



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 24, 2006, 8:00 p.m.**

MEETING

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

ROLL CALL

Present: COUNCIL MEMBERS Rodriquez, Quirk, Halliday, Ward, Dowling,
Henson
MAYOR Sweeney
Absent: COUNCIL MEMBERS None

PUBLIC COMMENTS

There were no requests to speak. Mayor Sweeney welcomed students from the Chabot College Political Science class.

CONSENT

Items 3 and 4 were removed for separate vote.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 17, 2006

It was moved by Council/RA Member Henson, seconded by Council/RA Member Ward, and unanimously carried, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 17, 2006.

2. Adoption of an Ordinance Amending Chapter 10, Article 1, of the Hayward Municipal Code Relating to Tattoo Parlors (Continued from 10/17/06)

Staff report submitted by City Clerk Reyes, dated October 24, 2006, was filed.

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

Ordinance 06-16, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code Relating to Tattoo Parlors"

3. Tobacco Control Enforcement Program

Staff report submitted by Community Policing Lieutenant Weldon, dated October 24, 2006, was filed.

Staff responded to Council Member Dowling's inquiry on what this will involve.

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

Resolution 06-127, "Resolution Authorizing the City Manager to Execute an Agreement with the County of Alameda to Accept Funding for the Tobacco Control Enforcement Grant; Appropriation of Funds"

4. Appointment of the Bay Area Water Supply and Conservation Agency to Represent the City of Hayward in Negotiations with San Francisco Public Utilities Commission for a New Water Service Agreement

Staff report submitted by City Manager Armas, dated October 24, 2006, was filed.

There was Council discussion related to the 1962 contract and staff reported that the contract is not involved in any future negotiations, but the City will insure that the 1962 contract is not impacted.

Council Member Ward reported that his firm has done some recent business with the PUC and would be abstaining from the vote.

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

Resolution 06-128, "Resolution Appointing the Bay Area Water Supply and Conservation Agency as Authorized Representative of City of Hayward in Discussions/Negotiations with San Francisco for a New Water Service Agreement"

5. Library Plaza Lighting Improvement Project: Award of Contract and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Fakhrai, dated October 24, 2006, was filed.

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

Resolution 06-125, "Resolution Awarding the Contract to National



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Electric, Inc., for the Library Plaza Lighting Improvement Project, Project No. 5142”

Resolution 06-126, “Resolution Amending Resolution 06-081, as Amended, the Capital Improvement Budget Resolution for Fiscal Year 2006-07, Relating to an Appropriation of Funds from the City’s Street Lighting Fund, Fund 422 for the Library Lighting Improvement Project, Project No. 5142”

LEGISLATIVE BUSINESS

6. New Burbank Elementary School: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated October 24, 2006, was filed.

Public Works Director Bauman made the presentation and responded to Council questions.

Council Member Dowling noted the new street that is being constructed and asked staff to discuss when it might be open for general use. Public Works Director noted that this street will basically serve the new facility, and will not open until the construction is complete.

Staff noted that the school and the site have been reviewed by the State architect. The design includes providing sufficient electrical capacity for technological advances for the facility as well as for learning venues, including an outdoor component. Staff responded to questions regarding disaster preparedness.

Council Member Henson offered his concern for improved technological features and uses in the building. He also reported that there are some funds available for green building elements.

Council Member Rodriquez expressed the concerns of Burbank parents as to where their children will be during construction. Council Member Halliday also commended staff for their diligence towards this project. City Manager Armas pointed out that the school schedule will not be impacted. As soon as this academic year is complete, construction will begin. The present Burbank school will be open until the new school is ready.

Public Works Director Bauman noted that the school construction has a critical schedule and it will be monitored carefully by staff. He noted requirements for the contractor to complete on time with substantial liabilities otherwise.

Mayor Sweeney opened and closed the public hearing at 8:31 p.m., as there were no requests to speak.

Council Members commended staff for seeking this collaboration. Lastly, City Manager Armas reported that residential development will be converging with the new school.

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

Resolution 06-129, “Resolution Approving Plans and Specifications for the New Burbank Elementary School and Filbert Street Extension Projects, Project Nos. 5097 and 5099, and Call for Bids”

7. Resolution in Support of Propositions 1B and 1C on the November 7 Ballot

Staff report submitted by City Manager Armas, dated October 24, 2006, was filed.

City Manager Armas noted that at the request of Council Member Dowling, these two measures are on the November ballot and is on this agenda to consider endorsement. He reviewed the propositions that will approve the sale of general obligation bonds to fund transportation and housing needs. He noted that if Proposition 1B is approved by the voters, Hayward will be provided \$4.6 million to fund a variety of needs.

In addition, Council Member Dowling noted that Proposition 1C will provide funding for housing and in particular for urban housing near transit sites, such as the South Hayward BART station. Lastly, it was noted that Council Member Quirk requested that the two propositions be considered separately.

Mayor Sweeney opened the public hearing at 8:39 p.m., to receive public input for both propositions.

The following spoke in favor of Proposition 1C to meet housing needs for those with needs, in particular in the disability community:

Gwen Butler
Vanessa Proee
Irvin Rivera

Aretha Green
Magdalena Portillo, on behalf of CRIL
Jessica Lehman

Mayor Sweeney closed the public hearing at 8:48 p.m.

Council Member Quirk expressed his concerns against Proposition 1B. He emphasized that funding Proposition 1B will reduce the funding for other critical services and read from a statement from Transportation and Land Use Coalition (TALC) that opposes Proposition 1B, noting that it threatens important state programs, is not a long-term funding solution and the proposition fails to address the root source of the transportation crisis. Council Member Henson shared the same concerns, in particular the accountability for this funding. He asked staff for additional input. City Manager Armas identified League of California Cities input that established safeguards that utilize funding mechanisms through CMA and MTC agencies.

Council Member Dowling commented on the efforts and collaboration of both political parties that included a series of compromises. He urged his colleagues to support the endorsement of



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Proposition 1B.

Council Member Halliday commented that Council received correspondence opposing Council's endorsement. She spoke on the funding that will be directed to this area and felt that Hayward will reap some of the benefits of this proposition.

Council Member Rodriquez commented on the need for transportation improvements, but was cautious with how funding would occur.

Council Member Ward commended those who attended to speak on behalf of funding for housing as intended by Proposition 1C. He pointed out that this proposition will benefit those with the most housing needs and provides for affordable housing.

It was moved by Council Member Dowling, seconded by Council Member Ward, and carried, to adopt a resolution in support of Proposition 1B by the following roll call vote:

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

Resolution 06-130, "A Resolution Supporting Proposition 1B on the November 2006 Ballot"

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

Resolution 06-131, "A Resolution Supporting Proposition 1C on the November 2007 Ballot"

8. Adoption of an Ordinance Amending the Hayward Municipal Code Pertaining to Card Club Regulations

Staff report submitted by City Clerk Reyes, dated October 24, 2006, was filed.

Mayor Sweeney indicated that this is the adoption of the ordinance that was approved for introduction at a previous public hearing. As the vote was not unanimous, it is on the agenda for a separate vote. Mayor Sweeney opened and closed the public hearing at 9:08 p.m. There was no Council discussion.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried by

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the following roll call vote to adopt the ordinance:

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

Ordinance 06-17, "An Ordinance Amending Chapter 4, Article 3 of
the Hayward Municipal Code, by the Addition of Section 4-3.16 (c)
Relating to the Palace Card Club Permit"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:09 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward