

HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District
Alameda County Mosquito Abatement District

January 16,2025

- 3:00 PM -

In-Person and Remote Participation

HASPA Board of Trustees Meeting Agenda

A Joint Powers Authority comprised of the East Bay Regional Park District, Hayward Area Recreation and Park District, the City of Hayward and Alameda County Mosquito Abatement District

Meeting location: Alameda County Mosquito Abatement District, 23187 Connecticut Street, Hayward, and online via Zoom. Register for meeting link: https://ebparks.zoom.us/webinar/register/WN_vU1FYaStRviREXpgYBt6lg

Special notice regarding public participation:

The Hayward Area Shoreline Planning Agency (HASPA) intends to hold meetings through a hybrid platform of in-person and remote attendance to allow members of the public to participate via remote attendance through the East Bay Regional Park District's (EBRPD) virtual platform, Zoom. The Board of Trustees and designated staff will, with limited exceptions, participate inperson at Alameda Mosquito Abatement District offices (23187 Connecticut Street, Hayward), or other designated public facility within the HASPA service area. Occasionally, members of the Board of Trustees may attend remotely as permitted by the Brown Act.

For those members of the public not attending in-person, public comments may also be submitted one of in the following ways:

- I. Send an email to haspa@ebparks.org by 12:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the HASPA Board of Trustees and Technical Advisory Committee (TAC) staff, and published on the EBRPD Public Meeting Page (https://www.ebparks.org/calendar/public-meetings). Written comments received after 12:00 p.m. that address an item on the agenda will still be included as part of the record.
- 2. Live via Zoom. If you would like to make a live public comment during the meeting this option is available through the virtual meeting platform: *Note: this virtual meeting preregistration link will have you preregister for the meeting and then provide you details to the virtual meeting for the purpose of providing a public comment. Registration is required.

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Comments received during the meeting and up until the public comment period on the relevant agenda item is closed will be provided in writing to the HASPA Board of Trustees. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. If you have any questions, please contact Amanda Sanders at asanders@ebparks.org or (510) 544-2650.

How to view the meeting virtually and provide live Public Comment during the meeting: Registration is required at below link. Meeting details will be provided when registration is completed.

When: January 16, 2025 03:00 PM Pacific Time (US and Canada)

Topic: HASPA Board of Trustees Meeting Register in advance for this webinar:

https://ebparks.zoom.us/webinar/register/WN vU1FYaStRyiREXpgYBt6lg

CALL TO ORDER

ROLL CALL

Public Comments

The Public Comment section provides an opportunity to address the Board on items not listed on the agenda. The Board 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 Board or are within the jurisdiction of the Board. As the Board 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.

- I. Approval of Minutes from the HASPA Meeting Held on December 19, 2024 Draft Action Minutes of December 19, 2024 (Attachment 1)
- 2. City of Hayward Project Updates (City Staff, Informational Item)
- 3. Adoption of HASPA Board of Trustees Officers (Action Item, Attachment 2)
- 4. Presentation by Alameda County Flood Control District
- 5. Review of Request for Proposal Summary for Professional Services Contract for EPA "Pivot Points" Grant and HASPA Administration Consultant (Information Item, Attachment 3)
- 6. Old Business (TAC and Board):
 - a. Recruitment Efforts for Additional Trustee Agencies
 - b. Community Engagement Activities
 - c. Review of Draft Comment Letter on STACK Data Center Proposal (26062 Eden Landing Road, Hayward), (Information item, Attachment 4)

7. New Business (TAC and Board):

- a. Updates on Trustee Agency Capital Projects
- b. Confirmation of Special Meeting on June 6, 2025 for FY 2025-2026 Budget Adoption

8. Agenda Setting for Next Meetings

- a. Anticipated Agenda Items for BOT Meeting of April 10, 2025:
 - i. FY 2024-2025 Budget Review
 - ii. Approval of Funding Agreement with SFEP for "Pivot Points" Grant
 - iii. Adoption of HASPA Participation and Withdrawal Policy
 - iv. Informational Review of Financial Procedures Policy
 - v. Informational Presentation on Eden Landing/South Bay Salt Ponds

9. Board Member Announcements

10. Tour of new Alameda County Mosquito Abatement Fish Tank (Information Item)

ADJOURNMENT

HASPA facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact EBRPD staff at (510) 544-2325 as soon as possible, but preferably at least three working days prior to the meeting.

Attachment I: HASPA BOT Meeting Minutes - 12.19.2024

HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward

East Bay Regional Park District
Hayward Area Recreation and Park District
Alameda County Mosquito Abatement District

Meeting of Board of Trustees

Hybrid Meeting: City of Hayward City Hall & Zoom

December 19, 2024

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Francisco Zermeño, City of Hayward, HASPA Chair Dennis Waespi, East Bay Regional Park District Eric Hentschke, Alameda County Mosquito Abatement District Lou Andrade, Hayward Area Recreation District

HASPA TAC MEMBERS PRESENT:

Devan Reiff, East Bay Regional Park District
Taylor Richard, City of Hayward
Meghan Tiernan, Hayward Area Recreation and Park District
Erika Castillo, Alameda County Mosquito Abatement District

STAFF:

Ava Samuels, City of Hayward Amanda Sanders, East Bay Regional Park District Drake Hebert, East Bay Regional Park District

VISITORS:

Katherine Tsou, Hanson Bridgett Keegan Pham, Plantify Bryon Jiang, Caltrans Kerry Parker Moses Tsang. Alameda County Flood Control District

CALL TO ORDER: A meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:03 P.M. by Chair Zermeño, and role was taken by Devan Reiff.

Public Comments: None

II. Approval of Minutes from the HASPA Meeting Held on October 10, 2024 – Draft Action Minutes of October 10, 2024 (Attachment 1)

Trustee Waespi asked if HASPA comments from the Oct. 10th Board of Trustee (BOT) meeting regarding the STACK Data Center were provided by Senior Planner Blanton from Hayward to the applicant and the City. Taylor Richard said that Senior Planner Blanton provided HASPA comments in a report and verbally at the meeting.

Trustee Waespi motioned the vote and Trustee Hentschke seconded. Vote: Ayes – Zermeño, Waespi, Hentschke, Andrade. Approved unanimously.

12. City of Hayward Project Updates (City Staff, Informational Item)

Taylor Richard provided an update. There are no new development projects for the HASPA area. The Planning Commission convened on Nov. 14 to discuss the public benefit package proposal regarding the STACK Infrastructure data center project. Overall, the Planning Commission seemed generally supportive of the public benefit package that the applicant proposed. One commissioner said that they should "roll out the red carpet" for the project. The HASPA Board is welcome to write a letter asking for more public benefits. Chair Zermeño requested that HASPA should write a letter. Trustee Waespi requested there should be a standing item on the HASPA BOT agendas for STACK related project updates.

Motion: Have TAC write a letter to the STACK applicant for the Board to review at the January Board meeting. Copies to be sent to the Planning Commission, and the Board of Trustees.

Motioned by Trustee Waespi, seconded by Trustee Hentschke. Vote: Ayes – Zermeño, Waespi, Hentschke, Andrade. Approved unanimously.

3. Adoption of HASPA Delegation of Authority (Resolution, Attachment 2)

Devan Reiff presented the Delegation of Authority document. It memorializes the work that staff currently does and expects to need to complete in the future. Categories include management decisions and procedures, budgets and finance, procurement, grants, comment letters and letters of support, claims and lawsuits, conflict waivers and related agreements. Staff would be able to enter agreements for \$25,000 on their own authority, and above that amount would need to come to the Board for approval. Katherine Tsou of Hanson Bridgett stated the items for the managing agency to provide clarity to carry out current and anticipated functions and responsibilities. The budgets and finance section will allow the managing agency to move line items for budgeting, within the adopted HASPA budget. Procurement authority section states that staff would be able to order for HASPA. The portion on grants would allow staff to apply for grants. Staff would be granted authority to write comments letters on behalf of BOT. If HASPA were to receive a legal claim, the managing agency has the ability to seek counsel and respond to any claims. There is the authority to settle claims up to \$25,000 without going to the Board for approval. To provide transparency, an additional requirement that the managing agency is to notify the Board anytime there is a claim received was added, along with a section to allow

the managing agency the authority to do conflict waivers. It is in conformity with California state laws.

Trustee Waespi asked if the \$25,000 limit allowed under "Procurement" (Item 3), is that high for HASPA's budget? Devan Reiff replied that it is only authority to administer the budget that was already approved by the BOT.

Trustee Waespi queried under "Claims & Lawsuits" (Item 6) what is considered a reasonable amount of time for notification of any claims, and asked if the JPA is going to be covered under insurance? Devan responded that staff needs to have discussions with the Park District's RISK department to discuss insurance. Katherine Tsou said that the TAC had requested to have a requirement to inform the Board of any claims. Taylor Richard mentioned that the management consultant that the Board will hire will report directly to the management agency (currently EBRPD). Trustee Andrade mentioned that \$25,000 is a lot to pay out without approval of the Board. Katherine responded that the \$25,000 amount was chosen to be consistent with the procurement authority and offered the option of changing the dollar amount if the Board isn't comfortable with it.

Chair Zermeño discussed the "Grants" section (Item 4) which gives staff the authority to apply for grants. The Board would have to approve receiving any grant that was awarded to HASPA.

Motioned by Trustee Hentschke, seconded by Trustee Andrade. Vote: Ayes – Zermeño, Waespi, Hentschke, Andrade. Approved unanimously (no changes to the document made).

4. Old Business (TAC and Board):

a. Recruitment Efforts for Additional Trustee Agencies

Chair Zermeño said that he talked with a supervisor from Oro Loma Sanitary District recently. He is also in contact with Supervisor Marquez' office. Devan replied _that he's in communication with Alameda County Flood Control District on a presentation to the Board about a new tax measure (a new rate measure).

Trustee Waespi asked if we can support tax measures? Katherine responded that generally there are rules against supporting political campaigns. There would need to be legal research done to look into it. Trustee Andrade replied that there must be some allowance of giving support for measures. Katherine says that she will research the topic for the Board.

b. Community Engagement Activities

Devan Reiff briefed CA State Senator Wahab's staff on HASPA. Mentioned wanting to have AC Flood Control District join HASPA.

March 11th is City of Hayward's 149th Anniversary. Chair Zermeño would like to have a HASPA booth at the celebratory event.

Erica Castillo mentioned that ACMAD recently hosted the entire staff of Assembly member Liz Ortega on the Hayward Shoreline, where they explained the Oro Loma marsh, showed the HASPA map and the different projects in the Master Plan. Ortega's staff is very focused on the labor committees, but they did seem interested in becoming more aware of shoreline issues including complexity of ownership. Chair Zermeño said that there could be some state money there for HASPA. Chair Zermeño has a call into Eric Swalwell to discuss HASPA. Trustee Waespi said it's a great idea to offer to host staff retreats along the shoreline.

5. New Business (TAC and Board):

a. Updates on Trustee Agency Capital Projects -

Devan Reiff showed pictures of the December 2024 king tides at the Shoreline Interpretive Center, and Hayward Shoreline, of the shoreline being battered by waves. This gives a foretelling of what sealevel rise may look like in the future. Chair Zermeño suggested the idea of having sponsored benches on the shoreline.

b. Consideration of Special Meeting in June 12, 2025 for Budget Adoption

A new budget for Fiscal Year 2025-2026 will need to be decided on. Do the Board authorize staff to set a special meeting in June, with the exact date to be decided?

Motioned by Trustee Waespi, seconded by Trustee Andrade. Vote: Ayes – Zermeño, Waespi, Hentschke, Andrade. Approved unanimously.

6. Board Member Announcements

Trustee Waespi wished all happy holidays.

Dr. Ana Alvarez, former Deputy General Manager of the East Bay Regional Park District has taken the position of City Manager for the City of Hayward, her first day is January 9. A reception will be held for her on January 9 at Hayward City Hall.

Trustee Andrade mentioned the San Lorenzo Community Park is $\frac{3}{4}$ of the way complete. It's a lot larger than it was before, and includes a new pond for the ducks.

Chair Zermeño mentioned that people may want to read Newsweek magazine about reducing single use plastic.

The Agenda Setting for Next Meetings was requested to be placed before the Board Member Announcements in future Board meeting agendas.

7. Agenda Setting for Next Meetings

a. Anticipated for BOT Meeting of January 16, 2025 at ACMAD:

- Selection of HASPA Board Officers for 2025 Chair and Vice Chair
- Adoption of HASPA Board Participation and Withdrawal Procedures How a new agency comes into HASPA or leaves the JPA
- Approval of Grant Agreement with San Francisco Estuary Partnership for "Pivot Points" Grant
- Review Summary of RFP Solicitation for Pivot Points Grant and HASPA Administrative Consultant
- Informational Presentation/Tour: ACMAD Mosquito Fish Tank

Chair Zermeño would like to have people to donate benches for the Hayward Shoreline. Staff would need to find a HASPA-looking bench. Devan replied that the Park District has bench standards and a bench donation policy. Will make it a future agenda item. Chair Zermeño would like to have a Hayward Beach in the future. Trustee Waespi says that we could possibly get some aerial photos by helicopter. Drake Hebert mentioned that the Park District's GIS department has a drone that can take aerial photography.

ADJOURNMENT: 4:03pm

Attachment 2: Adoption of HASPA BOT Officers



HAYWARD AREA SHORELINE PLANNING AGENCY

Memorandum

DATE: January 16, 2025

TO: HASPA Board of Trustees

FROM: Devan Reiff, EBRPD

SUBJECT: HASPA Board of Trustees Officers

In May 2024, the Hayward Area Shoreline Planning Agency Board of Trustees (HASPA Board) approved an Amended and Restated Agency Joint Exercise of Powers Agreement (JPA). The JPA agreement allows for the election of "a Chair and other such officers, as they deem necessary or desirable."

In October, 2024, the HASPA Board adopted Board Bylaws. The Bylaws specify that a Chairperson and a Vice-Chairperson may be elected from among the Board members at the regular Board meeting in January². The HASPA Board has the opportunity to elect a Chairperson and Vice-Chairperson at this January 16, 2025 meeting.

Another rule in the Board Bylaws states the term of the officers "shall commence at the close of the meeting at which they are elected. Trustees may serve successive terms and there is no limit to the number of terms as Trustee may serve."

The current HASPA Chairperson is Councilmember Francisco Zermeno; prior to his term, EBRPD Board member Dennis Waespi was HASPA Chairperson.

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¹ HASPA JPA (July 1, 2024), Section 5(a)

² HASPA Board Bylaws, Rules II (A) and (B)

³ HASPA Board Bylaws, Rule II (C)

Attachment 3: Review of RFP for Professional Services Contract



HAYWARD AREA SHORELINE PLANNING AGENCY

Memorandum

DATE: |anuary 16, 2025

TO: HASPA Board of Trustees

FROM: Devan Reiff, EBRPD

SUBJECT: Request for Proposals for Professional Services Consultant

Staff is bringing an informational item to the HASPA Board, to update the Board about the selection of a professional services consultant team for HASPA.

In May 2024, the Hayward Area Shoreline Planning Agency Board of Trustees (HASPA Board) approved an Amended and Restated Agency Joint Exercise of Powers Agreement (JPA Agreement). In December 2024, the HASPA Board adopted a Delegation of Authority for the Managing Agency/Manager, which, among numerous other provisions, allows for the Managing Agency to prepare contract solicitations and to select professional service consultants. Contracts over \$25,000 are subject to HASPA Board approval.

Since January 2022, the East Bay Regional Park District (EBRPD) staff have acted as the Managing Agency for HASPA. Throughout the negotiations of a new HASPA JPA Agreement, (from 2022-2024), the staff of the HASPA Trustees and the HASPA Board considered that a professional, third-party consultant should be selected to act as Manager for HASPA. It was agreed that EBRPD would continue to perform the duties of HASPA Managing Agency and manage the professional services contract for the HASPA manager, until such time as the Managing Agency role rotated to another HASPA Trustee agency.

In 2024, HASPA was successfully awarded a U.S. EPA Water Quality Control program grant of \$550,000, by partnering with the San Francisco Estuary Partnership (SFEP), the East Bay Dischargers Authority and Save the Bay, for a grant application called "Pivot Points." The HASPA scope of work in the Pivot Points grant, which is for three years starting in 2025 has these main tasks:

1) Prepare an Implementation Plan for the Hayward Regional Shoreline Master Plan (2021). This includes a CEQA Strategy report for the Master Plan.

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- 2) Prepare a governance evaluation and strategy for HASPA, considering other similar agencies and organizations around the SF Bay which are adapting to climate change.
- 3) Conduct robust community outreach to support tasks I and 2.

At the HASPA Board's direction, staff prepared a competitive request for proposals (RFP) and a selection process to hire a consultant to perform the tasks listed above and to serve as the HASPA Manager.

EBRPD, as Managing agency, will be responsible for the solicitation process: starting with posting the RFP on Plan Room, the EBRPD's preferred site for contract solicitations; and promoting the RFP on other sites recommended by the HASPA trustee agencies.

The HASPA Professional Services RFP includes the following tasks in the scope of work:

- A. Section A: Pivot Points Grant
 - a. Shoreline Master Plan Implementation Strategic Planning
 - b. HASPA Governance Evaluation and Vision
 - c. Technical Assistance
 - d. Community and Public Agency Engagement
 - e. Coordination between Grantee Agencies and Stakeholders
- B. Section B: Administering the HASPA JPA
 - a. Project Initiation
 - b. Develop a Detailed Work Plan for Management of HASPA
 - c. Research Phase
 - d. Analysis Phase
 - e. Public Meetings
 - f. Committees
 - g. Financial Records and Accounting
 - h. Grants
 - i. Communications

j. Public and Agency Engagement

Total grant amount will total approximately \$700,000 for the three-year grant period. Yearly budgets and project schedule are listed in more detail in the RFP solicitation.

The HASPA Professional Services RFP is expected to be released in April 2025, following the HASPA Board's approval of a funding agreement with SFEP.

The selection process for the consultant team is as follows:

- A Selection Committee established by EBRPD as managing agency, and to include the HASPA TAC, will review proposals received by the designated deadline, develop a shortlist of qualified proposers, and develop a final ranking of the most qualified proposals.
- 2. Selection criteria: Proposals will be evaluated and scored on a 100-point scale by the following evaluation criteria:

EVALUATION CRITERIA	PERCENTAGE
Qualifications of Project Team members and of proposing firm	30%
Proposal approach and submission; quality, completeness and understanding of the work as described in the Request for Proposals	30%
Relevant Experience of Project Team members with similar administrative roles (work with public agencies desirable)	25%
References and Past Performance (quality of work, responsiveness, cost effectiveness, and control of budget)	10%
Cost/Budget	5%
TOTAL	100%

- 3. Depending upon the relative quality of proposals the Selection Committee may invite selected proposers to an interview. The Selection Committee reserves the right to conduct interviews of those proposers who are selected during the initial review or to select a Consultant without conducting any interviews. If the Selection Committee invites proposers to interview, detailed information about interviews and scoring will be provided to those proposers being interviewed.
- 4. The Selection Committee will select a professional consultant with the objective of selecting the most qualified consultant at a fair and reasonable price.

Other related contract solicitations

The EPA/SFEP Pivot Points grant also funds two other projects in the Hayward Shoreline, and there are currently two solicitations for consultants on each:

- The East Bay Dischargers Authority has released a request for proposals for the design and permitting of the First Mile Levee, see website: <u>Home - East Bay Dischargers</u> <u>Authority</u>
- 2) City of Hayward has released a request for proposals for the "Nature-based solutions for preliminary design" of wastewater treatment at the Hayward Water Resource Recovery facility solicitation closed 1/10/25.

