt Amount” means, for each Fiscal Year, the amount of Residual Receipts, as defined in the Housing Authority Loan Document, that the City determines the Affordable Developer is permitted to retain under the Housing Authority Loan Documents.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“Special Tax” means a special tax levied pursuant to the Act in any Fiscal Year to pay the Special Tax Requirement.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in the prior Fiscal Year.

B. DATA COLLECTION FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Residential Property within the CFD. The Administrator shall also determine: (i) the number of Affordable Units and/or Market-Rate Units on each Parcel of Residential Property; (ii) the Residual Receipt Amount, and (iii) the Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that (i) a final map or parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the final map or parcel map was recorded, the Assessor does not yet recognize the new parcels created by the final map or parcel map, and (iii) one or more of the

newly-created parcels meets the definition of Residential Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the final map or parcel map by determining the Special Tax that applies separately to each newly-created parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the final map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Affordable Property

For each Fiscal Year, the Maximum Special Tax for Affordable Property shall be the lesser of (i) the Base Affordable Maximum Special Tax; or (ii) the Calculated Affordable Maximum Special Tax.

a. Base Affordable Maximum Special Tax

The Base Affordable Maximum Special Tax for Parcels of Affordable Property shall be \$484 per Affordable Unit for Fiscal Year 2015-16. Beginning in Fiscal Year 2016-17 and each Fiscal Year thereafter in which the Residual Receipt Amount exceeds \$0, the Base Affordable Maximum Special Tax for the prior Fiscal Year shall be increased by a percentage equal to the lesser of (i) the increase, if any, from the prior Fiscal Year in the Consumer Price Index (CPI) for All Urban Consumers published by the U.S. Bureau of Labor Statistics for the San Francisco-Oakland-San Jose Area, or any successor thereof; or (ii) two percent (2%). The CPI used shall be determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2015 to April 2016.

If the Residual Receipt Amount is \$0 in any Fiscal Year, the Base Affordable Maximum Special Tax for the then-current Fiscal Year shall equal the Base Affordable Maximum Special Tax for the prior Fiscal Year.

b. Calculated Affordable Maximum Special Tax

For each Fiscal Year, the Calculated Affordable Maximum Special Tax for each Affordable Unit in the CFD shall be determined by (i) multiplying the Residual Receipt Amount for the Fiscal Year by 50%, and (ii) dividing by the total number of Affordable Units on all Parcels of Residential Property in the CFD.

2. Market-Rate Property

The Maximum Special Tax for Parcels of Market-Rate Property shall be \$484 per Market-Rate Unit for Fiscal Year 2015-16. Beginning in Fiscal Year 2016-17 and each Fiscal Year thereafter, the Maximum Special Tax per Market-Rate Unit for the prior Fiscal Year shall be increased by a percentage equal to the lesser of (i) the increase, if any, from the prior Fiscal Year in the Consumer Price Index (CPI) for All Urban Consumers published by the U.S. Bureau of Labor Statistics for the San Francisco-Oakland-San Jose Area, or any successor thereof; or (ii) two percent (2%). The CPI used shall be determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2015 to April 2016.

3. *Mixed-Unit Property*

For each Fiscal Year, the Maximum Special Tax for Parcels of Mixed-Unit Property shall be the sum of the Maximum Special Taxes determined for each Affordable Unit on the Parcel by application of Section C.1 and the Maximum Special Taxes determined for each Market Rate Unit by application of Section C.2.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Special Tax shall be levied Proportionately on each Parcel of Residential Property in the CFD up to 100% of the Maximum Special Tax determined pursuant to Section C above until the total amount levied is equal to the Special Tax Requirement for the Fiscal Year.

The Special Tax for the CFD shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD.

E. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels within the CFD that are not Residential Property. Furthermore, no Special Tax shall be levied on Public Property, except as otherwise provided in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes or the definition of Residential Property. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. APPEAL OF SPECIAL TAX LEVY

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the Administrator not later than one calendar year after having paid the Special Tax that is disputed. The Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the property owner disagrees with the Administrator's decision relative to the appeal, the owner may then file a written appeal with the Council whose subsequent decision shall be binding. If the decision of the Administrator (if the appeal is not filed with the Council) or the Council (if the appeal is filed with the Council) requires the Special Tax to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Tax levies, but an adjustment shall be made to the next Special Tax levy(ies). This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any legal action by such owner.

H. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as needed to pay the Special Tax Requirement.

EXHIBIT C

**CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)**

**ASSESSOR'S PARCEL NUMBERS
AND OWNERS OF LAND WITHIN COMMUNITY FACILITIES DISTRICT**

<u>Assessor's Parcel No.</u>	<u>Name of Property Owner</u>
078C-0441-001-24 (Portion)	Amcal Hayward LLC
078C-0441-001-28 (Portion)	Amcal Hayward LLC
078C-0441-007	Amcal Hayward LLC
078C-0801-001	Amcal Hayward LLC
078C-0441-006	Eden South Hayward, L.P.

CITY OF HAYWARD

Ordinance No. _____

Introduced by Council Member _____

ORDINANCE OF THE CITY OF HAYWARD LEVYING SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT

**CITY OF HAYWARD
Community Facilities District No. 3
(South Hayward BART TOD Project)**

WHEREAS, the City Council (the "Council") of the City of Hayward (the "City") hereby finds and declares that:

1) On April 21, 2015, this Council adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish "City of Hayward Community Facilities District No. 3 (South Hayward BART TOD Project)" (the "CFD") pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to finance certain municipal services (the "Services) as provided in the Act;

2) Pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held;

3) Upon the conclusion of the hearing, this Council adopted its "Resolution of Formation of Community Facilities District" (the "Resolution of Formation), pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively; and

4) On May 26, 2015, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

Section 1. By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation which rate

and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings and all costs of administering the CFD.

Section 2. The City's Finance Manager or designee, or an employee or consultant of the City, is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in the manner and as provided in the Resolution of Formation.

Section 3. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the CFD in excess of the maximum Special Tax specified in the Resolution of Formation.

Section 4. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

Section 5. The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. The Finance Manager of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Alameda in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the County of Alameda for fiscal year 2015-16 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

Section 6. If for any reason any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

Section 7. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

Section 8. This Ordinance shall take effect 30 days from the date of final passage.

IN COUNCIL, HAYWARD, CALIFORNIA, MAY 26, 2015

INTRODUCED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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



CITY OF
HAYWARD
HEART OF THE BAY

8

DATE: May 26, 2015

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation
Director of Library and Community Services

SUBJECT: 21st Century Library and Community Learning Center and Heritage Plaza
Arboretum Construction Project: Approval of Plans and Specifications and Call
for Bids

RECOMMENDATION

That Council adopts the attached resolutions (Attachments I, II and III):

1. Approving the plans and specifications for the 21st Century Library and Heritage Plaza/Arboretum project and calling for bids to be received on June 30, 2015;
2. Summarily vacating a portion of C Street; and
3. Amending the agreement with Noll + Tam for an increase of \$2,000,000 to cover additional design, right-of-way and construction support services.

BACKGROUND

I. Relevant Project Data and Background Documents

This project has been many years in development. The need for a new library facility in Hayward was identified by City leaders as early as 1998. Preliminary design work began with the selection of project architectural firm Noll + Tam in 2007. Since design work began, the project has proceeded through several phases up to and including the completion of the design development phase.

For Council's convenience, quick links to previously presented project data, background information, and relevant documents – over 2,000 pages of material spanning several years and involving many thousands of hours of effort and community involvement – are provided in the list below:

2008: [Community Needs Analysis for a New Hayward Library](#)
(Page+Moris, 2008; 83 pages. <http://bit.ly/Community-needs-analysis>)

- 2008: [Site Recommendation – Library Commission](#)
(COH, 11/17/2008; 7 pages. <http://bit.ly/Lib-commission-11-17-2008>)
- 2010: [Building Program – Hayward Library and Community Learning Center](#)
(Page+Moris, 2010; 140 pages. <http://bit.ly/Building-program>)
- 2010: [Preliminary Design Concepts for a New Library and Plaza – Presentation](#)
(Noll+Tam Architects/COH, 11/09/2010; 94 pages. <http://bit.ly/Prelim-design-presentation>)
- 2010: [Preliminary Design Options for a New Library and Plaza – Staff Report](#)
(COH, 11/09/2010; 12 pages. <http://bit.ly/Prelim-design-report>)
- 2011: [Bond Measure Feasibility Survey](#)
(Godbe Research, 2011; 386 pages. <http://bit.ly/Bond-feasibility-survey>)
- 2012: [Data – Bay Area Library Rankings by Size](#)
(California State Library, 2012; 1 page. <http://bit.ly/Library-size-per-capita>)
- 2013: [Design Visualizations of a 21st Century Library and Plaza - Presentation](#)
(Noll+Tam Architects/COH, 07/16/2013; 37 pages. <http://bit.ly/design-visualizations>)
- 2013: [Design Visualizations of a 21st Century Library and Plaza – Staff Report](#)
(COH, 07/16/2013; 12 pages. <http://bit.ly/design-viz-report>)
- 2013: [Facilities Measure Feasibility Survey](#)
(Godbe Research, 12/17/2013; 17 pages. http://bit.ly/polling-results_2013)
- 2014: [Resolution Placing a Revenue Measure on the June Ballot - Presentation](#)
(COH, 03/04/2014; 13 pages. <http://bit.ly/measure-c-presentation>)
- 2014: [Resolution Placing a Revenue Measure on the June Ballot – Staff Report](#)
(COH, 03/04/2014; 22 pages. <http://bit.ly/measure-c-report>)
- 2014: [21st Century Library and Heritage Plaza/Arboretum – Staff Report](#)
(COH, 06/24/2014; 3 pages. http://bit.ly/2014-design_report)
- 2014: [21st Century Library and Heritage Plaza/Arboretum – Presentation](#)
(Noll+Tam Architects/COH, 06/24/2014; 76 pages. http://bit.ly/2014-design_presentation)
- 2014: [21st Century Library and Heritage Plaza/Arboretum – Staff Report](#)
(COH, 11/18/2014; 3 pages. <http://bit.ly/final-design-report>)
- 2014: [21st Century Library and Heritage Plaza/Arboretum – Presentation](#)
(Noll+Tam Architects/COH, 11/18/2014; 76 pages. <http://bit.ly/final-design-presentation>)

2015: [Mitigated Negative Declaration: Initial Study](#)
(Placemakers/COH, 03/2015; 86 pages. <http://bit.ly/mitigated-negative-declaration>)

2015: [Mitigated Negative Declaration: Appendices](#)
Placemakers/COH, 03/2015; 1,355 pages. <http://bit.ly/mit-neg-dec-appendices>)

II. Community Engagement Timeline

The community engagement activities undertaken for the 21st Century Library project were comprehensive and exhaustive. This project is the result of extensive public input work spanning eight continuous years of outreach and effort and involving thousands of Hayward residents and stakeholders.

