



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District

December 8, 2022

- 3:00 PM -

Remote Participation Only

HASPA Board of Trustees Meeting Agenda

A Joint Powers Authority comprised of the East Bay Regional Park District, Hayward Area Recreation and Park District, and the City of Hayward.

Special notice regarding public participation:

The purpose of conducting the meeting as described in this notice is to provide the safest environment for staff and the public while allowing for public participation. Pursuant to the Brown Act, as amended by AB 361, the Board of Trustees and staff may participate in the Board meetings via phone/video conferencing and/or through a hybrid of in-person and remote attendance.

The Hayward Area Planning Agency intends to hold meetings through an entirely virtual platform through the East Bay Regional Park District's (EBRPD) Virtual Platform, Zoom. If the Board of Trustees decides to hold a hybrid in-person meeting, attendance by members of the public will be subject to compliance with current health and safety protocols.

Public comments may be submitted in the following ways:

1. Send an email to asanders@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 Park District's 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 platform link will let you into the virtual meeting for the purpose of providing a public comment:

<https://ebparks.zoom.us/j/82279620861>

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 and provide live Public Comment during the meeting:

Topic: Dec 8, 2022 - HASPA Board of Trustees Mtg

Time: Dec 8, 2022 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://ebparks.zoom.us/j/82279620861>

Meeting ID: 822 7962 0861

One tap mobile

+16699006833,,82279620861# US (San Jose)

+16694449171,,82279620861# US

Dial by your location

+1 669 900 6833 US (San Jose)

+1 669 444 9171 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 719 359 4580 US

+1 386 347 5053 US

+1 564 217 2000 US

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

Meeting ID: 822 7962 0861

Find your local number: <https://ebparks.zoom.us/u/kcwoBVtn3L>

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.

- 1. Approval of Minutes from the HASPA Meeting Held on September 1, 2022 - Draft Action Minutes of September 1, 2022 (Attachment 1)**
- 2. City of Hayward Project Updates (City Staff)**
- 3. Discussion and Approval of 2023 HASPA Board Meeting Schedule (Attachment 2)**

4. **HASPA JPA Renewal Update – Informational Item (EBRPD)**
 - a. **Joint Powers Authority Draft Structure**
 - b. **Schedule for Review and Adoption of New JPA Agreement**
5. **Hayward Shoreline Project Updates (TAC)**
6. **Old/New Business (TAC)**
7. **Board Member Announcements**

ADJOURNMENT

NEXT MEETING: January 12, 2023

District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact the Clerk of the Board at (510) 544-2020 as soon as possible, but preferably at least three working days prior to the meeting.

Attachment I: 09.01.2022 BOT Minutes

HAYWARD AREA SHORELINE PLANNING AGENCY



**City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District**

Meeting of Board of Trustees
Special Meeting Held Remotely Via Zoom Webinar

September 1, 2022

DRAFT ACTION MINUTES

HASPA TRUSTEES PRESENT:

Dennis Waespi, East Bay Regional Park District, HASPA Chair
Elisa Márquez, City of Hayward
Paul Hodges, Hayward Area Recreation and Park District

HASPA PROSPECTIVE TRUSTEES PRESENT:

Rita Duncan, Oro Loma Sanitary District
Eric Hentschke, Alameda County Mosquito Abatement District

HASTAC MEMBERS PRESENT:

Eddie Willis, East Bay Regional Park District
Devan Reiff, East Bay Regional Park District
Taylor Richard, City of Hayward
Erik Pearson, City of Hayward
Erika Castillo, Alameda County Mosquito Abatement District
Vishal Ream-Rao, Caltrans
Jackie Zipkin, EBDA
Meghan Tiernan, Hayward Area Recreation and Park District
Jimmy Dang, Oro Loma Sanitary District

STAFF:

Brian Holt, East Bay Regional Park District
Amanda Sanders, East Bay Regional Park District
Tonya Covarrubias, East Bay Regional Park District
Matt James, East Bay Regional Park District
Nicole Espinoza Roa, Hayward Area Recreation and Park District (HARD)
David Donovan, City of Hayward

VISITORS:

Heidi Nutters
Jack Alcorn
Catherine Pearson

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

1. Approval of Minutes from the HASPA Meeting held on June 8, 2022 - Draft Action Minutes of June 8, 2022

Trustee Hodges motioned the vote, Trustee Waespi seconded. Vote: 3 Ayes, approved unanimously.

Public Comments: None

2. City of Hayward Project Updates (City Staff)

Proposed industrial Shell building at 3636 Enterprise, proposed 219,656 sq. ft building on 10.86-acre site. Were deemed complete on November 10, 2021. An Initial Mitigated Negative Declaration was submitted, and comment period completed on August 29, 2022. Two comments were received, one from the Bay Area Air Quality Management District and one from the CA Dept of Toxic Substance Control. The item is scheduled for Planning Commission decision on September 22, 2022.

Prospective Trustee Duncan asked where the building is located. Taylor Richard stated that 3636 Enterprise is located south of the Hayward Wastewater plant, 0.79 miles from the shoreline itself, north of Highway 92. The land currently has several radio towers on it.

Trustee Waespi asked what the visual impact is on the Hayward Shoreline Interpretive Center? Taylor said that she can email the height of the building and planner contact to the Trustees. Chair Márquez asked that the packet be sent to the group.

3. Discussion and Approval of San Francisco Estuary Partnership Support Letter (Heidi Nutters, David Donovan)

Senior Program Manager with SF Estuary Partnership – Heidi Nutters, and David Donovan, Plant Manager at the Water Pollution Control Facility presented on behalf of Jacki Zipkin. Grant project title is Breaking Ground - Implementing nature-based solutions, engaging communities, and advancing innovative projects. Key partners are SF Estuary Partnership, City of Palo Alto, East Bay Dischargers Authority, City of Hayward, Save The Bay, Nuestra Casa, Arizona State University, Fairfield-Suisun Sewer District, US Geological Survey.

This is an EPA Water Quality Improvement Fund Grant, they are requesting \$4 million, with \$4 million match. Primary grant activities are Palo Alto Horizontal Levee construction, and community based monitoring program focused on microplastics and metals. Develop future projects including Fairfield-Suisun Sewer District horizontal levee, and City of Hayward treatment ponds.

David Donovan stated that the City of Hayward recently signed a contract to bring plant up to current standards. The Hayward Water Pollution Control Plant Multi-Benefit Shoreline Project will create a nature-based solution that integrates freshwater treatment wetland and horizontal levee with an approximately 100-acre area, located along the Hayward Regional Shoreline. The goal is to reduce nitrogen discharge from waste into the SF Bay. The project will provide flood protections for the water pollution control plant, Russel city energy center, and surrounding communities. Connection to HASPA – will leverage the EBDA First Mile Horizontal Levee, includes HASPA members including City of Hayward and EBDA. Links to project identified in the HASPA Master Plan. If funded, the project will coordinate closely with HASPA.

Prospective Trustee Duncan was surprised that the presentation didn't reference the Oro Loma horizontal levee nutrient optimization project that has been implemented for 2.5 years. David responded that the pilot project at Oro Loma was their inspiration for the upcoming project. They piggy-backed on the First Mile plan to see what could be used for their plant. Some nutrient removal will happen inside plant before additional nutrient removal using nature-based methods. Prospective Trustee Duncan asked what the connection is with Palo Alto? Heidi said the SF Estuary project works collaboratively across jurisdictions to share lessons learned and advance projects into different stages of construction. It is a SF Bay wide approach to address issues. The EBDA First Mile and the Hayward Wastewater plant are currently closed systems, this would bring them to the discharging directly into the bay.

Trustee Waespi supports signing the letter and stated that it continues to make HASPA relevant and cutting edge. Mentioned that reducing nutrients is going to be front page news especially due to fish die off that has been happening.

Chair Márquez asked if staff has plans to make this presentation anywhere else? If they do, she would like to see it updated with references to Oro Loma's projects. Chair Márquez asked if there were any changes or modifications to the letter as presented? None were presented.

Trustee Waespi moved to approve this letter for the SF estuary partnership. Trustee Hodges seconded. Vote: 3 Ayes, passed unanimously.

4. Draft HASPA JPA Term Sheet Review and Recommendation

Devan Reiff, Principal Planner with East Bay Regional Park District (EBRPD), gave the presentation, this item was attachment three in the board packet. Current HASPA members are EBRPD, City of Hayward, and HARD, with Oro Loma Sanitary District and Alameda County Mosquito Abatement District as prospective HASPA members. TAC members are currently EBRPD, City of Hayward, HARD, EBDA, AC Mosquito Abatement District, OLSA, Caltrans, Capitol Corridor, Bay Trail, and AC Flood Control District. Two clauses were changed or added in the Draft HASPA Term Sheet in the Purpose section, and one in the Governance section.

a. Feedback (HASPA Trustees)

Trustee Waespi welcomed Oro Loma and AC Mosquito Abatement and is happy they are joining HASPA. Under the term sheet, coordinating authority for a Trustee is now three years, instead of five years, and he likes that it should be less years. Need to define what the coordinating authority does. Do we know if we need to do an audit every year? Devan said that the Park District has an auditor on staff, and we will get back to the group with an answer if yearly audits are required.

Trustee Hodges, what is the timeline for this JPA? Devan said that the language says and indefinite term of the JPA, that it wouldn't terminate. Hodges hopes we can continue to add more agencies and TAC members. Would like to see JPA language from the EBDA JPA.

