



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 7, 2006, 8:00 p.m.**

MEETING

The 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 Mayor Cooper.

ROLL CALL

Present: COUNCIL MEMBERS Quirk, Jimenez, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBERS None

PRESENTATION

Business Recognition Award

The March 2006 Business Recognition Award was presented to Armanino Foods of Distinction, Inc. Armanino Foods donates considerable amounts of pasta products several times a year to local food banks. For the contributions Armanino Foods of Distinction, Inc., has made by maintaining their corporate, manufacturing and marketing facilities in Hayward, providing job opportunities to Hayward residents, donating to local food banks, and contributing to the economic well being of the City, the City of Hayward presented Armanino Foods with the Business Recognition Award for March 2006. Mr. William Armanino, President and CEO accepted the award and thanked Council for such honor.

Certificate of Commendation in Recognition of
Life Chiropractic College West 25th Anniversary

Mayor Cooper presented a Certificate of Commendation to Life Chiropractic College West, in recognition of its 25th Anniversary. On behalf of the Board of Regents of the college as well as the students and faculty, President Dr. Gerald Klum, thanked everyone and expressed gratitude for the opportunity to contribute to the wellbeing of Hayward.

PUBLIC COMMENTS

Mr. Frank Goulart addressed Council and applauded the candidates who have applied to run in the forthcoming election and mentioned that he favors debates and is looking forward to them during the election.

Ms. Icie Williams, representing residents of Garwood townhomes, Gatehouse and Greenridge condominiums, thanked Council for the opportunity to address them. She expressed concern that the moratorium on conversion does not apply to properties originally constructed as condominiums. She added that residents she is represented were given the option to purchase their homes or receive a 60-day notice to vacate. She mentioned that converting condos and town homes to ownership reduces the rental market in Hayward. She added that Felson Companies offered to assist in relocation efforts; however, she mentioned that vacancies are scarce and rents are high. Ms. Williams urged Council to

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step in and represent the renters' needs and petitioned Council for more time and affordable purchasing options.

Mayor Cooper addressed the speakers referring to the original plans for condominiums. She noted that the Felson Company is within its right to sell the properties and empathized with the residents regarding this critical issue. She indicated that the City is not responsible but will try to intervene to extend the time within legal boundaries in order to ease the transition. She added that the renters may be eligible for first time homebuyers and other economic programs.

Mr. Willis Shalita, echoed Ms. William's concerns and mentioned that Felson Company did not give the renters enough time to vacate. He added that this issue places burden on the residents.

Mr. Marilyn Perkins, resident of Garwood Glen, indicated that she has resided at the condominiums for only three months and she was not informed of the sale. She mentioned that the offered discount rate to buy the homes is not viable for the residents. She kindly asked for Council's help.

Mr. Federico Tolentino asked for an allowance for Comcast cable to have an international channel.

Mr. Charles Miller, resident of Garwood Glen, indicated that this is an ideal place for a single parent to live and asked for Council to represent the affected residents.

City Manager Armas addressed the public regarding the issue raised and gave information about the first time home buyers program. He urged the residents to visit the website as it contains information about programs and financial criteria. He suggested that staff can try to contact AGI, the prospective purchaser, and explore the viability to get additional time.

Council Member Dowling mentioned that he just purchased a condominium, and noted that there might be more flexibility as far as extending the time to vacate since not all of the units will be sold at one time.

Council Member Henson concurred with Council as far as an extension of the time and that more explanation is needed with regard to the living conditions. He concurred that the first time homebuyer assistance program is a good alternative and suggested people investigate the programs currently offered through the City.

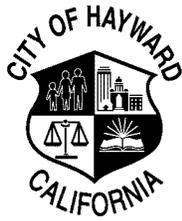
CONSENT

1. Approval of the Minutes of the City Council Meeting of February 21, 2006

It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to approve the minutes of the City Council Meeting of February 21, 2006.

2. Authorization to Participate in the California Government Voluntary Employees' Beneficiary Association Trust Program

Staff report submitted by Employee Benefits Administrator Baldinelli, dated March 7, 2006, was filed.



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

Resolution 06-018, "Resolution Authorizing the City of Hayward's Participation in the California Government Voluntary Employees' Beneficiary Association Trust Program"

3. Authorization to Submit Application for Workforce Housing Reward Grant

Staff report submitted by Neighborhood and Economic Development Manager Patton, dated March 7, 2006, was filed.

