



**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, June 12, 2007 8:00 p.m.**

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**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 Henson.

**ROLL CALL**

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

**PUBLIC COMMENTS**

Linda Bristow, residing on Call Avenue, spoke in support of the Hayward Animal Shelter and the overcrowding conditions. She commented on the "Love for Sale" program and urged members of the community to adopt a pet from the animal shelter. She noted the hours of the shelter and that it is opened late on Wednesday. She announced that there will be a fundraiser on September 7<sup>th</sup> and provided a telephone number for additional information at 293-7200.

Dan Henriques commented on people using profane language in public.

Steve Murtaugh, residing on Oakes Drive, spoke on planning for increased use of bicycles for transportation. He urged the use of bicycle lock systems that provide a quick, secure place to park and provided information in this regard for staff consideration. Council Member Quirk asked if there was any possibility of this being a part of the bike plan. City Manager Armas indicated that the bike plan will be discussed in the near future. At the suggestion of Council Member Dowling, Mr. Murtaugh will be sent a draft copy of the Bicycle Master Plan when it is available.

Joseph Oberman has property on Jefferson Street and commented on recent daytime burglaries that have occurred on his property. He spoke in support of the Mayor's proposal for hiring additional police officers. He noted that he now utilizes a video camera on his property. Mr. Oberman also announced the upcoming big band Hayward Library Concert at the Library from 2 p.m. until 4 p.m., on Saturday, June 16<sup>th</sup>.

Wynn Grick spoke on the June 4<sup>th</sup> issue of the U.S. News and World Report magazine article related to water and the issue of selling U.S. water companies to other nations, lead poisoning and the recent proposal by Senator Barbara Boxer to recycle toilet water for watering crops. She cited a video related to lead poisoning and suggested the City Council have the police department offer recycling of pharmaceuticals. She urged all interested persons to contact these legislators.

**DRAFT**

Laurie Pascual, read from a newspaper article related to bills introduced by Senators Boxer and Feinstein to recycle non-potable water for crops. She pointed out a number of recent newspaper articles relative to mercury in water, and illness and health threats from contaminated water.

Council Member Quirk announced the Fiji Festival that will be held at Cal State on June 30 and July 1 during the hours of 10 a.m. and 5 p.m., and invited all to the event as well as provided the website for additional information: [www.fijifestival.com](http://www.fijifestival.com).

## CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 5, 2007

Approval of the minutes for June 5<sup>th</sup> was held over for one week.

2. Adoption of an Ordinance Establishing a Daytime Curfew for Minors Under 18 Years of Age

Staff report submitted by City Clerk Reyes, dated June 12, 2007, was filed.

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

Ordinance 07-05, "Ordinance of the Hayward City Council Adding Section 4-9.02.5 to the Hayward Municipal Code Establishing a Daytime Curfew for Minors Under 18 Years of Age"

## LEGISLATIVE BUSINESS

3. Extension of Moratorium on Mobilehome Park Conversions

Staff report submitted by Planning Manager D. Rizk, dated June 12, 2007, was filed.

Community and Economic Development Director Daluddung made the report and responded to questions from Council, noting that staff is recommending the extension of the ordinance. She discussed current pending legislation, the status of the two bills and indicated that the legislation will have a positive impact in maintaining local control. There was consensus to send an additional letter to legislators in Sacramento as one had been previously sent by Mayor Sweeney. It was noted that the author of one of the bills may be forced to accept amendments that may impact cities. She explained that with this pending legislation and the fact that it will impact many of Hayward's seniors and about 4,000 Hayward residents, more time is needed to adequately review the ordinance. This extension will be through May 8, 2008. In response to Council questions she noted that the City ordinance protects all units.

Council Member Ward recommended that at the end of the extension, staff be directed to provide a detailed analysis of the impact of costs when a purchase occurs in comparison to remaining a renter of the mobile home property. He commented that this conversion will impact residents and he is interested in what the financial implications will be.

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City Manager Armas commented on the legislation. He stated that if this legislation fails, the Council's ability to weigh those factors is severely constrained. He commented that when condominium conversion legislation was first implemented, it was with the intent that conversions would be initiated by residents not owners. Years later, the reverse is occurring. If the legislation passes, it will restore local control.

There was discussion related to the passage of these bills which is likely and their status was discussed as well as the cost for infrastructure improvements and impacts to cities. The State treats mobile home differently with more control on their inspections for building code provisions. There is a standard to undertake surveys that provides how to determine market conditions and allows rent increases over a four year span to reach the market.

Council Member Halliday hoped that this could be avoided with the limit of time available for the moratorium. She was concerned with the timing of the end of the moratorium and the passage of the legislation and staff advised that Council has another opportunity for an additional 12 months. She agreed with sending a letter as previously discussed and agreed with contacting local legislators, as Senator Corbett, who was recently honored by the mobile homeowners' community. Council Member Halliday suggested Assembly Member Hayashi be contacted to assist in the support and passage of these bills.

It was reported that both bills are similar in objectives. Council Member Rodriguez highly recommended the use of letter writing to legislators, not forms, that generally impacts their vote on legislation.

Council Member Dowling asked about the opposition to this pending legislation. He asked if there was knowledge as to why there would be objection when mobile homes address the need for additional affordable housing in California. He did not understand the reluctance in Sacramento.

City Manager Armas explained that much like cable television regulations, mobile home park owners prefer to address a statewide regulation than varying local ordinances throughout the State.

Mayor Sweeney opened the public hearing at 8:46 p.m.

Jay Henderick spoke in favor on the moratorium and appreciated the Council's support. He described the recent meeting of the residents of Eden Gardens Estates Mobile Home Park. A poll was taken and of the 128 households, 67 were represented at the meeting. He reported that four of those present or 11% of the mobile home owners were willing to purchase their land.

Bob Billmire explained further the proposed legislation, noting that amendments to the AB 1542 occurred on June 5. One of the bills states that the future payments will include the rent as well as the amenity benefit expenses. He explained the "common areas" improvements of the park will be added to the rent. He referred to a situation in Southern California where that amount is about \$200 per month. He stressed the need to continue the moratorium and the reason for extending the moratorium to further research the proposed legislation.

**DRAFT**

Mayor Sweeney closed the public hearing at 8:50 p.m.

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

Ordinance 07-\_, “An Ordinance to Extend Interim Emergency Ordinance No. 07-04 of the City of Hayward Adopted Pursuant to Government Code Section 65858, Imposing a Temporary Moratorium on the Issuance of Use Permits, Variances, Building Permits and Other Land Use Approvals of Mobile Home Park Conversions”

4. Adoption of the Budget for the City of Hayward and the Redevelopment Agency for Fiscal Year 2007-08, including the Master Fee Schedule, and the Gann Appropriation Limit, and the Capital Improvement Program Budget

Staff report submitted by City Manager/Executive Director Armas, dated June 12, 2007, was filed.

City Manager/Executive Director Armas made the report, noting that the Council’s review continued with a public hearing on June 5. Following public testimony, the Council directed staff to make adjustments and amendments. He enumerated three programs that will be funded in this budget cycle that includes \$30,000 for the 2-1-1 Program, \$50,000 towards the efforts of the new task force, Keep Hayward Clean and Green, and Mayor Sweeney’s request for the use of \$1 million reserve, designation for additional police staffing upon the submittal of a work plan in October by Police Chief Lowe.

Mayor/RA Chair Sweeney opened the public hearing at 8:53 p.m.

Judy Harrison, President of the Friends of the Library, and also a member of the Library Commission, indicated that all the members of the Library Commission were present. She thanked the Council for its support and urged continued support.

Linda Bennett, Chair of the Library Commission, thanked the Council for its continued support of library services that contributes to the quality of life. She spoke on the benefits of the library to this community. She pointed out that on a per capita basis, Hayward’s libraries are in the bottom third of public libraries in this State. Lastly, she expressed the Commission’s excitement in sending out the RFP towards the design of a new library.

Mayor/RA Chair Sweeney closed the public hearing at 8:57 p.m.

Council/RA Member Henson moved the adoption of the resolutions that approve the Fiscal Year 2007-2008 Operating Budget for the City of Hayward, the Redevelopment Agency budget, the amendments to the Master Fee Schedule, the Capital Improvement Program and the Gann Appropriation Limit.

Mayor/RA Chair Sweeney asked that his friendly amendment from the previous hearing be included in this motion and was accepted by both the maker and the second. He referred to the



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motion previously approved by adding an objective regarding reversing the trend in increased robberies, burglaries, and motor vehicle thefts in the City of Hayward.

Council/RA Member Quirk spoke on the need for more police officers, the need for public safety as well as the need for libraries. He discussed the percentages of the City's budget to support public safety. He commented on the Mayor's previous suggestion to support city services with a ballot measure to get new funding. He emphasized the extent of his support. His concern was making this \$1 million commitment prior to knowing whether or not the voters will support it. He discussed the current training of new police officers. He also spoke on next fiscal year's \$5 million deficit and the concern of cutting services which would impact on library services, the already understaffed Finance Department, and the need for new money to provide these city services. He discussed his concern with using the \$1 million to address a \$5 million deficit. His preference would be to conduct a survey prior to the October commitment to spend the \$1 million.

Council/RA Member Dowling expressed equal concerns as expressed by Council/RA Member Quirk. He agreed that a higher level of police staff is needed in Hayward. He understood the plan to have 206 police officers, but the entire community must be involved in order to address crime and education and awareness on preventing crime. He shared the concerns of sustaining this level in the future. He urged the members of the Budget and Finance Committee to discuss a policy on the use of reserves and contingency funds in the future. He suggested that this be on its next meeting agenda and perhaps provide such at mid-year.

Council/RA Member Halliday, a member of the Council's Budget and Finance Committee, accepted Council Member Dowling's recommendation. She would be supporting the use of reserves. She voted at the last meeting in favor of Mayor Sweeney's proposal because this type of investment must be made to resolve the problem, which must be addressed now. She declared this as an investment in the City's future and as an investment in hope. She commented on the needs of the library but she emphasized that she continues to hear about the perception of crime in Hayward. She agreed that something must be done to reverse that perception. She commented on the City's demographics that retirements have impacted Hayward's work force.

Council/RA Member Quirk discussed the process in determining the use of reserves. He indicated that statistical projections must be calculated to determine how to set particular reserves. He asked that Police Chief Lowe speak on the current staffing status.

Chief Lowe reported on the current status of the Police Department staff. He indicated that future layoffs will not occur due to the turn over rate of officers, who leave for other jurisdictions. He recalled that the Fiscal Year 04-05 conditions resulted in 15 police officer positions that were frozen and 17 civilian positions that were frozen, with the majority still frozen. Recruitment is continuous. He explained the reason for not accepting lateral entries. He explained the academy process, the training involved and that it usually takes about a year to develop the necessary skill sets.

Council/RA Member Rodriguez reported her reservations on the use of reserves for this effort, although she voted in favor last week. This was against her nature, but so necessary. Her concerns were in dipping into reserves. Peaceful neighborhoods are no longer peaceful. She commented on how the crimes as burglaries rather than the higher crimes are impacting neighborhoods and the quality of life for many. She stated that her concern was alleviated by Chief Lowe who confirmed that there probably would not be a lay-off after the funding ceases. She noted that she no longer wants to see library services diminished.

Council/RA Member Henson stated that crime is impacting not only Hayward, but other cities, citing FBI statistics. He understood the process of recruitment and the cycle that occurs on police staffs and favored continuous recruitments. He had no reservations in supporting the use of the contingency and reserves for police support for this community. He desired to address crime early to eliminate perceptions and was hopeful that federal programs as the COPS program will continue to fund this need.

Council/RA Member Ward stated that he maintains a commitment to public safety and the perception of public safety. He was confident in the Chief's ability to develop a plan that not only deals with addressing crime with additional police officers, but ways to address crime beyond just having additional police officers on the streets. He mentioned that Washington, D.C., has the most police officers per capita, compared with other cities, but it also has a high crime rate. He would be interested in seeing other options in addressing crime, besides officers on the streets. He would also be agreeable in the use of police cameras at key locations as previously suggested by Council/RA Member Henson. He also commented on the social programs that the City offers and funds to help reduce the tendency for young people to commit crimes to support their families. It has to be comprehensive and completed in conjunction with all of the social programs that exist in this City. He would be supporting the motion, not just to address the crime issues, but because incrementally city staff shortages must be addressed and this is the beginning of this process.

Mayor/RA Chair Sweeney agreed with Council/RA Member Ward's comments as the beginning of the process to address issues. In response to Council/RA Member Dowling's comments, he agreed, along with members of the Budget and Finance Committee, to look at the City's reserves. He pointed out that the proposal takes \$1 million from the \$5.6 million in the City's Contingency Fund, but does not touch the liquidity funds or the City's economic uncertainty reserve. He stressed that this action must be taken this year otherwise it will take another two years to address it again. He emphasized that Hayward citizens are unhappy and concerned with crime in their neighborhoods. He reiterated the increase of crime rates in burglaries, robberies and motor vehicle thefts. He stated that it is time to engage the community on what it is facing and what it is going to take to turn it around. There are some options in paying for this. There needs to be a discussion with the community and hard choices must be made. He stressed the need to do a survey in order to hear from the community and where the community stands on some of these problems. He agreed that there are a wide range of issues that ought to be addressed and this is the first step in seriously engaging the community. The million dollars towards the Police Department is a statement that this Council is serious in moving forward to deal with this critical issue. He would be supporting the motion.

It was moved by Council/RA Member Henson, seconded by Council/RA Member Halliday, and unanimously carried to adopt the following with a friendly amendment by Mayor/Chair Sweeney that his motion from the previous public hearing be included and that would be to add the



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objective regarding reversing the trend in increased robberies, burglaries, and motor vehicles thefts:

Resolution 07-079, "Resolution Approving the Budget of the City of Hayward for Fiscal Year 2007-2008; Adopting Appropriations for Fiscal Year 2007-2008"

RA Resolution 07-16, "Resolution Approving the Budget of the Redevelopment Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2007-2008"

Resolution 07-080, "Resolution Adopting a Revised Master Fee Schedule Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 06-082 and All Amendments Thereto"

Resolution 07-081, "Resolution Approving Capital Improvement Projects for Fiscal Year 2007-2008"

Resolution 07-082, "Resolution Establishing the Appropriation Limit for Fiscal Year 2007-2008"

## **COUNCIL REPORTS**

Council Member Dowling reported on his attendance at the League of California Cities Lobby Day. He distributed handouts related to current critical issues as eminent domain. The League is working on a bill to alleviate some of those concerns and will prohibit the taking of single family homes. He commented on various legislative bills that address the \$20 billion bonds, noting that Bay Area agencies are asking for applications in funding for transit oriented projects as well as for Proposition 1B transportation and infrastructure funding. He stated that he met with Assembly Member Mary Hayashi who is very supportive of transit oriented development. She is assisting cities with the mandate process and noted that unfortunately state mandates are not funded this year. The City did receive a million dollars. Council Member Dowling alerted staff on this issue.

Council Member Henson asked about Proposition 84 and whether the topics of coastal protection and safe drinking water were discussed as a public safety issue. Council Member Dowling responded that there was some discussion, but the update was rather vague.

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 9:30 p.m. with Council Member Henson adjourning in memory and in recognition of the price paid by Hayward resident, Army Sgt. Andrew Higgins, who was killed last week defending this country in Iraq. Council Member Henson, along with Mayor Sweeney, asked that a tree be planted in his honor and asked staff to contact his family as to the appropriate place to plant it.

**APPROVED:**

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Michael Sweeney, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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