Chair Márquez said that the purpose and mission as drafted doesn't specify protecting critical infrastructure. Would like to include that in final term sheet. In the Finance section, would like to know if there was language about the ability to raise amounts of fees. Devan said that is mentioned in the section that is allowed for flexibility, will be included in the new JPA language.

b. Feedback (Prospective HASPA Trustees)

Director Duncan said that there needs to be language about reviewing the language of the JPA every so often to make sure the Trustees are understanding the elements of the JPA. Chair Márquez suggested every three years, so it aligns with the coordinating authority. Director Duncan said that would be good, and asked if there was something about the TAC members responsibility in the term sheet. What is the deliverable for the TAC members? Devan suggested adding those details into the JPA language. Director Duncan said that would be fine to add it then. Devan asked what sort of review she wanted after three years – staff level report, or a vote per the Trustees? Director Duncan hadn't thought that far out, is looking for validation that each agency is recommitted and make sure that it is reviewed. Devan asks to defer that language into the JPA negotiations.

Director Hentschke said that they are very comfortable with term sheet language.

Opened public comment: none received.

Chair Márquez adds that she is not comfortable with the indefinite term of JPA. Devan suggests including three-year term language in final JPA agreement.

c. Recommendation to Approve Draft HASPA JPA Term Sheet (HASPA Trustees)

Chair Márquez asked if anyone has an issue with adding a bullet point under Purpose and Motion to say protecting critical infrastructure. No one objected.

Will discuss remaining two items mentioned brought up while writing JPA language. 1. TAC members responsibilities and duties 2. Language regarding review of JPA agreement when coordinating authority changes.

Chair Márquez motioned to approve, Trustee Waespi seconded. Three ayes, motion passes unanimously.

5. Discussion of Budget for Producing New HASPA JPA (EBRPD)

Park District is proposing to hire outside counsel to draft the JPA agreement using adopted term sheet. There is value in a neutral third-party drafting the language, the Park District legal counsel will manage the contract at an expense of \$35,000. No objections to seeking outside council. There are two options: 1. Expend funds from 2022 dues (around \$48,000); or 2. Raise additional funds separate from 2022 dues.

Trustee Waespi says the Park District could go either way. How do prospective members from Oro Loma and Mosquito Abatement feel?

Trustee Hodges suggests taking it out of 2022 dues to keep things moving.

Director Hentschke says that it makes sense to take it out of 2022 dues. Director Duncan thinks taking it from current funds makes sense.

Trustee Márquez suggests that as well.

Trustee Hodges makes a motion to expend funds from the 2022 dues for outside counsel. Trustee Waespi seconded. Three ayes, motion passes.

6. Old/New Business (TAC)

For scheduling a tour of the Hayward Shoreline, would we prefer a walking tour or vehicle tour? In terms of logistics a walking tour would be easiest. Trustee Waespi stated that a walking tour would be good and that he would like to invite everyone on the Boards of AC Mosquito Abatement, Oro Loma Sanitary, HARD, EBRPD and the members of the Hayward City Council. Trustee Waespi also wants to invite the area's newly elected representatives, and he wants the tour to be all encompassing. Chair Márquez suggests a special meeting where there is the tour and public comment only. Trustee Waespi suggests tour with new representatives in January or February and during a King Tide. King Tides are the highest of the year and are representative of what the shore looks like in the future with climate change. Director Duncan suggested making a recording of the King Tide to remind others of what we are working toward fixing. No other input from staff or members.

AGENDA SETTING:

Roles and responsibilities of the TAC members.

Presentations by staff about algal blooms and fish die off in the SF Bay.

ADJOURNMENT @ 4:14 pm in memory of Betty Moose.

Attachment II: Draft 2023 HASPA Board Meeting Schedule



HAYWARD AREA SHORELINE PLANNING AGENCY
JOINT POWERS AUTHORITY

City of Hayward
East Bay Regional Park District (EBRPD)
Hayward Area Recreation and Park District (HARD)

2023 HASPA MEETING SCHEDULE

Meeting Location: Virtual Participation; or,
Hayward Shoreline Interpretive Center
4901 Breakwater Avenue
Hayward, CA 94545

Meeting Time: 3:00 – 5:00 P.M.

Meeting Dates: The Hayward Area Shoreline Planning Agency (HASPA) meets on the second Thursday of January, April, August, and November.
*Special meetings will be scheduled as determined necessary.

January 12, 2023

April 13, 2023

May 11, 2023*(Special meeting)

August 10, 2023

November 9, 2023

Should there be any questions related to HASPA Trustee meeting dates, times, locations, or ADA accommodations, please contact Amanda Sanders with East Bay Regional Park District at asanders@ebparks.org.