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

Resolution 06-019, "Resolution Authorizing Application for Workforce Housing Reward Grant"

4. Authorization to Submit Project Applications to the Congestion Management Agency for Federal Funding for Pavement Rehabilitation

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 7, 2006, was filed.

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

Resolution 06-020, "Resolution Authorizing the Filing of an Application for Federal Surface Transportation Program Funding for Arterial Pavement Rehabilitation and Committing the Necessary Non-Federal Match for the Project and Stating the Assurance of the City of Hayward to Complete the Project"

5. Authorization to Execute Professional Services Agreement to Conduct Executive Recruitments

Staff report submitted by Human Resources Director Brock-Cohn, dated March 7, 2006, was filed.

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

Resolution 06-021, "Resolution Authorizing the City Manager to Extend the Agreement for Professional Services with Peckham & McKenney to Recruit an Assistant City Manager, Finance Director and Community and Economic Development Director, and Appropriate Funds"

LEGISLATIVE BUSINESS

6. Discussion of Solid Waste and Recycling Services

Staff report submitted by Deputy Director of Public Works Bauman, dated March 7, 2006, was filed.

Director of Public Works Bauman referred to the Council report.

Council Member Dowling thanked staff for the opportunity to discuss the program. He inquired about other means to engage the public in the discussion through perhaps billing, and to allow for feedback. Director of Public Works Bauman concurred indicating that the City could provide means for feedback by identifying a staff member with a phone number and an e-mail address for contact regarding the program. He added that staff is looking at many of the enhancements from other cities.

Discussion ensued regarding adequate garbage service, commercial recycling, and multifamily recycling.

Council Member Henson indicated that the report and the discussion touched upon issues raised at the Waste Management Authority Board and indicated that the tonnage from multi-family dwellings and schools is not being realized. He suggested that Measure D funds be used for recycling programs. City Manager Armas indicated that since the issues raised might be budgetary rather than franchised, staff would have to contact the School District to determine costs associated with the effort and the issues and bring back to Council.

In response to Council Member Henson enquiry about the use of non-diesel and more fuel efficient vehicles and provide the best dollar value for residents and whether Waste Management has them in the field already, City Manager Armas indicated that staff would have to evaluate the different services in both scenarios and find out which would be best for residents. He also suggested working with Mayor Cooper, who sits on the Air Quality Board, to assist in obtaining grants that would help to offset costs and be a further source of revenue.

Council Member Halliday indicated that she has not received many comments regarding the waste collection services. One complaint she has heard has been scavenging and indicated that converting from open to closed bins might help. She asked that the scavenging issue be discussed. She then asked whether the City does anything to encourage commercial recycling. In reference to complaints received, Director of Public Works Bauman indicated that staff responds to every complaint as well as spends time with businesses to encourage commercial recycling, however, he added that there is room for improvement.



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Council Member Halliday then inquired about computer equipment, and encouraged the vehicle aspect of the contract. She added that this might be balanced with a longer term contract. City Manager Armas indicated computer equipment is now included in the two bulk pickups per household per year and noted that in the past long term contracts were the norm but now the City's ability to modify things becomes severely constrained since circumstances could change dramatically.

Council Member Jimenez inquired about the numbers of complaints and commendations received from the public regarding Waste Management. City Manager Armas mentioned it is assumed that the service is reliable and that the service will be performed; rarely will residents pass on commendations. He also indicated that the lack of complaints recently has been as a result of Waste Management's improvement in addressing issues.

Council Member Quirk discussed complaints received regarding scavenging of recycled materials. He referred to the six suggestions for improvements including the study of residential food collection presented in the report. He agreed that commercial recycling would be a good alternative to vehicles if it is the best way of spending those resources. He added that he was flexible on the contract term.

Council Member Ward noted that he has four containers at his house. He asked how many would he have under the new arrangement and whether they would all fit within his garage. Director of Public Works Bauman suggested that there will be options; however, one of the basic approaches would be to combine everything into two recycling containers. The size and options is still to be decided. They would go from four containers to three, all of which would be wheeled. Additionally, Council Member Ward added that recently the empty trash containers have been nicely placed off the street on the driveway.

Mayor Cooper suggested that pick-up day should be as user friendly as possible. She likes the City of Dublin's approach to use heavy duty plastic bags for batteries because of the convenience factor. As far as alternatives, she noted that the Air District is spending money to encourage certain companies to change their trucks to alternate means. She would like to see more activity in showing how to recycle.

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

Mr. Jim Forsyth indicated he was able to visit the TRI-CED facility in Union City, a non-profit, and commended that model of organization. He urged that the City offer the bid for trash collection to TRI-CED.

Dr. Marion Sanchez expressed support for TRI-CED service because it concedes with his interests, which involve health factors.

Mr. Frank Goulart mentioned that he participated in the TRI-CED recycling and commended the effort. He mentioned that when he complains regarding problems with effective and efficient trash service, there is no central complaint service and the complaint gets routed to various agencies. He added he

would like to have a policy in the agreement to leave areas clean after collection of garbage or recyclables.

Mr. Chris Ferrara, PG&E representative, referred to a letter regarding diesel and natural gas vehicles. He noted the number of grants provided for the switchover of collection trucks. He suggested modeling programs after successful programs. He added that TRI-CED has been successful with natural gas trucks which have proven to be cleaner and quieter for the residents. Council Member Quirk inquired about the low price for natural gas and about future projections. Mr. Ferrara indicated that the areas from which the gas will be imported are friendlier to our nation. He indicated that it is difficult to project for future prices but the steady supply can help to stabilize prices. He noted that the fuel providers can provide long-term deals for fixed prices. Council Member Halliday asked for clarification regarding Dublin's use of natural gas with an increase of 5 cents per household. Mr. Ferrara indicated that was his understanding.

Mr. Richard Valle, President of TRI-CED, noted that TRI-CED has been complimented for the CNG vehicles purchased for use in Union City, and which were subsidized by a grant through the Air Quality Management Board. He noted that TRI-CED is eager to work with current contractor and the City to achieve 75% diversion of solid waste, indicating that the infrastructure and equipment investment in order to provide a cost effective service that is personalized. He added that he looks forward to continue the partnership with the City and current service provider.

Mr. Hank Quintell mentioned the reason for so few complaints is that people do not report them. He added that as candidate for Council he has received complaints. He noted the remains of trash are left in the middle of streets and the ineffective response from the provider. He referred to a time that the recycle bin did not get picked up. He also discussed the issue with scavengers, new bins, and the equipment cost passed onto consumers.

Mayor Cooper closed the public hearing at 9:27 p.m.

Council Member Henson asked for the preservation of the provision within the contract for those confined to their homes to continue receiving backyard service. He mentioned that residential food waste collection and commercial recyclables and organic collection are of critical importance. He suggested that retailers be approached for recycling options.

7. Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2005-0322 PD Relating to the Garin Vista Project

Staff report submitted by City Clerk Reyes, dated March 7, 2006, was filed.

City Manager Armas indicated that the item was introduced on February 21 and it appears under Legislative Business as it did not receive unanimous vote.

Having no speakers Mayor Cooper opened and closed the public hearing at 9:31 p.m.

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



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Ordinance 06-05, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2005-0322 PD Relating to the Garin Vista Property in the Mission-Garin Annexation Area"

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

8. Ordinance Authorizing Execution of a Development Agreement for Development of the Garin Vista Project

Staff report submitted by City Clerk Reyes, dated March 7, 2006, was filed

City Manager Armas indicated that the item was introduced on February 21 and it appears under Legislative Business because it did not receive unanimous vote.

Having no speakers Mayor Cooper opened and closed the public hearing at 9:33 p.m.

Council Member Dowling asked for verification regarding eminent domain and whether this action would authorize that. City Manager indicated it did not.

It was moved by Council Member Henson, seconded by Council Member Quirk, and carried by the following roll call vote to adopt the following:

Ordinance 06-06, "An Ordinance Authorizing Execution of a Development Agreement for Development of the Garin Vista Project"

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

COUNCIL REPORTS

Council Member Dowling commended the effort of City employees and other agencies in supporting Prom Possible 2006. Prom Possible 2006 is a project that collects new and used formal attire, financial

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donations, and gift certificates for high school students that are unable to purchase their own attire. He added that donations can be accepted at the Morrison Theater Tuesday through Friday or by contacting Donna Fitzwater at 888-0102.

ADJOURNMENT

Mayor Cooper gave the opportunity to Council Member Ward to adjourn the meeting at 9:35 p.m., in memory of longtime resident and former pastor of Hayward Apostolic Church, Ruben Arellano

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Miriam Lens, Commission Secretary, City of Hayward