The selected HASPA consultant will be expected to coordinate with the consultant teams for each of these projects, and scope and budget has been allocated for this task in the final HASPA RFP.

NEXT STEPS

Upon direction from the Board, staff will release the RFP in April 2025. Proposers will be encouraged to elaborate on their qualifications, performance data, and staff expertise relevant to the proposed project. Staff will then seek authorization from the Board of Trustees to negotiate and execute an agreement with the selected firm.

Attachment 4: Draft Comment Letter Regarding STACK Data Center



HAYWARD AREA SHORELINE PLANNING AGENCY

January 16, 2025

Brian Cox Chief Executive Officer STACK Infrastructure 1700 Broadway, Suite 1750 Denver, CO 80290 Sent via email'

RE: STACK Infrastructure Data Center Campus (SVY03A) in Hayward, California

Dear Mr. Cox:

The Hayward Area Shoreline Planning Agency (HASPA) is a joint powers authority, with the City of Hayward, the Hayward Area Recreation and Park District, the East Bay Regional Park District and the Alameda County Mosquito Abatement District as Trustees. The HASPA Board was given presentations by City of Hayward Planning staff about the proposed STACK Infrastructure Data Center, to be located at 26062 Eden Landing Road, in Hayward, California.

The proposal, according to the revised project description filed with the California Energy Commission, consists of a new three-story data center building (measuring 310,460 square feet and 108 feet of total height), a security building, emergency backup generators, on-site project substation, a PG&E switching station and on-site transmission line.

The HASPA Board has no land use authority and recognizes that City of Hayward is responsible for the land use entitlement for the proposed data center. Furthermore, the Board recognizes that the California Energy Commission is the lead agency and the City of Hayward is a responsible agency for the CEQA review. The HASPA Board limited their comments to the community benefit package prepared by STACK Infrastructure which was before the Hayward Planning Commission on November 14, 2024. The package totaled \$1,300,000, with an "unrestricted" allocation of \$100,000 to HASPA.

During the HASPA Board's deliberations about the project, the following issues emerged:

I. STACK Infrastructure, as a company based outside of California, should seek to partner with local agencies and organizations by supporting efforts and initiatives

that are already in progress, through investments in the proposed community benefit package. The HASPA Board found the community benefits package, in aggregate, to be insufficient, when considering the impacts that a new 108-foot building of over 300,000 square feet would have in its location adjacent to the southern portion of the Hayward Shoreline. It was noted, for example, that this data center would be the tallest building in Hayward. A dollar figure which was double that of the proposed community benefit package amount was suggested by the HASPA Board, with the proceeds supporting City of Hayward and other agencies' initiatives regarding the environment, small businesses, and climate change and sea-level rise adaptation.

2. One specific such initiative the HASPA Board would like to see supported by the STACK community benefit package is the rebuilding and rebranding of the Hayward Shoreline Interpretive Center, located about one mile north from the proposed data center, near the Hayward-San Mateo Bridge. A beloved facility that has for decades been the site of environmental education for local and regional school children, the Center's owner, the Hayward Area Recreation and Park District (known as HARD), is currently in a capital fundraising campaign to support the renovation of the facility into a climate-change education center.

In conclusion, the HASPA Board submits this letter to STACK Infrastructure, so that prior to formal entitlement hearings at the City of Hayward in 2025, the community benefit package proposed to the City Planning Commission in November 2024 may be reconsidered. The HASPA Trustees and staff are available to meet with you and your team in Hayward to discuss this letter.

Thank you for your consideration of this matter.

Sincerely,

Francisco Zermeno, as Chair of the HASPA Board of Trustees

Cc:

Director of Development Miles Kersten, STACK Infrastructure Senior Planner Elizabeth Blanton, City of Hayward City of Hayward City Council City of Hayward Planning Commission HASPA Trustee agencies