



**MINUTES OF THE SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY/
HOUSING AUTHORITY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 10, 2007, 8:00 p.m.**

MEETING

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

ROLL CALL

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

Mayor Sweeney announced that Consent Item #8 would be removed from this agenda due to the need for further administrative detail.

PRESENTATIONS: Business Recognition Award

Clarmil Manufacturing Corporation was chosen to receive the July 2007 Business Recognition Award. Clarmil began operations in Hayward in 1996. This award was presented to Clarmil Manufacturing Corporation for the contribution this company has made to the community by being an industry leader; locating its manufacturing facility in Hayward; providing jobs to Hayward residents; and contributing to the social and economic well being of the Hayward community. Dr. Mary-Ann Ortiz-Luis introduced her management team and accepted the award. She thanked the Council for this special recognition and honor.

Special Presentation by Steve Miller of Stonebrae, LP

Steve Miller read from a letter that he submitted regarding the proposed community center at Valle Vista and Mission Boulevard. Along with a few other developers who have contributed \$2,500,000 for this project, he announced that as the Executive Director of Stonebrae, LP, he would like to pledge \$1 million to construct this new community center that will benefit the neighborhoods. In addition, Mr. Miller commended former City Manager Armas for his incredible loyalty, his dedication and foresight and recommended a permanent tribute to acknowledge him. He indicated that the other contributors agree with this recommendation. He asked that the new community center be named in his honor as a lasting appreciation.

Mayor Sweeney appreciated Mr. Miller of Stonebrae, LP, for his generosity.

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PUBLIC COMMENTS

Brian Harano spoke in support of negotiations on behalf of Local SEIU 1021. He works in the City's garage and described the mechanics crew and duties. He asked for support of flexible staffing schedules and position salary surveys as well as increased wages.

Steve Mitchell, representing the Maintenance Unit of the SEIU Local 1021, asked that the Council consider the cost of living increase as well as increased wages for the members of the confidential, clerical and maintenance units.

Linda Williams spoke regarding a fair wage increase. She spoke on a recent new employee, who left for better wages in a neighboring city after receiving training in Hayward.

Duce O'Bayley, clerical staff member at the Police Department, spoke in support of fair and equitable wages.

Gilbert Hesia, representing SEIU Local 1021, recognized a group of supporting members of Local 21. He also spoke on the need for increased wages in the average range in comparison to other agencies.

Daryl Lockhart stated that City employees have had a salary freeze since 2004, yet continue to serve this community in good faith. The cost of living has increased with no wage increases. He presented a petition signed by over 270 members requesting that the negotiations continue with a speedy resolution, the equity study be honored and that wages be increased to market average over the next two years.

Marcia Zimmerman works in the jail division at the Police Department. She reiterated the need for equity and fair wages.

Katie Green, a police and fire dispatcher for the past five years, noted that neighboring smaller cities earn higher wages than Hayward's dispatchers.

Damita Bell, Permit Technician, stated that her position is underpaid by 31% and asked for a wage increase.

Anthony Guerra, a longtime employee, spoke in support of the diversity as well as the solidarity of this union.

At this time Mayor Sweeney allowed the members of SEIU 1021 to exit the Council Chamber.

Starletta Carter, a resident at Tyrell Avenue, commented on a recent incident that occurred when her six year old son purchased a toy gun from the ice cream vendor. She showed the toy gun that appeared almost real with similarities to a pellet gun. She spoke strongly on the need to ban such sales and commented on the negative response to her by the ice cream vendor. She also asked for assistance for low-income single parents. She reported that about five ice cream trucks drive by her house every day and four of them sell these guns.

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Mayor Sweeney indicated that he previously spoke with Ms. Carter and acknowledged the need for staff to investigate this practice. He suggested that Ms. Carter get the license number of the ice cream truck and report it to staff.

Norma Nelson, a Union City resident, commended Starletta Carter after reading the article in the newspaper. She was appalled by this incident. She was opposed to ice cream vendors that sell items that promote violence and felt that it was a racist action. She was pleased that the Council intends to be proactive and review the licensing and restrictions for ice cream vendors.

Ollie Arnold, residing on Highland Boulevard, spoke in support of banning the sale of toy guns by ice cream vendors. She agreed with the Council's proposal to use license requirements to end this. She could not imagine the tragedy that might occur if a police officer saw this realistic looking gun pointed at him by a child.

Mark James stated that he was present with his friend in regard to the union issue, but when he heard about this incident with the ice cream vendor, he recalled a past tragedy. He spoke emotionally on a tragic incident that occurred in 1982 as a student at San Jose State where he and his roommates dressed as gangsters on Halloween and were horsing around in a Woolworth store. Because they had removed the orange caps that indicate that they are toys, he lost his friend that night due to their misrepresentation. He implored the Council to act urgently on this matter.

Jim Drake, Franklin Avenue, spoke on enforcing the noise ordinance. He wanted to eliminate the noise that is emitted by the parking lot street sweeper at the grocery store in his neighborhood.

CONSENT

Consent Item #7 was removed for further discussion.

1. Approval of the Minutes of City Council Meeting of June 26, 2007

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of June 26, 2007.

2. Adoption of an Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located Generally at the Intersection of Orchard Avenue and Traynor Street Westerly of Soto Road Pursuant to Zone Change Application No. PL-2007-0114

Staff report submitted by City Clerk Reyes, dated July 10, 2007, was filed.

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

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Ordinance 07-07, “An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located Generally at the Intersection of Orchard Avenue and Traynor Street Westerly of Soto Road Pursuant to Zone Change Application No. PL-2007-0114”

3. Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application No. PL 2006-0393 Relating to Property Located to the Rear of 1744 and 1748 D Street

Staff report submitted by City Clerk Reyes, dated July 10, 2007, was filed.

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

Ordinance 07-08, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application No. PL 2006-0393 Relating to Property Located to the Rear of 1744 and 1748 D Street”

4. Authorization for City Manager to Execute Two Lease Purchase Agreements for the Purchase of Motor Vehicles

Staff report submitted by Director of Finance and Internal Services Auker, dated July 10, 2007, was filed.

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

Resolution 07-100, “Resolution Authorizing Execution of Two Equipment Lease/Purchase Agreements and Any Other Documents Necessary to Procure Financing for New City Vehicles”

5. Water System Intertie Project: Authorization for the City Manager to Execute Amendments to the Agreements for Design Services and Construction, and for Operation and Maintenance

Staff report submitted by Deputy Director of Public Works Ameri, dated July 10, 2007, was filed.

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

Resolution 07-101, “Resolution Authorizing the City Manager to Execute a Second Amendment to the Joint Exercise of Powers Agreement (JPA) with East Bay Municipal Utilities District (EBMUD) and San Francisco Public Utilities Commission (SFPUC) for Design



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and Construction Services, and a First Amended JPA for Long Term Operations and Maintenance”

6. Reauthorization of Investment of Monies by the City of Hayward, Hayward Redevelopment Agency, and the Hayward Housing Authority in the State of California Local Agency Investment Fund

Staff report submitted by Director of Finance and Internal Services Auker, dated July 10, 2007, was filed.

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

Resolution 07-102, “Resolution Authorizing Investment of City of Hayward Monies in the Local Agency Investment Fund”

RA Resolution 07-17, “Resolution Authorizing Investment of Redevelopment Agency Monies in the Local Agency Investment Fund”

HA Resolution 07-02, “Resolution Authorizing Investment of City of Hayward Housing Authority Monies in the Local Agency Investment Fund”

7. Recognition and Acceptance of Monetary Pledge from Stonebrae, LP

Staff report submitted by Acting City Manager David, dated July 10, 2007, was filed.

Council Member Dowling asked whether this action includes the naming of the facility as requested by Mr. Miller. Acting City Manager David reported that the pledge from Stonebrae, LP, is not conditional on naming it, but a suggestion and a request by Stonebrae, LP, to name the future community center in honor of the work and dedication of former City Manager Jesús Armas.

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

Resolution 07-103, “Resolution Acknowledging and Accepting a Donation from Stonebrae LP Related to the Construction of a New Community Center”

8. Authorization to Negotiate and Execute an Employment Agreement with Jesús Armas

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Staff report submitted by Acting City Manager David, dated July 10, 2007, was filed.

