



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 2, 2007, 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 Quirk.

ROLL CALL

Present: COUNCIL MEMBERS Rodriquez, Quirk, Ward, Dowling, Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER Halliday

Mayor Sweeney reported that Council Member Halliday was out of town and not able to attend.

PUBLIC COMMENTS

Dan Henriques stated that he is homeless and residing in his car. He described a recent police incident related to the towing of his vehicle.

John James Dalcino stated that he and his mother own 22984 Sutro Street, and has spent considerable time and effort to clean up the park at the corner of Jackson and Sutro Street. He thanked staff for assisting him in this effort.

Audrey LePell spoke on the Calpine energy plant and her involvement against the Russell City Energy Center.

Cynthia Padilla Chavez, residing at Industrial Boulevard stated that she is approximately 1,000 feet from the proposed Russell City Energy Center. She spoke on the health effects of the emissions

Jewell Hargleroad, Fairview Avenue, spoke on behalf of a recently formed coalition, Coalition Against Pollution. She commented on the public review process and recommended the Council consider a legal action to amend its decision.

Andrew Wilson provided information that he garnered at the California Energy Commission meeting in Sacramento last Wednesday. He spoke highly on the presentations made by Hayward residents. He reported that the FAA presented its position. He noted that since the energy plant is approved, he asked that consideration be made to address the issue of the fireplace retrofit program that needs to be completed in twelve months. He asked for a workshop that would include the Bay Area Air Quality Management District as well as staff to address the City's contribution towards this program.

Mayor Sweeney asked that staff respond and schedule a future work session to discuss.

DRAFT

JoAnne Gross, residing on D Street, spoke against the proposed Russell City Energy Center. She commented on the hearing process for the proposed Eastshore Energy Center development.

CONSENT CALENDAR

1. Approval of Minutes of September 25, 2007 City Council Minutes

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried with Council Member Halliday absent, to approve the minutes of the City Council Meeting of September 25, 2007.

2. Adoption of an Ordinance Relating to Underground District No. 27 on Mission Boulevard, from Calhoun Street to Overhill Drive

Staff report submitted by City Clerk Reyes, dated October 2, 2007, was filed.

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

Ordinance 07-11, "Ordinance Amending Article 4, Chapter 11 of the Hayward Municipal Code by Adding Section 11-4.27 thereto Relating to Underground District No. 27"

LEGISLATIVE BUSINESS & INFORMATIONAL ITEMS

3. Proposed Donation from Hayward Friends of Animals

Staff report submitted by Administrative Analyst Davis, dated October 2, 2007, was filed.

Mayor Sweeney welcomed City Manager Jones, who stated that Assistant City Manager David would be presenting the report. Assistant City Manager David provided the background of this report noting that the Hayward Friends of Animals proposed to support a Spay and Neuter Clinic. There was authorization to pursue its feasibility and a position was authorized for an in-house Veterinary Technician. As a result of a recent discussion there was an agreement to withdraw the proposal due to cost factors and utilize the funding donation by the Friends of the Animals to improve the animal shelter's HVAC system. It does not preclude exploring the feasibility of funding a voucher program to increase the number of spay and neuter procedures. She commented on the workload and costs that impacts the staff. At this time the HVAC improvements are the best alternative for the use of the donation. She indicated that Police Chief Lowe is available for further discussion.



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Council Member Dowling thanked the staff for the report and was agreeable to the staff's recommendation, although it was not what he would have initially recommended. He felt that having an on-site spay and neuter clinic would save staff time in particular when transporting animals to a clinic. Police Chief Staff noted that the person adopting the animal is responsible for transporting the animal. Council Member Dowling stated that according to a recent report, about 2,500 animals are eliminated annually. He asked that this elimination number be reduced in the future and asked for staff recommendations on how to address this. He realized the impacts to the shelter financially and staff. He appreciated the Friends of Animals who have brought forward the issues of the animal shelter when it was not on the City's priority list. He recommended a more collaborative relationship and more effort by staff towards the leaders of the Friends of Animals.

Police Chief Lowe reported that the workload of caring for approximately 300 animals daily is significant for staff. Volunteers continue to foster and perform outreach and there are rescue programs that assist. He expressed appreciation for the Friends of the Animal Shelter stating that many of the volunteers rescue animals on their own. Police Chief Lowe indicated that Mayor Sweeney was able to discuss the situation with the leaders of the Animal Shelter at a recent fundraiser. He spoke favorably of Hayward's Animal Shelter outreach program and its success reporting that over 600 animals were rescued by non-profit rescue centers this past year. Police Chief Lowe described the conditions of the building and the cooling and heating issues because it is a tin building. He stressed the problems with both air conditioning and heating that the HVAC system improvement project will address. He stated that the financial donation will help fund those improvements.

Assistant City Manager David stated that the Council will be reviewing and considering the need for additional or improved facilities for the police department during its budget process.

Council Member Henson referred to the letter from the Friends included in the report that does not specify an amount, but states that the group is willing to donate a significant amount of money once a City commitment is determined. He mentioned the previous funding for the improvements of this shelter. He urged that energy efficiencies be utilized wherever possible.

Mayor Sweeney opened the public hearing at 8:41 p.m.

John James Dalcino spoke on his past experience at the shelter and reported that he adopts cats.

Mayor Sweeney closed the public hearing at 8:43 p.m.

Council Member Quirk moved, seconded by Council Member Rodriguez, to accept the proposed financial donation of \$75,000 by the Hayward Friends of Animals to improve the HVAC system at the Hayward Animal Shelter and directed staff to return with the funding source for the remainder of the upgrade. He also requested that Council Member Henson's comments regarding maintaining healthy animals with the use of energy efficiencies on this project be considered.

Mayor Sweeney asked both the maker of the motion and the second, who accepted, that staff explore the use of a voucher program.

It was moved by Council Member Quirk, seconded by Council Member Rodriquez, unanimously carried with Council Member Halliday absent, to direct staff to accept the \$75,000 from the Hayward Friends of Animals, identify the funding source for the remainder of the HVAC improvement project, utilize energy efficiencies in the project and explore the potential use of a creative voucher program.

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 8:48 p.m. in memory of Marlene Varni and Joan Seavey Thomas. Council Member Rodriquez cited the newspaper article on Joan Seavey Thomas as written by Karen Holzmeister. She enumerated many of the organizations that Ms. Thomas was involved with throughout the years, noting her service in North Africa as a member of the Women's Army Auxiliary. She was the Dean of Women at Cal State East Bay and a founder of Hayward's Literacy Program. Council Member Rodriquez stated that there is no replacement for Joan; she was a tremendous and unique person survived by her husband of 40 years and three children.

Mayor Sweeney requested that trees be planted in their memory.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward