



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 22, 2008, 8:00 p.m.**

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**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 MEMBER None

**PRESENTATION** East Bay Regional Communication System (EBRCS) by  
Bill McCammon Executive Director

Mr. McCammon showed a PowerPoint presentation highlighting the progress of the development of a uniform emergency communications system, providing the highest level of interoperability, by a consortium of cities in Alameda and Contra Costa Counties. He noted that a joint powers authority was formed in September 2007 with 35 agencies participating. Preliminary design of the system is complete with an estimated cost of \$67 million, not including the cost of radios. Council Members thanked Mr. McCammon for this report. He responded to questions from Council Members regarding the installation process, other cities and agencies who are not participating, and ongoing funding.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Sweeney reported that Council met in closed session earlier with City Manager Jones and Community Economic Development Director Daluddung relating to property and an exclusive negotiation agreement with Citation Homes related to Burbank School Residual site, and with City Manager Jones regarding labor negotiations with all represented and unrepresented employees.

**PUBLIC COMMENTS**

Rod Andazola, Hayward resident, asked if something could be done about toppled trees in San Lorenzo Creek and the need for maintenance of the area. Mayor Sweeney asked the City Manager to work with the responsible agencies regarding this matter.

Mr. Andazola further noted that students crossing at the Mission Boulevard and Jackson Street intersection need to be monitored and asked for police assistance. Mayor Sweeney asked the City Manager to work with the Police Department and school district personnel regarding the matter.

Wynn Greich, Union City resident, spoke about quality of area water and air.

DRAFT

Rob Simpson, Hayward resident, commended staff for the Earth Day Celebration that took place on Saturday. He stated that he gave away 100 trees at the event. He suggested that Council adopt an ordinance that would fine polluting businesses in the city.

Doug Ligibel, Hayward resident, thanked Mayor Sweeney and Council Member Henson for their clean-up efforts. He stated that they collected four truckloads of garbage. He challenged other Council Members to participate and invited all to the next clean-up event on Jackson Street, this Saturday, at 8:30 a.m.

Regarding the Earth Day Celebration event, Mayor Sweeney commended and thanked staff members who organized the event (Arlyne Camire, Erik Pearson, Tiffany Roberts, Sharron Bowen, Vera Dahle-Lacaze, Susan Daluddung, Edith Jacklin, Michelle Koo, David Rizk, and Liz Sanchez); and other staff members who participated (Anne Culver, Jenny Cutter, Paul DeGrazia, Chris Gillis, Whitney Jacobs, Paul Lewis, Dan Nagle, Suzanne Philis, Sally Porfido, and Maria Walter). In addition he acknowledged other participants who made presentations, i.e., resident Doug Grandt and CSUEB Professor Laurie Price. He thanked Roy Porfido who performed a magic act and made animal balloons for the children. He also expressed his appreciation to Dee Dee Ligibel and Chuck Horner of the Keep Hayward Clean and Green Task Force for their efforts.

## **BOARDS AND COMMISSIONS**

Keep Hayward Clean and Green Task Force – Administer Oath of Office - Deputy City Clerk Macias administered the Oath of Office to three of the four new appointees: Florine Banks, Douglas Grandt, and Blytha Bowers.

## **CONSENT CALENDAR**

Items 1 and 8 removed for further consideration.

### **1. Approval of Minutes of the City Council Meeting of April 15, 2008**

Council Member Quirk stated that he had a correction to the draft minutes. It was moved by Council Member Quirk, seconded by Council Member Ward, and unanimously carried, to approve the minutes as corrected of the City Council Meeting of April 15, 2008.

### **2. Adoption of an Ordinance Authorizing an Amendment to the Contract between the City of Hayward and the Board of Administration of the California Public Employees' Retirement System**

Staff report submitted by City Clerk Reyes, dated April 22, 2008, was filed.

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



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Ordinance No. 08-05, "An Ordinance of the City Council of the City of Hayward Authorizing an Amendment of the Contract Between the City of Hayward and the Board of Administration of the California Public Employees' Retirement System"

3. Gas Tax and Measure B Pavement Rehabilitation 2007-08: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 22, 2008, was filed.

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

Resolution No. 08-046, "Resolution Approving Addendum No. 1, Increasing the Administrative Change Order, and Awarding the Contract to MCK Services, Inc., for the Gas Tax and Measure B Pavement Rehabilitation 2007-08 Projects, Project Nos. 5135 and 5165"

4. Douglas Street and Dove Way New Sidewalk and Pavement Reconstruction FY 2007: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 22, 2008, was filed.

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

Resolution No. 08-047, "Resolution Approving Plans and Specifications for the Douglas Street and Dove Way New Sidewalk and Pavement Reconstruction FY 2007 Project, Project Nos. 5152 and 5159, and Call for Bids"

5. Transportation Development Act Article 3 Funds: Wheelchair Ramps- Authorization to File Application for Funds

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 22, 2008, was filed.

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

Resolution No. 08-048, "Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008/2009 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding"

6. Industrial Boulevard Pavement Rehabilitation, W. Tennyson Road to Arf Avenue: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 22, 2008, was filed.

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

Resolution No. 08-049, "Resolution Approving Plans and Specifications for the Industrial Boulevard Pavement Rehabilitation, Tennyson Road to Arf Avenue Project, Project No. 5188, and Call for Bids"

7. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Preliminarily Approve the Engineer's Report, Form Benefit District 13 and Levy Assessments for 2008-2009 Fiscal Year for Zones 1-13, and Set June 17, 2008, as the Public Hearing Date for Such Actions

Staff report submitted by Development Review Engineer Nguyen, dated April 22, 2008, was filed.

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

Resolution No. 08-050, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Form Landscape and Lighting District Zone 13 and to Levy Assessments for Fiscal Year 2008-2009 for Zones 1-13, and Setting June 17, 2008, as the Public Hearing Date Concerning Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13"

8. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road and Ruus Lane - Preliminarily Approve the Engineer's Report, Adopt a Resolution of Intention, Set June 17, 2008, as the Public Hearing Date

Staff report submitted by Development Review Engineer Nguyen, dated April 22, 2008, was filed.

Director of Public Works Bauman responded to questions from Council Member Quirk regarding this item, and noted that there are some reserves available to take care of present costs.



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

Resolution No. 08-052, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2008-2009, and Setting June 17, 2008, as the Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Russ Lane (MD No. 1)"

9. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond - Preliminarily Approve the Engineer's Report, Adopt a Resolution of Intention, Set June 17, 2008, as the Public Hearing Date

Staff report submitted by Development Review Engineer Nguyen, dated April 22, 2008, was filed.

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

Resolution No. 08-051, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2008-2009, and Setting June 17, 2008, as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer (MD No. 2)"

#### **HEARING**

10. Text Amendment PL-2008-0181 - Mobile Home Park Conversions Ordinance (*Report from Community and Economic Development Director Daluddung*)

CED Director Daluddung presented the staff report and noted that the hearing is critical in order to adopt these new regulations. She added that staff has worked with the property owners as well as residents. The ordinance, in addition to bringing it into conformance with state law, requires that residents be completely informed when a conversion is being considered. It was noted that the proposed new ordinance specifies the information that is to be contained in the impact report prepared by the owner and the government code requires a survey of resident support for the proposed park conversion be conducted. The proposed ordinance clarifies the information required and disclosures must be provided to each resident in advance of the survey. In order for a conversion to be presumed a bona fide resident conversion, 50% or more of the survey vote by the residents must be in favor of the conversion. She responded to questions from Council and then deferred to City Attorney Lawson for additional information.

City Attorney Lawson reviewed a letter that was submitted to Council this evening from The Loftin Firm, representing the property owner of Eden Gardens Mobilehome Park. He stated that some of the concerns expressed in the letter could be addressed by making some changes to the draft ordinance while leaving intact the main goals; i.e., on page 4, subsection 10-3.860(a)(10), retain first sentence, but at the end, change the period to a comma and add the words, "if any," and strike the balance of paragraph; on page 9, delete entire subsection 12; and, on page 12, delete entire subsection (c).

Mayor Sweeney opened the public hearing at 9:09 p.m.