The community input work began in earnest in 2007 and continued through 2015. It involved dozens of community focus groups; community visioning workshops; multiple field surveys; a comprehensive community needs analysis; a dynamic and interactive project website; and dozens of public/civic meetings including seven City Council sessions, twenty-four Library Commission sessions, multiple Budget and Finance Committee discussions, and sessions with the Planning Commission, Council Sustainability Committee, and Hayward Youth Commission, among others. All of the input received throughout this exhaustive process was integrated into the design team's considerations and substantively informed the final design of the 21st Century Library and Community Center and Heritage Plaza Arboretum project.

A summary of the community engagement and surveys undertaken for the project going back to 2007 can be found on the project website: www.haywardlibrary.org/tagged/data. What follows is a summary timeline of the key community engagement activities undertaken for this project:

- 2007: Extensive community surveys, interviews, and focus groups are convened to inform a comprehensive community needs assessment, involving over 1,800 participants.
- 2008: The *Community Needs Analysis for the Future Hayward Library* report is presented to Council and made available to the public in the Library and on the City website.
- 2008: The Library Commission holds several public meetings to discuss the draft building program; review and discuss building site alternatives; and recommend a building site to Council.
- 2010: Community stakeholder focus groups are convened to discuss and develop preliminary building design options and "open space" plaza/arboretum design concept.
- 2010: The *Hayward Library & Community Learning Center Building Program* – containing detailed space allocations and adjacencies for the new facility – is published and made available to the public in the Library on the City's website.
- 2010: Library Commission public meetings to review and discuss preliminary building design options and plaza/arboretum open space concept for recommendation to Council.

- 2010: City Council and Library Commission jointly convene in public work session to review preliminary building design options and plaza open space concept.
- 2011: Calpine Corporation donates \$10,000,000 to the City of Hayward to help fund the 21st Century Library & Community Learning Center project.
- 2011: Bond Measure Feasibility Survey conducted to assess Hayward voter support for a potential facility bond measure to address an array of critical public facility needs including the library and plaza/arboretum project.
- 2013: Council Budget & Finance Committee convenes to review and discuss financing mechanisms for the City's critical facility needs including the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum.
- 2013: City Council convenes in work session to review new design visualizations of the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum.
- 2014: Extensive community surveying and outreach is conducted in late 2013 and early 2014 to assess residents' priorities for critical facility and service needs, including the 21st Century Library and Heritage Plaza/Arboretum project.
- 2014: City Council places a revenue measure on the June 3, 2014 ballot to provide funding to complete the 21st Century Library & Community Learning Center and Heritage Plaza/Arboretum project, among other critical facility and service needs.
- 2014: Community meetings to gather more public input and feedback on the 21st Century Library project and design concepts for the restoration of the Heritage Plaza/Arboretum.
- 2014: A comprehensive project website is launched, www.haywardlibrary.org. The site provides public access to all relevant project renderings, documents, and data, and includes a feedback feature for submitting comments and questions about the project online.
- 2014: Measure C, a half-cent local sales tax to fund critical City facilities and services including the 21st Century Library and Heritage Plaza/Arboretum project, is passed by Hayward voters by an overwhelming 2-to-1 margin.
- 2014: City Council convenes in work session to review final design visualizations of the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum.
- 2015: Planning Commission approves the project site plan review, variance for setbacks, mitigated negative declaration and mitigation monitoring and reporting program.

III. Additional Background Information

The construction of a new 21st Century Library and Community Learning Center and a restored Heritage Plaza/Arboretum has long been identified by City Council and the Hayward community as a critically important capital need. Since the initiation of design work in 2007, the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum project has progressed through multiple design phases up to and including the completion of the design development phase.

Additional background information about the project, including in-depth analyses of community need, detailed renderings of the library facility and the open space plaza/arboretum design, and the project's cost estimates and green/sustainability goals can be found on the project website: www.haywardlibrary.org.

DISCUSSION

The proposed project will construct a new, sixty-one foot tall, three-story, 58,200 square foot 21st Century Library and Community Center, reduce the width of C Street while maintaining two through lanes and some parking on both sides of the street, remove the existing library building and restore the Heritage Plaza/Arboretum.

21st Century Library and Community Center

The library will be constructed on the north side of C Street between Watkins Street and Mission Boulevard on an existing City owned parking lot, a portion of the adjacent United States Postal Service (USPS) parking lot, and a portion of C Street that will be vacated. While the City standard for public facility design is LEED Silver, City Council directed that the library meet LEED Gold standards at a minimum, and to make every reasonable effort to achieve LEED Platinum if possible. The proposed design is expected to exceed those requirements and meet LEED Platinum standards.

The design incorporates extensive energy saving elements that focus on a central atrium that maximizes the potential use of natural light and ventilation, energy saving equipment, recycled materials, rainwater capture and reuse, onsite solar energy production, and minimal carbon footprint. While the library will not use any natural gas, photovoltaic (PV) cells will be installed on the library and the adjacent garage roofs in sufficient quantity to offset the anticipated annual energy needs of the library and parking garage. This is known as "Net Zero Energy." Additional PV cells are proposed for installation on the garage roof to offset on-going energy needs at other city facilities, such as the City Hall.

Key elements of the building design include:

- An overall physical collection of 200,000 books and media items;
- Two homework tutoring centers: one in the first floor children's area and one in the second floor teen area;
- Ninety-six public access computers plus a sixteen seat technology lab for training;
- A digital learning center to provide digital media education opportunities (video and audio production, computer generated illustration, web design, computer-aided design, etc.);

- Three public meeting rooms for library programs and community meetings with one large 2,500 square foot room and catering kitchen for up to 200 people as well as two mid-sized rooms of 600 square feet each;
- Eight enclosed small group study rooms and 330 open access seats at tables and lounge chairs;
- A community learning center for partner community agencies to conduct workshops and demonstrations for the public;
- A makerspace where people with common interests can gather and create with computers, robotics, textiles, 3D printing, electronic art, traditional arts and crafts and other means;
- Extensive use of modern self-service and automation technologies for operational efficiency;
- A small café to be operated by a local vendor;
- Friends of the Library office and gift shop;
- A children’s garden and living green wall;
- Library staff workrooms;
- Self-service library returns and automated library materials handling system for convenient and efficient automated processing and sorting of library materials; and
- Multiple restrooms for the general public on all three floors as well as dedicated restrooms for children and families.

Library parking will be provided in the adjacent City parking garage. Since the recent implementation and enforcement of restricted parking hour policy, staff has confirmed that adequate parking spaces are available in the garage for the anticipated library patrons. An elevator will be constructed at the southeast corner of the parking garage to better facilitate access to the library from the second and third floors. Additional street parking will be available on C Street, Mission Boulevard, and Watkins Street.

C Street

Currently, C Street has two very wide lanes and parking on both sides of the street at Watkins and two very wide through lanes and a right turn lane at Mission Boulevard. The proposed project vacates a portion of C Street to provide for library construction and diagonal parking in front of the USPS building and maintains two through lanes at Watkins, maintain two standard width through lanes and a right turn lane at Mission and some parking along the park frontage. Bulb-outs and a mid-block pedestrian crossing will make C Street more pedestrian friendly. The mid-block pedestrian crossing will help facilitate safe pedestrian access from the library to the plaza and vice versa. The crossing will also help to calm traffic speeds on that block of C Street without being an undue hindrance to the flow of traffic; and will have the desired effect of slowing down speeding traffic, while maintaining the traffic capacity for the road. The AC Transit bus stop will remain in its approximate same location on the southwest corner of C Street and Mission Boulevard.

Heritage Plaza Arboretum

The Heritage Plaza Arboretum is designed to be a flexible, multipurpose “civic green” outdoor plaza and open space. It is designed to accommodate open-air public activities such as community festivals, farmers markets, civic observances, musical and stage performances, cultural events, interpretive nature exhibits, historic exhibits, a children’s garden, walking tours, and other events

and features appropriate to a civic green space. It is also designed to showcase the extraordinary natural Arboretum of mature heritage trees that exist there now. Restoring the historic central plaza space will significantly improve sightlines and visibility into and through the plaza and arboretum, greatly enhancing public safety and creating a more welcoming, family-friendly plaza environment

The plaza also functions as a rainwater catchment and underground rainwater storage system – an important component of the project’s environmental sustainability plan that will be required in order to achieve the desired LEED Platinum certification for the project. After construction of the new library, most of the existing main library will be demolished. The basement walls and floor will be saved and reused as the cistern for the rainwater catchment system. The system will collect rainwater from the garage roof, library roof, C Street and library plaza. This captured water will be treated and reused for library gray water and for library plaza irrigation uses. The underground storage system will have capacity to save and reuse approximately 400,000 gallons of rainwater per year.

Planning Commission

On April 23, 2015, the Planning Commission adopted the Initial Study and Mitigated Negative Declaration (IS/MND) and approved variances for setbacks to allow the construction and operation of the new library. After hearing public testimony about the project, the Planning Commission considered and then recommended that the City Council consider adding a public restroom to the Heritage Plaza/Arboretum design. Because of the short period between the Planning Commission meeting and the project’s scheduled bid date, the plans and specifications provided for approval do not include a public restroom located in the Heritage Plaza/Arboretum.

During the design phases of the project, there was some discussion of the need for public restroom facilities in the downtown area, separate from those planned into the project building, most specifically as standalone public restrooms in the library plaza. This concept was discussed with advocates on both sides during the community visioning process for the plaza design and landscaping. In addition, the design team conducted multiple community workshops as well as a community priorities survey that received over 800 responses. Of the over 800 survey responses received, only eight responses identified public restrooms in the plaza as a priority; an additional twelve responses opposed building public restrooms in the plaza as a priority.

