



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 2/24/98

AGENDA ITEM 3

WORK SESSION ITEM _____

To: Mayor and City Council

From: City Manager

Subject: **AUTHORIZATION FOR EXECUTION OF THE JOINT POWERS AGREEMENT TO PARTICIPATE IN THE MULTI-AGENCY BUS SHELTER PROJECT**

RECOMMENDATION:

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute the Joint Powers Agreement allowing for the participation of the City of Hayward in the Multi-Agency Bus Shelter Project.

BACKGROUND:

In 1995, the Alameda-Contra Costa Transit District (AC Transit) decided for financial reasons to stop supporting its bus shelter program and to redeploy those resources to bus maintenance. Of the twelve AC Transit bus shelters in Hayward, four in the downtown area (see Exhibit A) were in the most serviceable condition and retained by the City to support public transit in the downtown area. In November 1995, AC Transit began meeting with representatives of Alameda County and the cities of Albany, Berkeley, Emeryville, Fremont, Hayward, Oakland, Newark and San Leandro in order to develop a way to finance the installation and maintenance of bus shelters. The option that was developed for consideration is a joint powers agreement (JPA) for contracting with an advertising company to provide bus shelters without any cost to the participating entities.

Given the City's desire to promote public transit, providing more bus shelters is one way of encouraging its use. The added benefit of joining the JPA for Hayward is that it would be easier to attract a bus shelter advertising company that has a credible reputation for performance and reliability if Hayward is part of a multi-agency group than it would doing it alone. Other cities the size of Hayward have found it difficult to attract the more experienced bus shelter advertisers for separate contracts since the number of profitable advertising locations did not make a contract worth pursuing.

DISCUSSION:

Overview of the JPA

The Joint Powers Agreement (JPA) defines the roles of AC Transit and the participating cities and the County in the multi-agency bus shelter project. This project will be managed by AC Transit.

AC Transit is assisting in the implementation of the structure of the bus shelter project and providing administrative support (contracts and grants, legal, procurement, planning, and research) for the participating entities of the agreement. The participating entities through their representatives on a Multi-Agency Bus Shelter Committee will be involved in the development of a Request for Proposal, that will be sent to prospective bus shelter contractors, and in all the steps leading to a final bus shelter contract.

The contract will be for five years with an extension for another five years contingent on the satisfaction of the participating entities with the contractor's performance. Also included in the JPA are descriptions of the events and circumstances under which the JPA could be terminated. To date, the City Councils of Albany and Emeryville have approved their participation in the project. The Fremont City Council will consider it at their meeting of February 24, 1998.

This multi-agency concept was presented by staff to the Planning Commission at their meeting of October 10, 1996. There was support for pursuing the joint approach even if it meant an amendment to the sign ordinance. The only concerns were that the bus shelter design be of the highest quality, and that the advertising be appropriate.

Type of Bus Shelter

The type of bus shelter design that will be proposed will have three visible sides with at least two panels being transparent. There may be a small front panel for added protection against wind and rain. Each shelter would have the option of bench seating and a 15-gallon trash receptacle. Advertising would be limited to the left side panel of the shelter. Exhibit B shows examples of the type of shelter that would be considered. Front and rear views are provided along with a view of the poster size advertisement that would be placed. The poster size would be no larger than 24 square feet (6 ft. x 4 ft.). All shelters would be lighted for nighttime use.

Advertising Standards

The selected bus shelter contractor would be expected to follow certain standards in the selection and placement of advertisements:

- Advertisements would be for commercial or public service only;
- Ads that would be perceived to compete with a neighboring business would be removed within 24 hours;
- Prohibited ads include:
 - false or misleading information
 - sexually explicit material
 - material that depicts violence, anti-social behavior or related to illegal behavior
 - promotions for the sale or use of alcoholic beverages and tobacco products
 - ads that promote the sale or use of firearms
 - material that holds an individual or groups to public ridicule, derision or defamation.

The contractor would be required to remove any prohibited ad within 24 hours upon receiving notification from the City.

Maintenance

The contractor will be required to maintain all bus shelters that are newly installed as well as those currently owned and maintained by the City until they are replaced with the new design, and be liable for all costs of shelter maintenance. What is being proposed is an inspection and cleaning schedule of at least one time each week, in addition to specific complaints, which would be responded to within 24 hours of notification. Minimum weekly maintenance involves: garbage collection, graffiti removal, lighting inspection and replacement, and seat and shelter cleaning.

Bus Shelter Locations

A bus shelter advertiser will be most interested in placing shelters along bus routes that would have the greatest visibility for the advertisements. For Hayward, that will most likely be along major arterials with bus routes as shown on Exhibit C. However, many contractors allow for a certain number of non-advertising bus shelters so that requests in less traveled areas could be accommodated. In any case, a revision would be needed to the current sign ordinance making bus shelter advertisements exempt from the current prohibition of off-premises signs.

Next Steps

After approval and execution of the JPA by the participating entities, the Multi-Agency Bus Shelter Committee will develop a draft Request for Proposal (RFP) which will be presented for approval to the AC Transit Board and to the participating entities. It is anticipated that the deadline for contractor responses to the RFP would be April 1, 1998 with contractor selection by May 1, 1998. Installation of bus shelters could then begin by September 1998.

Prepared by:



Millie Saad
Assistant to the City Manager

Recommended and Approved by:



Jesús Armas
City Manager

Attachments: Exhibit A - Remaining AC Transit Bus Shelters
Exhibit B - Bus Shelter Design
Exhibit C - Hayward Bus Route Map
Exhibit D - Draft Resolution

EXHIBIT A

These are the four (4) formerly AC Transit Bus Shelters that have been retained in Hayward:

- B Street and Foothill Blvd
- B Street and Main Street
- B Street and Mission Blvd
- C Street and Mission Blvd

