



**MINUTES OF THE SPECIAL JOINT
CITY COUNCIL/REDEVELOPMENT AGENCY
MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 15, 2007 8:00 p.m.**

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Sweeney at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Ward.

ROLL CALL

Present: COUNCIL/RA MEMBERS Rodriguez, Quirk, Ward, Dowling, Henson
MAYOR PRO TEMPORE Halliday
Absent: COUNCIL/RA MEMBER None
MAYOR/CHAIR Sweeney

PROCLAMATION: May 13 – 19, 2007 as Emergency Medical Services Week

Mayor Pro Tempore Halliday urged all residents and visitors to Hayward to recognize the value and accomplishments of emergency medical service providers. She noted that residents benefit daily from this service. She presented the Proclamation to Fire Chief Arfsten, who thanked the Council for its support.

PUBLIC COMMENTS

There were no requests to speak.

CONSENT

1. Authorization to Amend the TRC Professional Services Agreement in Connection with the Cannery Area Project

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 15, 2007, was filed.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and carried with Mayor/Chair Sweeney absent, to adopt the following:

RA Resolution 07-14, "Resolution Authorizing the Executive Director to Execute an Amendment to the TRC Professional Services Agreement in Connection with the Cannery Area Project"

2. Approval of Professional Services Agreement with Peckham & McKenney for City Attorney Recruitment Services

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Staff report submitted by City Manager Armas, dated May 15, 2007, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Mayor Sweeney absent, to adopt the following:

Resolution 07-064, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement for Professional Services with Peckham and McKenney to Recruit for the Position of City Attorney, and Appropriate Funds"

3. Change to Community Facilities District No. 1 (Eden Shores)

Staff report submitted by Finance Director Auker, dated May 15, 2007, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Mayor Sweeney absent, to adopt the following:

Resolution 07-065, "Resolution of Consideration to Amend and Restate the Rate and Method of Apportionment of Special Tax and Form Improvement Areas for Community Facilities District No. 1 (Eden Shores)"

HEARINGS

4. Consolidated Landscaping and Lighting District No. 96-1, Benefit Zones 1 through 12 – Approve the Engineer's Report, Form Benefit Zone 12, and Order the Setting of Collection Rates for FY 2007-08

Staff report submitted by Development Review Engineer Anastas, dated May 15, 2007, was filed.

Development Review Engineer Anastas made the report and responded to questions from Council. He noted that the formation of Benefit Zone 12 requires a vote of the property owners in accordance with State mandates and the City Clerk has received the ballots.

There being no requests to speak, Mayor Pro Tempore Halliday opened and closed the public hearing at 8:09 p.m., and directed City Clerk Reyes to canvass the vote for Benefit Zone 12, which includes the area of the Eden Shores East development that will contribute towards the maintenance of the Oliver Sports Park.

City Manager Armas explained that the process to form the benefit district is required by State law.

City Clerk Reyes reported the total number of ballots received and confirmed the majority vote to form the benefit district.



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Mayor Pro Tempore Halliday announced the formation of Benefit Zone 12 as approved by the property owners. She reiterated staff's recommendations and asked for a motion.

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

Resolution 07-066, "Resolution Approving the Engineer's Report, Forming Benefit Zone 12 and Ordering Levy of Assessment for Fiscal Year 2007-08 for Zones 1-12 of the Consolidated Landscaping and Lighting Assessment District No. 96-1"

5. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report and Order the Levy of Assessments for FY 2007-08

Staff report submitted by Development Review Engineer Anastas, dated May 15, 2007, was filed.

Development Review Engineer Anastas made the report, depicting the area involved and responded to Council queries related to the district.

As there were no requests to speak, Mayor Pro Tempore Halliday opened and closed the public hearing at 8:16 p.m.

