



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 14, 1999, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The following Southgate homeowners were honored with the Pride in Hayward Award: Edward and Sharon Clark; Rodney and Ninfa Posey; Herman and Francis Correa; Evangeline Freeman, and Leon and Patricia Hatch.

PUBLIC COMMENTS

Jason Moreno, Carlos Bee Blvd., made campaign related statements.

Karl Royer, 28345 Fox Hollow Drive, commented on crime in the City of Hayward and recent incidents that involved the Police Department.

Ron Barklow, 1210 Tiegen Drive, commented on the installation of the rod iron fencing along Mission Boulevard and asked that Holly Rogers be commended for her efforts on this project.

Beatrice Thornton, 816 Pinedale Court, expressed holiday greetings to all and was requested to hold the rest of her comments on Item 6 until that time.

Sheila Junge, 22741 Souza Court #7, discussed concerns regarding public safety, especially in traffic violation enforcement. She has witnessed drivers run red lights and suggested the use of cameras to cite violators or request the Police Department to make this its priority.

City Manager Armas reported that the Police Department has made this a priority and that signs will be installed at strategic intersections alerting drivers of such efforts.

Velvia Long, 2640 Randall Way, spoke against the recent work and the variations of width of B Street. She expressed safety issues regarding left turns on that street.

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Frank Goulart, 22224 Prospect Street, discussed the importance of historical structures in the City and made campaign related statements.

CONSENT

All Consent items were removed for further consideration at citizens' requests except Item 3.

1. Approval of Minutes of the Meeting of the City Council of December 7, 1999

Frank Goulart, 22224 Prospect Street, asked for further clarification of his previous comments regarding a "God-ban" in the downtown area.

Since no Council Member agreed to change the Public Comments portion of the Minutes, it was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to approve the Minutes of the Meeting of the City Council of December 7, 1999.

2. Police Station Entrance Enhancements: Award of Contract and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated December 14, 1999, was filed.

Beatrice Thornton, 816 Pinedale Court, expressed concern regarding the meetings of the Mission Hills Task Force and Measure L.

Ron Barklow, 1210 Tiegen Drive, asked whether the money for a \$52,000 face-lift to the police facility might not be better spent repairing sidewalks in the area.

It was moved by Council Member Jimenez, seconded by Council Member Rodriguez, and unanimously carried to adopt the following:

Resolution 99-191, "Resolution Awarding Contract to Del Conte's Landscaping, Inc. for Police Station Entrance Enhancements, Project 6909"

Resolution 99-192, "Resolution Amending Resolution 99-110, As Amended, the Budget Resolution for Capital Projects for Fiscal Year 1999-2000, Relating to an Appropriation of Funds for the Police Station Entrance Enhancements Project, Project No. 6909"

3. Walpert 250 Booster Pump Station and Walpert 250/500 Water Main, Approval of Plans and Specifications, and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated December 14, 1999, was filed.



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It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-190, "Resolution Approving Plans and Specifications for the Walpert 250 Booster Pump Station and the Walpert 250/500 Water Main, Project Nos. 7105 and 7123, and Call for Bids"

4. Authorization for the City Manager to Execute a Commercial Aviation Site Lease Between the City and William Field

Staff report submitted by Airport Manager Shiner, dated December 14, 1999, was filed.

John Neath, 681 Longwood Avenue, questioned the authority of the Council Airport Committee.

Pamela de Castro, 214 Santa Clara Avenue, owner and operator of a small flight school at the Hayward Executive Airport, spoke in support of the lease.

Frank Goulart, 22224 Prospect Street, stated that this is the best thing that has happened for the airport since his family moved to Hayward.

Bill Gotcher, 24937 Bland Street, spoke on behalf of the proposal.

Council Member Hilson asked about the terms and the rent increases anticipated. He was told that every ten years there would be a market adjustment.

Council Member Ward agreed with Mr. Neath and Mr. Goulart regarding their comments on Mr. Fields commitment to air related activities in the City of Hayward, particularly regarding the annual Hayward Air Shows. He also cited from a letter written by Holly Rogers suggesting a restaurant be considered at that site as well. It was noted by staff that there is a demonstrated need and it could be a compatible use at this site.

Council Member Ward, seconded by Council Member Rodriguez, moved the adoption of the resolution and commended Mr. Fields on this endeavor.

Council Member Henson commented that he supported the motion and asked whether any additional uses in this proposal will be aviation related only.

As Chair of the Airport Committee, Council Member Rodriguez suggested that Council revisit the
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structure and purpose of the Committee. She then thanked various citizens for their input into airport issues.

It was moved by Council Member Ward, seconded by Council Member Rodriguez, and unanimously carried to adopt the following:

Resolution 99-193, "Resolution Authorizing the City Manager to Execute a Commercial Aviation Site Lease with William Field, an Individual"

LEGISLATIVE BUSINESS

5. Consideration of Category B Social Services Funding Priorities for Fiscal Year 2000-01

Staff report submitted by Social Services Director Korth, for December 14, 1999, was filed.

Social Services Director Korth made the presentation, highlighting the top broad issues, which include older adults, health and youth. He responded to Council questions related to the schools, CalWorks recipients' eligibility to receive subsidies, and other related questions.

Council Member Ward stated his support for a living wage for childcare workers.

Mayor Cooper opened and closed the public hearing at 9:05 p.m.

It was moved by Council Member Rodriguez, seconded by Council Member Henson, and unanimously carried, to approve the use of FY 2000-01 Category B Social Services funds to support the following projects: Older Adults - Funding to pay for support services, in combination with Section 8 housing subsidies, to approximately 40 low-income Hayward seniors so that they are not prematurely institutionalized; Health - Educate families about available health insurance for their children by conducting a community-based outreach program designed to overcome barriers to participation; and, Youth - Provide funding to pay for back-up childcare services for low-income working parents living in Hayward.

6. Consideration of Placing Public Comments After Legislative Business (Council Member Jimenez)

Staff report submitted by City Manager Armas, dated December 14, 1999, was filed.

City Manager Armas briefly stated that Council Member Jimenez requested that this item be considered.

Mayor Cooper opened the public hearing at 9:07 p.m.



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Velvia Long, 2640 Randall Way, read a statement regarding "muzzling the citizens," which she believes will occur if the Public Comment portion is moved too late on the agenda. She added that members of the public must go to work the following day.

Lou Filipovich, 15376 Laverne Drive, San Leandro, stated that he is on the ballot seeking a seat on the Board of Directors of the Oro Loma Sanitary Board. He read a portion of the public policy from the Attorney General regarding the Open Meeting Act.

Beatrice Thornton, 816 Pinedale, felt that this would be discriminating to seniors who go to bed early.

Peter Cresson, no address given, spoke on the Ralph M. Brown Act. He spoke against this recommendation. He also spoke against the three-minute time limit. He was further concerned that the monthly dinners scheduled for Council could violate the Ralph M. Brown Act.

Frank Goulart, 22224 Prospect Street, spoke against the recommendation and read a portion of a letter submitted by Viola Saima-Barklow to the Council.

Al Reynolds, 7547 Erskine Lane, felt that this is unfair for the working class community to have to wait for the end of the meeting for public comments.

John Neath, 681 Longwood Avenue, spoke against this item.

Sheila Junge, 22741 Souza Court #7, urged public comments remain at the beginning of the agenda and suggested that agendas of all the City's committees be placed on the Cable TV Channel so that people will know the various topics to be discussed.

Karl Royer, 28345 Fox Hollow Drive, asked that Council continue to maintain public comments at the beginning of the agenda.

Ron Barklow, 1210 Tiegen Drive, urged continuance of public comments at the beginning of the agenda.

Larry Ferguson, no address given, stated that this is an issue of free speech.

Mayor Cooper closed the public hearing at 9:41 p.m.

Mayor Cooper commented that this Council has been subjected in the Public Comments section to abusiveness, lies and deceptions on a weekly basis for over a year. The whole situation has created divisiveness. She suggested that Council experiment with the change from the start of the New Year until after the Election ending on March 7, 2000. She noted that anyone interested enough in making a presentation before Council will stay through the end of the meeting. If this is successful,

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it can be reinstated during the next election cycle in 2002.

Council Member Jimenez said he subscribes to free speech and fairness for all and not just those who take advantage of the public comments section for their own motives to campaign, and criticize staff and Council. He added that it seems unfair for the general public candidates to campaign in this forum since City Council members are not allowed to do the same.

It was moved by Council Member Jimenez, seconded by Council Member Ward, to place the Public Comments section after Legislative Business during the period from December 10, 1999, the close of the Municipal Election Nomination period through Election Day, March 7, 2000; and that this be a consideration for future elections.

Council Member Dowling spoke of the hardship moving the forum would create for speakers, in particular, for non-profit groups and organizations who are at the meeting merely to make an announcement, as well as those who had a legitimate complaint and need City action. He cited an array of City Council minutes with various examples of citizen's situations, which needed handling by staff. He said he counted an average of five public speakers at each meeting who would then have spoken for a total of 15 minutes.

Council Member Rodriquez disagreed that the public comment forum should be used as a political arena. This is a section for the public to comment on general items. She commended Mrs. Saima-Barklow for her letter. She said she disagreed that this motion would be curtailing free speech but rather would be moving it forward. She said she would be supporting the motion and urged that there be a further discussion among members to decide what that podium stands for.

Council Member Henson commented that he would be willing to take a look at the trial opportunity to allow the Public Comments at the end of the meeting. He emphasized that this would be merely a trial.

Council Member Hilson stated that this issue should have been addressed in previous months. He suggested that since Public Comments are also made at the work session, people will have ample opportunity to speak on their subjects. He also noted that Council Members also give consideration to both calls and letters from the public regarding their issues.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and carried by the following roll call vote to place the Public Comments section after Legislative Business during the period from December 10, 1999, the close of the Municipal Election Nomination period through Election Day, March 7, 2000; and that this be a consideration for future elections.

AYES: Council Members Jimenez, Hilson, Rodriquez,
Ward, Henson
MAYOR Cooper
NOES: Council Member Dowling
ABSENT: None
ABSTAINED: None



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COUNCIL REPORTS

Mayor Cooper reminded everyone that effective December 15, 1999, the City-related television programs have changed and will be shown on cable channel 15.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:08 p.m. in memory of Alwina Fenton who passed away on Monday. Mayor Cooper noted that she was a retired music teacher and supporter of the Hayward Arts Council. She suggested that staff place, on a future agenda, consideration to name the City's Sensory Garden in her memory. Council Member Ward stated that Mrs. Fenton was his son's first classical music teacher and inspired him to pursue an education in music at the Julliard School of Music in New York. His family will be touched by her loss.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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