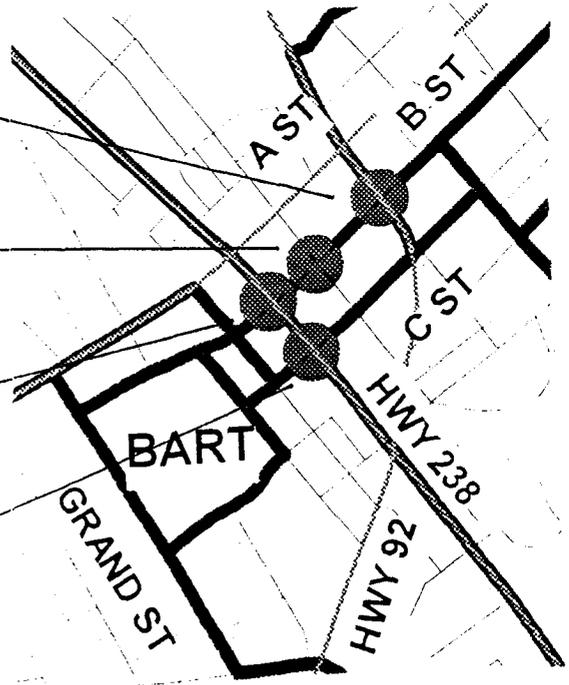
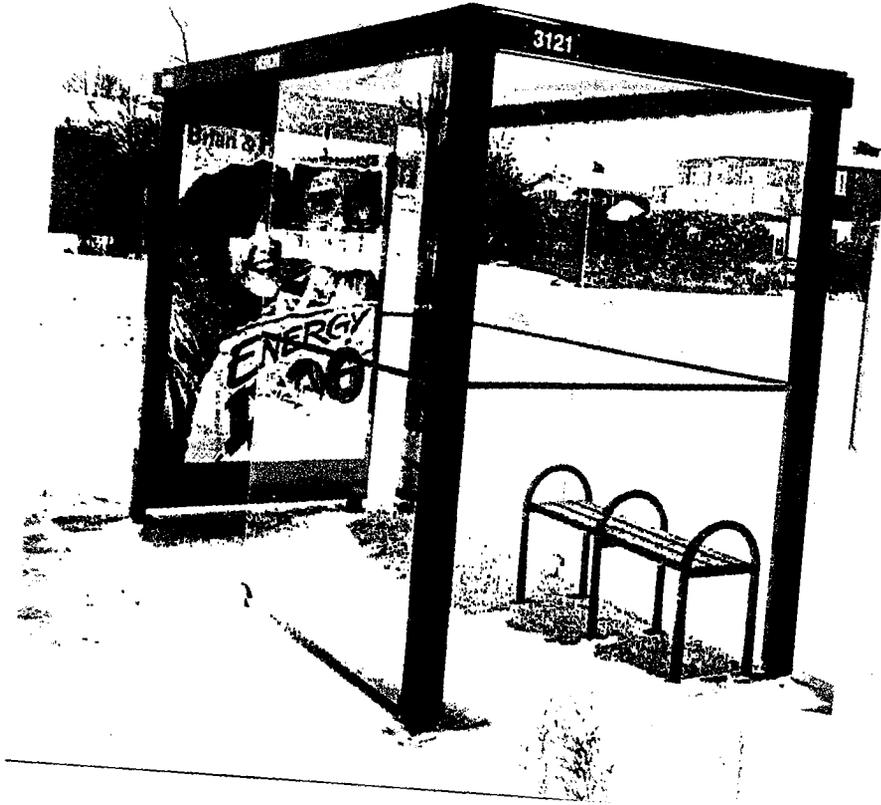
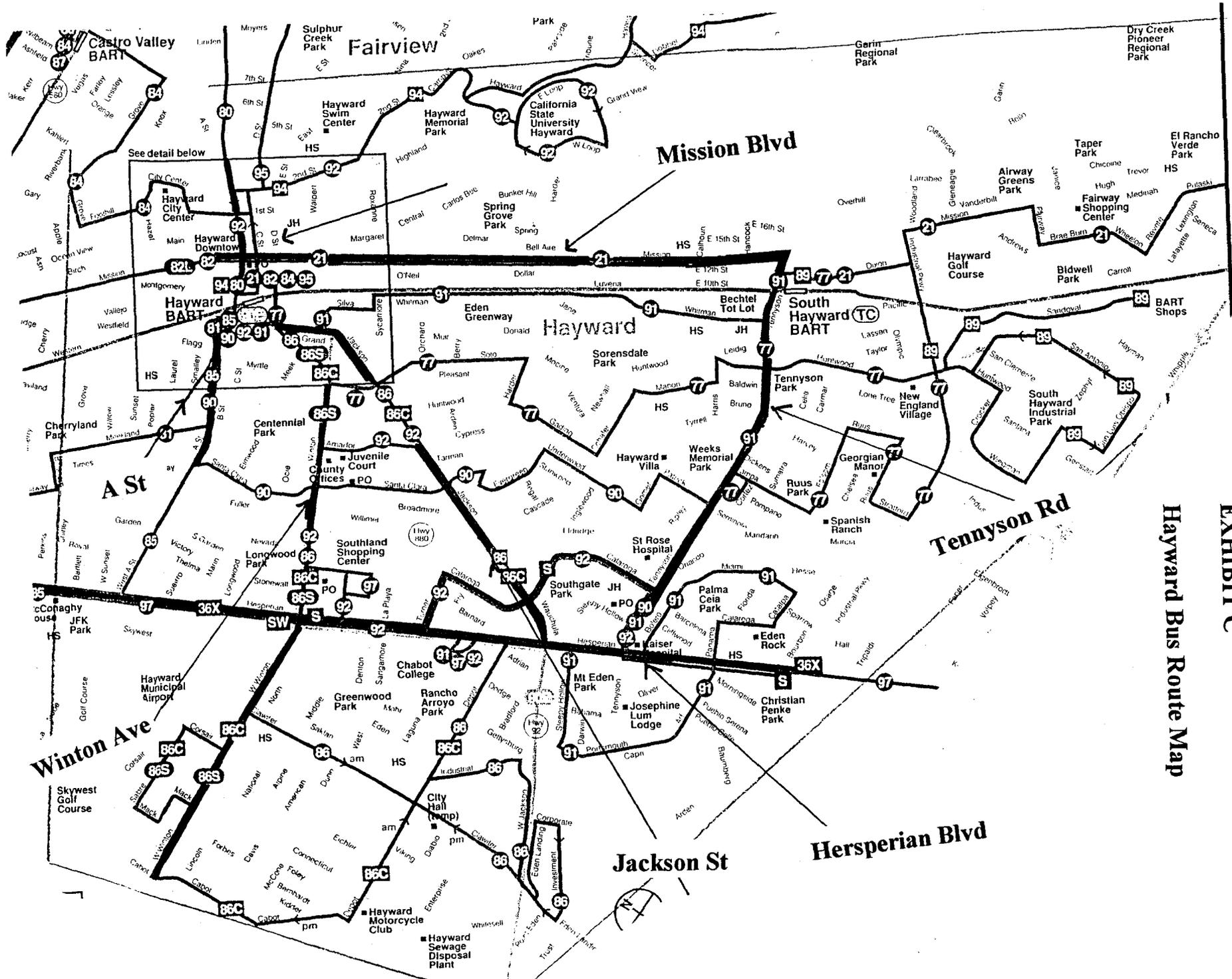


EXHIBIT B
Bus Shelter Design Examples





Hayward Bus Route Map

EXHIBIT C

DRAFT

EXHIBIT D

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION AUTHORIZING CITY MANAGER TO
EXECUTE THE JOINT EXERCISE OF POWERS
AGREEMENT TO PARTICIPATE IN THE MULTI-
AGENCY BUS SHELTER PROJECT**

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized and directed to execute on behalf of the City of Hayward the Joint Exercise of Powers Agreement to participate in the multi-agency bus shelter project, in substantially the form of the agreement on file in the office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

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