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and unanimously carried with Mayor Sweeney absent, to adopt the following:

Resolution 07-067, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 2007-08 Fiscal Year, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit-Pacheco Way, Stratford Road, and Ruus Lane (MD No. 1)"

6. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond - Approve the Engineer's Report and Order Levying of Assessments and the Setting of Collection Rates for FY 2007-08

Staff report submitted by Development Review Engineer Anastas, dated May 15, 2007, was filed.

Development Review Engineer Anastas made the report, indicating that there is no change in the status from last year. He noted that the water buffer improvements were accepted as completed by the City's Engineer. He reported that the developer remains responsible for the operation and

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maintenance of this water buffer for another 24 to 36 months. He displayed the area on slides and recommended approval of the Engineer's Report and the order of the levy of assessments for the next fiscal year. He responded to Council questions related to the water buffer maintenance and the formulation of these districts. It was noted that districts formed prior to Proposition 218 did not include escalating formulas to address increasing maintenance costs.

As there were no requests to speak, Mayor Pro Tempore Halliday opened and closed the public hearing at 8:22 p.m.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried with Mayor Sweeney absent, to adopt the following:

Resolution 07-068, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 2007-08 Fiscal Year, Maintenance District No. 2 Eden Shores Buffer Zone and Pre-Treatment Pond (MD No. 2)"

LEGISLATIVE BUSINESS

7. Participation in the East Bay Radio Communication System Joint Powers Authority (continued from 05/08/07)

Staff report submitted by City Manager Armas, dated May 15, 2007, was filed.

City Manager Armas made the report, noting that this has been on the agenda for the past two Council Meetings. He reported that the recommendation is to participate in the formation of a joint powers authority, the East Bay Radio System Joint Powers Authority (JPA), that would take responsibility for design and construction, owning and operating a radio system for needed communication and interoperability capabilities, which has been in the works for better than two years. He noted that in reviewing past minutes, there was a discussion in 2005 that indicated and reported that regional efforts were already in place. He recommended authorizing execution of the JPA agreement with financial participation. In the future, this would include the most significant financial obligation is associated with the actual cost of constructing the radio system. The Council is not being asked to make a long-term financial commitment at this time. The matter will need to return to the Council for formal approval of the long-term financial obligation to the City. He responded to Council questions related to the draft JPA agreement, its positions of treasurer and auditor and what cities are not participating in this joint powers agreement. He responded to questions, noting that the City operates its own radios at this time and is not being asked to relinquish its radio system.

Council Member Henson asked about funding and the working group's timeline in requesting federal funding. A primary reason to form this JPA is to be in a better position to request funding that is available as there is a definite need to have seamless communications. He agreed with the standards that will be endorsed. He would prefer to see not only mayors, but council members included in the governing board. It was noted that there will be opportunity for council members to participate on the board.



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City Attorney O'Toole advised that the Council may elect to withdraw from the Authority, but it would need to withdraw prior any indebtedness issued. He reiterated that the City would be restricted to maintain its membership in the JPA until any debt issued during the City's membership is paid off.

City Manager Armas restated that the Council could instruct staff and direct that any long-term indebtedness must be approved by Council. He affirmed that the Council is not relinquishing its power to act independently.

Mayor Pro Tempore Halliday discussed her concerns with the eminent domain language of the JPA. In response, City Manager Armas pointed out that the language is necessary but would be utilized with considerable seriousness and only used should there be a need for property such as for situating an antenna.

Mayor Pro Tempore Halliday opened the public hearing at 9:03 p.m.

Honorable Alameda County Supervisor Gail Steele strongly urged the Council to support this effort citing the recent freeway mishap that has impacted key traffic areas. She emphasized the potential disasters that could occur such as earthquakes. She recognized the cumbersomeness of the JPA. Lastly, she applauded the Council's diligence and urged the Council to join in its efforts to protect over two million residents.

Wendell Norwood spoke on behalf of M/A Com and Dailey-Wells Communications. He referred to correspondence previously sent that listed 11 questions and responses. He urged that Council review the P25 standard and cautioned against the use of an equivalent standard as stated in the JPA and urged that P25 compliance be strictly maintained. Staff commented that requiring specific language in the JPA may not be beneficial as the standard could become obsolete in the future.