This item was removed at the request of staff for further administrative detail.

HEARINGS

9. Proposed 2007-08 Water and Sewer Service Rate Adjustments

Staff report submitted by Deputy Director of Public Works Ameri, dated July 10, 2007, was filed.

Acting City Manager David reported that Council previously discussed this at its work session in May and there was consensus to increase the water rates. She explained the Proposition 218 requirements that included accepting protests from the users. Approximately 4% of the total notices sent were protests. Customers with fixed incomes are being offered reduced rates if they satisfy the eligible income requirements. She indicated that Director of Public Works Bauman was available for questions.

Mayor Sweeney opened the public hearing at 8:55 p.m.

Ingris Bob Lembi, residing on Edgecliff, compared the percentage of increase to his water bill. He indicated that he has substantial landscaping on a corner lot and utilizes water beyond the first level rate. He questioned the method of billing as he will be double billed for using that amount of water that is not going into the sewer system, but remaining on his lot.

Director of Public Works Bauman responded to questions related to the tiered rate structure. The reason for them is to encourage water conservation for heavy residential home use. The increase of sewer rates is largely due to the expenses of processing and treating sewage.

At the request of Council Member Halliday, Director of Public Works Bauman pointed out that Mr. Lembi's billing, a single family residence, is for sewer and is not based on water usage. Sewer rates were determined by the analysis of the treating process.

Mayor Sweeney noted the substantial improvements that must be made to the Hetch Hetchy system. He also mentioned that the Proposition 218 requirements do seem somewhat bureaucratic and asked that staff consider more communicative efforts to provide information to residents on the increases of water rates.

Jeanette Conde, Executive Vice President of an industrial company, spoke against the increase rates. She noted that the increased rates are over 25%. She recommended a phasing of the increase rather than one large increase as it will impact the business as it is a water-based business.

Jim Drake spoke against the water and sewer rate increases. He showed his last two bills that were

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exactly the same. He insisted that his water meter was not read this past month. He also spoke against the installation charge for water meters.

Kian Pour-Khorshid, a new homeowner on Andrea Street, asked if there was any leeway for folks in her situation.

In response to Council, Acting City Manager David reported that there are reduced flat rates for customers who qualify under certain income standards. During this Proposition 218 noticing, a number of customers were offered this service.

In response to Council Member Ward's question related to informing customers of ways to landscape that requires less water use, Director of Public Works Bauman reported that there is water conservation information on our City's website and information has previously been offered to customers in this regard.

Mayor Sweeney closed the public hearing at 9:07 p.m.

Council Member Quirk appreciated those who spoke this evening. He felt that the best approach in using less water is to find a different way of landscaping. In regards to the industrial rate increases, he stated that more increases are expected in the next few years as the Hetch Hetchy System is upgraded. He urged staff to make Hayward water customers aware of the future seismic upgrades and massive rebuild of the entire Hetch Hetchy System. He noted that Hayward is a significant user of the Hetch Hetchy Water System and Hayward will need to assist in paying that, adding that all users will be billed for this extensive improvement.

Council Member Henson felt that there are inconsistencies in terms of policy. He stated that old and current CC&R's mandate a front lawn that must stay green. He cited the need to insert different language in the City's subdivision agreements to clarify this.

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

Resolution 07-104, "Resolution Amending the Master Fee Schedule and Approving Water and Sewer Rates"

LEGISLATIVE BUSINESS

10. Selection of Mayor Pro Tempore

Staff report submitted by City Clerk Reyes, dated July 10, 2007, was filed.

Mayor Sweeney thanked Council Member Halliday for her services as Mayor Pro Tempore for the
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past fiscal year. Council Member Halliday appreciated the times she was able to conduct meetings and attend functions on behalf of the Mayor and the City. She moved to elect Council Member Quirk as the Mayor Pro Tempore for the next fiscal year.

With no requests to speak, Mayor Sweeney opened and closed the public hearing at 9:11 p.m.

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

Resolution 07-105, “Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2007-2008”

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 9:13 p.m.

APPROVED:

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

ATTEST:

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

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