Staff is intending to include consideration of this broader issue as part of the Downtown Specific Plan study. This study can help determine how best to handle the provision of managed public restrooms in the immediate Downtown, any appropriate location(s), and the needed elements necessary to make them an amenity and not a nuisance or source of problems; as well as how they might be funded, both in capital outlay and on-going maintenance. In the meantime, staff has re-opened the existing, already constructed restroom facility in the Watkins Street garage as a pilot effort in this area: the restroom was constructed years ago and closed almost immediately due to unmanageable issues. It is located in the downtown parking structure across the street from City Hall, next to the elevator on the first floor.

Community Workforce Agreement

On April 14, 2015, City Council elected to proceed with a Community Workforce Agreement (CWA) with the Building and Construction Trades Council of Alameda County for the new library and plaza/arboretum project. An overview of the CWA agreement including the key provisions and terms can be found in the [Council report of April 14, 2015](#). The Agreement has been executed and staff has included it in the final plans and specifications for the bid package.

United States Postal Service

The City has executed an Agreement of Purchase and Sale for the acquisition of a portion of the USPS parking lot in fee, totaling approximately 7,500 square feet, and a twenty-foot-wide access easement from Watkins Street, through the USPS parking lot, to the library delivery bay and trash enclosure. The agreement requires the City to reserve fifteen parking spaces for the USPS property's use. Ultimately, five of these spaces will be provided on C Street and ten spaces will be provided in the City's parking garage. Title transfer is scheduled to occur prior to Council's award of construction contract. Because this acquisition only involves the unused parking area and easement, the existing Post Office building and operations will not be affected in any way.

Solar (PV) Panels

In addition to the rainwater catchment and storage system, a significant factor in obtaining LEED Platinum certification for this project is the achievement of "Net Zero Energy." This refers to producing a sufficient quantity of clean solar energy to offset 100% of the building's annual energy consumption.

The project design includes a sufficient quantity of photovoltaic (PV) panels on the rooftop of the new library and a portion of the upper deck of the adjacent parking structure in sufficient quantity to offset 100% of the annual energy consumption of both structures. The parking structure PV panels will be mounted on top of new carports which will also provide shade to parked vehicles.

Additional PV panels above and beyond what is needed for Net Zero Energy could be included or excluded in the construction contract depending on the bids received, and pending Council approval to include them. The estimated cost to install additional PV panels to the maximum capacity of the parking structure upper deck is \$1.4 million. The additional PV panels are not currently included in the baseline project cost estimate, however they may be added to the project scope, to be implemented if desired at the discretion of the Council depending on the final bids received for the project.

Noll + Tam

On December 17, 2013, City Council authorized a professional services agreement with Noll + Tam in an amount not-to-exceed \$3,000,000 for professional design services for the Hayward 21st Century Library & Community Learning Center. An amendment to this agreement for an additional \$2,000,000 is required for additional services during the final design and construction phases of the project. Of this total, \$360,000 is required for additional design services associated with additional community meetings, design peer review, rainwater catchment, public art and art

donors, CEQA mitigation measures, surveys, PG&E grants and the Community Workforce Agreement. Construction support services will require \$1,640,000.

FISCAL IMPACT

The last project cost estimate, which was developed in early 2014 and presented to Council in November, 2014, was \$60,320,000.

The current estimated project cost based on the existing robust construction and bidding environment, including the potential impacts from implementation of the CWA is as follows:

Construction Contract	\$46,490,000
Construction Contingency	3,250,000
Design and Administration	3,900,000
Construction Inspection, Testing and Administration	3,500,000
Fixtures, Furnishings and Equipment	4,580,000
Library Collections	850,000
Property Acquisition	<u>300,000</u>
Total	\$62,870,000

This total estimated project cost contains \$960,000 for the rainwater catchment system that will help the project meet the LEED platinum standard. This work was not previously included in the scope of project and was not therefore included in the project cost. The \$1,400,000 cost to construct additional PV cells on the parking structure roof is not included in this total. The additional PV cells may be included in the construction contract depending on the bids received.

The project's designers (Noll+Tam) as well as the project's professional external cost estimators have indicated there will likely be additional construction costs, estimated at \$1.4 million, associated with the inclusion of the CWA requirements for subcontractor bids, local hire, general contractor management, intern program, and labor verification. As noted earlier, this cost is included in the above project cost estimate and is based on the cost estimators experience with similar projects utilizing a CWA..

Initial funding for land acquisition and the preliminary design work was identified in 2006 using developer contributions related to the South of 92 project. In 2011, the donation of \$10 million from Calpine helped fund the development of the project and favorably positioned the City to pursue alternate funding for construction and related project costs. Primary funding for this project is made possible by proceeds from the additional ½ cent sales tax generated from the approval of Measure C in 2014.

In the next several weeks, staff will present to Council a financing mechanism that will generate the funds needed to complete the construction of the project. Any additional funding needs and/or decisions about the added work scope is dependent upon the actual bids received on June 30, 2015 and will be discussed as part of staff recommendation for the award of construction contract.

The financing for this project will be considered as part of a debt issuance for the 21st Century Library as well as for the fire station improvements and street improvements as outlined in

Measure C and approved by the voters in June 2014. More details about the project financing, including impacts on the City’s debt capacity and potential project impacts should total costs exceed the initial budget of \$80 million for all Measure C capital projects combined, will be discussed with Council - tentatively scheduled on June 30, 2015.