Mayor Pro Tempore Halliday closed the public hearing at 9:17 p.m.

Council Member Rodriguez moved to approve the JPA and thanked Supervisor Steele and staff for presenting the draft agreement with the report. She appreciated the arduous efforts of those involved. She realized that staff has been participating and involved with this project for the past two years and indicated that she was not on the Council during that time. She expressed concern about the \$75,000 investment to initially participate and would have preferred a letter of intent, but was satisfied that there are protections built into the agreement.

Council Member Henson seconded her motion, commenting on various aspects of the efforts towards resolving interoperability. He also agreed with the P25 equivalent or compliant language in the JPA. He heartily supported this effort and thanked Mr. Norwood, Ms. Kent and Police Chief Lowe for their contributions. Council Member Henson indicated that he is a member of the

National League of Cities Committee on interoperability and shared information related to incidents that occurred as the Oklahoma City disaster.

Council Member Quirk agreed with the language on P25 and commented that someday there may be a P26 and future technology of interoperability. He spoke on future negotiations and urged staff to seek credit should Hayward's towers be included in this project. He agreed with Council Member Rodriquez's motion.

Council Member Dowling reported that Alameda County and Contra Costa Counties were moving forward so that cities would be basically subscribers. Alameda County awarded the contract to Motorola. He asked how that would relate to this JPA.

City Manager Armas responded that the County wanted to improve its system. The City of Hayward will not be a responsible for those improvements. Technical specifications will be included in the proposal to respond to that system. The working group will identify an outside expert to review the design. It was noted that the cities in Contra Costa have signed letters of intent, and that most cities in Alameda will be a part of the JPA. BART and Oakland are still reviewing the JPA. There is a delegation of mayors that will be meeting with Mayor Dellums of Oakland to urge that city's involvement with the JPA.

Council Member Dowling commented on City Manager Armas' involvement for the past two years and trusted his judgment and recommendation and commended his work. He noted that both the City's Fire Chief and Police Chief support it as well as Supervisor Gail Steele. He commented on the importance of involvement and participation by the City's next City Manager.

Mayor Pro Tempore Halliday would not be supporting the motion although she commended City Manager Armas for his involvement. She felt that there were still too many unanswered questions, controversy and some confusion about this issue. She pointed out that the City is not guaranteed a seat on the board and could not see "protections" in the agreement, which could cause the loss of control by the City in the future. She was concerned about standards in equipment as well as whether this will address interoperability. She doubted whether there would be federal government support. In terms of budget priorities, she was also very concerned with costs and noted the City's current financial struggles.

Council Member Henson spoke in favor of the motion and stated that the ultimate goal is to make this entire country interoperable. He described his experience with a joint powers authority and was confident that this JPA would operate in the same manner, in particular, that most actions must be approved by each member city.

Council Member Dowling stated that he would not be supporting a general fund allocation of \$250,000 per year for fifteen years. He indicated that the JPA funding will need to be from other financial avenues, such as a bond measure. Lastly, he would not agree with taking officers off the street to fund this.

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



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Resolution 07-069, "Resolution Authorizing the City of Hayward's Participation in the East Bay Radio Communication System Joint Powers Authority"

Resolution 07-070, "Resolution Amending Resolution 06-080, as Amended, the Budget Resolution for Fiscal Year 2006-07, Relating to an Appropriation of Funds to Participate in the East Bay Radio Communication System Joint Powers Authority"

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

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

At 9:35 p.m., Mayor Pro Tempore Halliday indicated that the reason for Mayor Sweeney's absence was that his mother passed away this morning. She spoke kindly of Mrs. Eleanor Sweeney and adjourned the meeting in her memory and on behalf of the City Council offered heartfelt condolences to the entire Sweeney family.

APPROVED:

Barbara Halliday, Mayor Pro Tempore, City of Hayward
Vice-Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency

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