PUBLIC CONTACT

An overview of the extensive public contact undertaken for this project can be found in the “Background” section of this report, above. In summary, scores of community focus groups, multiple opinion surveys, and dozens of public meetings have been undertaken with the participation and input of thousands of Hayward community members, experts, and stakeholders, spanning a continuous eight year period from 2007 to 2015. The April 23, 2015 Planning Commission meeting was the most recent opportunity for public input on the project.

COMPLETE STREETS

This project considers all users of the public right-of-way in addition to motorists. Sidewalks, crosswalks, curb ramps, bulb-outs, and street lighting will create a more pedestrian friendly environment. These measures are consistent with the City’s adopted Complete Streets Policy, where consideration is to be given to all users of the street, in addition to vehicular traffic.

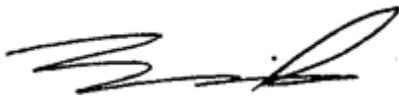
SCHEDULE

Open Bids	June 30, 2015
Award Contract	July 21, 2015
Begin Work	September 2015
Complete Library Work	Spring 2017
Complete Plaza Work	Fall 2017

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of – Engineering & Transportation
Sean Reinhart, Director of Library and Community Services

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution – Plans and Specs and Call for Bids
- Attachment II: Resolution – Summary Vacation of C Street
- Attachment III: Resolution – Noll + Tam Amendment

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE HAYWARD 21ST CENTURY LIBRARY AND COMMUNITY LEARNING CETER AND HERITAGE PLAZA ARBORETRUM CONSTRCUTION PROJECT, PROJECT NO. 06992 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 Hayward 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Construction Project, Project No. 06992, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

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; and

WHEREAS, the Planning Commission considered and adopted the Initial Study and Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and applications for Site Plan Review and Variance for Setbacks for the project during a regularly scheduled and noticed public hearing on April 23, 2015; and

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 4:00 p.m. on Tuesday, June 30, 2015, and immediately thereafter publicly opened and declared by the City Clerk in the Conference Room 2A, located on the 2nd Floor of City Hall, Hayward, California.

NOW, THEREFORE, BE IT RESOLVED, that 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, that the City Council hereby approves the Hayward 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Construction Project and directs staff to take all steps necessary to implement the project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION SUMMARILY VACATING A PORTION OF “C” STREET

WHEREAS, a portion of “C” Street, located between Mission Boulevard and Watkins Street, is no longer needed for public street right-of-way purposes; and

WHEREAS, the excess right-of-way to be vacated contains approximately 5,250 square feet; and

WHEREAS, once vacated, the existing utilities will be abandoned or removed and the property will be assembled with adjacent City owned parcels for the purpose of constructing the new Hayward 21st Century Library and Heritage Plaza/Arboretum; and

WHEREAS, vacation of excess right-of-way is categorically exempt under the California Environmental Quality Act Guidelines (CEQA), Section 15305, Class 5, Minor Alterations of Land Use Limitations, and qualifies as a summary vacation as defined under California Streets and Highways Code Section 8334(a).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code section 8334(a), it is hereby ordered that the portion of the street right-of-way of “C” Street as more described in Exhibits “A” and “B” to this resolution, attached hereto and made a part hereof, is to be vacated. The effective date of this vacation will be upon the start of the construction of the new library. The City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda, upon notification by the City Engineer of the date of the start of construction of said library.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

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



**LEGAL DESCRIPTION
EXHIBIT A**

Parcel B

All that certain real property located in the City of Hayward, County of Alameda, State of California, being a portion of "C" Street and being more particularly described as follows:

BEGINNING at a point on the northwesterly line of "C" Street distant thereon 125.00 feet northeasterly from the intersection thereof with the northeasterly line of Watkins Street, said point being the **TRUE POINT OF BEGINNING** of this description;

thence northeasterly along said northwesterly line of "C" Street, 175.00 feet to the intersection of said northwesterly line of "C" Street with the southwesterly line of Mission Boulevard;

thence southeasterly along last said line of Mission Boulevard 30.00 feet;

thence southwesterly and parallel with said northwesterly line of "C" Street 175.00 feet to a point which is distant 125.00 feet from the northeasterly line of Watkins Street as measured along a perpendicular line;

thence northwesterly and parallel with said northeasterly line of Watkins Street, 30.00 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 5,250 square feet, more or less.

A plat showing the above described parcels is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

Kevin Stein, PLS 9028

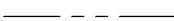


Dated 4/28/2015

END OF DESCRIPTION

MISSION BOULEVARD

LEGEND

-  LEGAL DESCRIPTION BOUNDARY
-  EXISTING BOUNDARY
-  CENTERLINE
-  MONUMENT LINE
-  FOUND CITY BRASS DISK MONUMENT
-  TPOB TRUE POINT OF BEGINNING

LANDS OF HAYWARD SUCCESSOR AGENCY
 "PARCEL ONE"
 DOC. 2013-375811
 APN 428-071-018

LANDS OF HAYWARD SUCCESSOR AGENCY
 "PARCEL TWO"
 DOC. 2013-375811
 APN 428-071-019

LANDS OF HAYWARD SUCCESSOR AGENCY
 LOT 1, PM 8588
 BK 280 PG 47
 APN 428-071-50

LANDS OF UNITED STATES POSTAL SERVICE
 2957 O.R. 1
 APN 428-071-020

30.00'
 175.00'
 PARCEL B
 CONTAINS AND AREA OF
 5,250 SQ.FT±, 0.121 ACRES ±

30.00'

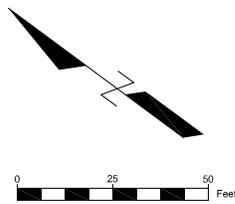
175.00'

"C" STREET

125.00'
 5'
 40'
 80'

80'
 40'
 5'

WATKINS STREET



TPOB



255 SHORELINE DR
 SUITE 200
 REDWOOD CITY, CA 94065
 650-482-6300
 650-482-6399 (FAX)

Subject EXHIBIT B - PLAT
PARCEL A
 Job No. 20150086-50
 By KS Date 4/28/15 Chkd. KS
 SHEET 1 OF 1

PLOTTED BY: sk

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH NOLL + TAM ARCHITECTS AND PLANNERS FOR ADDITIONAL SERVICES ASSOCIATED FOR THE HAYWARD 21ST CENTURY LIBRARY AND HERITAGE PLAZA/ARBORETRUM CONSTRCUTION PROJECT, PROJECT NO. 06992

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute, on behalf of the City of Hayward, an amendment to the agreement with Noll + Tam Architects and Planners for additional design and right-of-way support services, as well as construction management support services associated with the Hayward 21st Century Library and Heritage Plaza/Arboretum Construction Project, Project No. 06992, in an amount not-to-exceed \$2,000,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

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

DATE: May 26, 2015

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT: La Vista Quarry: Request to Amend Conditions of Approval No. 58 and No. 120 Related to Construction of Water System Improvements at the Garin Hills Site, and Authorization for the City Manager to Negotiate and Execute an Agreement for Reimbursement of Costs

RECOMMENDATION

That Council adopts the attached resolutions:

- 1) Approving an amendment to Condition of Approval No. 58 for Vesting Tentative Tract Map 7620 for La Vista Quarry that will allow the City to manage all aspects of the design and construction of the new Garin water storage reservoir and pump station upgrades; and
- 2) Approving an amendment to Condition of approval No. 120 to add a per dwelling unit fee to reimburse the City for the construction of the new reservoir at Garin Hill, and pump station upgrade at Garin Hill Pump Station.
- 3) Authorizing the City Manager to negotiate and execute an agreement with the La Vista, L.P., for reimbursement of the City's costs for design and construction of a new reservoir at Garin Hills reservoir site, and pump station upgrades at the existing Garin Hills Pump Station.

BACKGROUND

The Vesting Tentative Tract Map No. 7620 for La Vista Quarry was approved by the City Council in July 2005. Condition of Approval No. 58 of the tentative map in part requires that the developer design and construct certain water system improvements to accommodate the new development, including a new 0.75 million gallon (MG) water storage reservoir and pump station upgrades. A final map has not yet been approved.

DISCUSSION

It is in the City's best interest to manage the required water system improvements to ensure that they are built in a timely manner and to provide a greater degree of control over the design and construction of critical infrastructure. It is particularly important that the tank be designed with attention to all details and constructed with high quality materials. It is also preferable that the work be done under

staff’s supervision, ensuring the City has maximum flexibility and prerogative to direct the contractor on how and when to do the work. A similar approach was taken in 2014 with the second water storage tank at the Stonebrae Country Club development.

Staff has discussed the possibility of the City administering the design and construction of the improvements with La Vista, L.P., representatives and they are supportive of this approach. If the Council approves the staff’s recommendations, the parties would enter into an agreement to fully reimburse the City for all costs.

Given that the development has not yet recorded a Final Map, it is critical that a mechanism be in place to ensure that the City recovers all costs from the developer. To this end, staff recommends that La Vista, L.P., front the funds to design the improvements (estimated at \$300,000), and that a repayment schedule is established, whereby La Vista, L.P., would pay a per-dwelling-unit fee to the City prior to the issuance of each building permit for a residence for the City to recover the cost of actual construction (estimated at \$2.834M). This fee would be separate, distinct from, and in addition to all other applicable development-related fees and charges. The proposed per dwelling fee, which includes a 5% per year interest, has been calculated at \$20,534. The fact that building permits will not be issued without payment of this fee provides a safeguard to limit the risk of non-payment.

Staff has also proposed the following schedule for building permit issuance:

Date	No. of Cumulative Building Permits
By December 31, 2017	50
By December 31, 2018	75
By December 31, 2019	100
By December 31, 2020	125
By December 31, 2021	150

In the event that fewer building permits are issued by the end of each calendar year than is indicated in the schedule, the Developer will repay in full, on an annual basis, the difference between the fees that have been paid and the fees that would have been paid had the schedule be met. This condition ensures that the City is fully reimbursed, regardless of the number of dwelling units for which building permits have been issued, by January 31, 2022. The fee may also be increased proportionally (at the City’s sole discretion) if the City determines that fewer than 150 dwelling units are to be constructed through December 21, 2021.

As mentioned above, the Developer will provide \$300,000 to the City for design of the improvements upon approval of the reimbursement agreement. The City will have the option to delay the bid process and construction of the improvements until the Developer has paid at least \$1,500,000 in reimbursement fees (equivalent to the issuance of seventy-three building permits).

ENVIRONMENTAL REVIEW

Resolution 05-098 adopted a Mitigated Negative Declaration (MND) for the project on July 19, 2005. Staff has reviewed the requested amendment to Conditions of Approval 58 and 120 and determined that it is in substantial compliance with the existing condition and does not present any new or

increased environmental impacts not previously analyzed; thus, no additional environmental review under the California Environmental Quality Act (CEQA) Guidelines is required. Therefore, the MND is sufficient from a CEQA perspective for the City Council to adopt the attached resolution.

ECONOMIC IMPACT

There are no economic impacts to Hayward customers as a result of the recommended change in project administration and management. The upfront construction costs will be paid from reserves in the Water System Capital Improvement Fund, and the developer will reimburse the City for all costs, with interest, as building permits are issued for the new homes.

FISCAL IMPACT

The current total estimated cost to design and construct the water storage tank and pump station upgrades is \$2.834 million. The project is currently budgeted in the FY15 Capital Improvement Program in the Water System Improvement Fund. All costs to the City will be reimbursed per the terms of the agreement with La Vista, L.P.

PUBLIC CONTACT

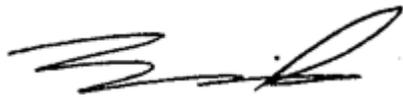
City staff has worked closely with representatives of La Vista, L.P. There is no material impact on other Hayward water customers.

NEXT STEPS

Staff will bring the award of design and construction contracts to Council in accordance with the terms of the agreement.

Prepared & Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION AMENDING CONDITION OF APPROVAL NO. 58
PERTAINING TO CONSTRUCTION OF A WATER STORAGE RESERVOIR AND
PUMP STATION UPGRADES AT THE GARIN HILLS SITE FOR VESTING
TENTATIVE TRACT MAP 7620, LA VISTA QUARRY, AND CONDITION NO. 120
ADDIING A REQUIREMENT FOR PAYMENT OF FEES, AND AUTHORIZING
THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST
REIMBURSEMENT AGREEMENT WITH LA VISTA, L.P.

WHEREAS, the City Council adopted the Mitigated Negative Declaration (MND) and Vesting Tentative Tract Map for the project in 2005; and

WHEREAS, Condition of Approval No. 58 for Vesting Tentative Tract Map 7620 under Resolution No. 05-098, requires construction of a water storage reservoir and pump station upgrades for the Garin Reservoir water system before the City issues building permits for 179 single-family homes; and

WHEREAS, La Vista, L.P., has requested an amendment to Condition of Approval No. 58 of Vesting Tentative Tract Map 7620 to allow the City to manage the design and construction of the water storage reservoir and pump station upgrade, with all cost to be paid by La Vista, L.P.; and

WHEREAS, staff has reviewed La Vista, L.P.'s request and determined that the amendment of Condition No. 58 as it relates to the entity designing and constructing the water storage reservoir and pump station upgrades does not present any new or increased environmental impact not previously analyzed in the MND; and

WHEREAS, La Vista, L.P., and the City have agreed upon a reimbursement method whereby La Vista, L.P., shall pay to the City a fee for each new single-family residence prior to issuance of building permit to fully reimburse the City for design and construction costs; and

WHEREAS, an agreement between the City and La Vista, L.P., shall be executed to ensure that the City will be reimbursed for all costs associated with the design and construction of the water storage reservoir and pump station upgrades;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Hayward, which relies on the previously adopted environmental documents, and finds that the amendment to Condition No. 58 of the Conditions of Approval, regarding the entity that will manage all aspects

of the design and construction of the water storage reservoir and pump station upgrades, does not impose an additional burden on the existing fee owner or alter any right, title or interest in the property; and the proposed modification does not contain any grounds for denying the map under the California Subdivision Map Act, and the amendment of the Vesting Tentative Tract Map does not propose new provisions that modify the development under the approval of the Tentative Map, nor alter any right, title or interest in the property.

BE IT FURTHER RESOLVED that Condition of Approval No. 58 is hereby revised to read:

The existing water system in the area is insufficient to provide adequate water service to this development. Pursuant to the terms of an agreement between the City and the developer, the City shall design and construct the water storage reservoir and pump station upgrades for the Garin Reservoir water system to provide adequate service. The developer will reimburse the City for all costs. In accordance with the terms of the agreement, the reimbursement shall be based on a fixed, per-parcel fee. The fixed fee shall be \$20,534 per parcel for all dwelling units for which a building permit is issued. In the event that building permits for 150 dwelling units are not issued on or before December 31, 2021, the developer shall be required to repay, in full, the outstanding amount at that time. If the Developer enters into any contract to transfer ownership of any parcel or parcels in the development prior to fully satisfying the Developer's reimbursement obligations specified in this Agreement, the Developer shall disclose this Agreement to the prospective buyer, and notify the City in writing within one business day of entering into the contract for sale or conveyance of any parcels in the development. The developer shall construct the required water main extensions and obtain all necessary easements and right of ways, at no expense to the City, and dedicate those to the City prior to recordation of the first final map for the tract. The City must have access to water main extensions so access roads shall be constructed as directed by the City Engineer.

BE IT FURTHER RESOLVED that condition of Approval No. 120 is hereby amended to add:

- h. Garin Hills Reservoir and Pump Station construction fee of \$20,534 for each of the first 150 dwelling units.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to negotiate and execute an agreement between the City and La Vista, L.P., for the design and construction of the water storage reservoir and pump station upgrades and reimbursement of all costs by La Vista, L.P., in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

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