Steve Bristow, Hayward resident, spoke in favor of the ordinance. He suggested that Council support Senator Corbett's SB 900 with a letter from the Mayor and Council.

Mayor Sweeney stated that Council did send a letter of support for the bill.

Jay Henderick, resident of Eden Gardens Estates, thanked Planning staff for the wonderful work on this ordinance. He noted that many of the mobile home owners have invested thousands of dollars in their homes.

Kathy Morris, President of the Hayward Mobile Home Owner's Association, thanked staff and Council for their unwavering support and for the ordinance. She spoke in favor of the comprehensive conversion ordinance which details the many steps that a park owner must take to convert the property. Her statement was submitted for the record.

Preston Cook, mobile home park owner, stated he has spent about \$50,000 in the process for conversion. He spoke against the ordinance and stated that he would be willing to put in writing that he would give every resident a lifetime lease at the same rent they are currently paying, offering no economic displacement and that no one would have to buy, sell, or move.

John Rodrique, representing The Loftin Firm, stated the proposed ordinance was inconsistent with the state and beyond the scope of the city. He objected to the ordinance.

Burl Smith, resident of Eden Gardens, spoke of his discussions with other residents and concerns about affordability of the property, and he did not believe the park owner's promises. He noted that these are not mobile but manufactured homes that are not easily moved. He was in favor of the ordinance.

Rob Simpson, Hayward resident, stated that it is necessary not just to provide information but protection and suggested strengthening the rent stabilization ordinance and taking the matter to state level if the city does not have the authority.

Ron McKay, Hayward resident who lives near Kragen's, stated he was concerned about the homeless in the area and asked for police protection, especially at night time. He stated that cars have been speeding down Middle Lane and asked for police patrol in the area.

Mayor Sweeney asked the City Manager Jones to check with the Police Department regarding Mr. McKay's issues.



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Tom Roberts, 12 year resident of New England Village and real estate agent, spoke about affordable housing and the limited income of the majority of the mobile home residents and how they would not qualify for financing the purchase of the property. He stated that affordable housing needs to be protected on a permanent basis.

Mayor Sweeney closed the public hearing at 9:37 p.m.

Council Member Halliday moved, seconded by Council Members Quirk, Ward and Henson, to introduce the ordinance, with the recommended changes by the City Attorney, and find that this amendment is statutorily exempt from the California Environmental Quality Act. She thanked the mobile home community members for sitting through the process and spoke in favor of the ordinance. She stated that the mobile home parks provide essential housing stock in Hayward, especially for seniors.

Council Member Henson also thanked the residents of the mobile home community, and stated that this ordinance is one of the most important pieces of legislation considered this year. He strongly supports the text amendment. He added that it is essential to continue to monitor what is happening at state level; he urged the City Manager to keep Council informed. He further urged park owner, Mr. Cook, to not just see the property as land, but to see the people who reside there.

Council Member Rodriquez also spoke in favor of the ordinance. She asked the park owner to look at all of the people in the room who would not be able to afford to live anywhere else. Many of the residents no longer work and they have reached an age where they have no additional income. She stated she could not understand the park owner's thinking, and told him that he was not doing the residents a favor.

Council Member Quirk spoke in favor of the ordinance and stated he was more concerned about affordability and where someone would have to pay \$100,000 for a mobile home and not know the price of the land. He told Mr. Simpson that law prohibits the City from changing the rent control ordinance, and that Senator Corbett's proposed legislation has been held up. He thanked Mr. Bristow for obtaining union support and urged him to work with the groups, including the chamber of commerce and real estate, to support this legislation to maintain affordable housing.

Council Member Dowling thanked the residents of the mobile home park community and stated that the Council had previously done all possible to protect the land by designating the area for mobilehome parks. He stated that the future of the elderly living in the mobile home parks is jeopardized without protection, and with this amendment a park can be purchased but not easily converted. He added that the Council will do whatever possible to keep and maintain affordable housing.

Mayor Sweeney spoke in support of the text amendment. He added that people have the right to basic information and that any good consumer needs facts before they make a major purchase. This ordinance requires that information be provided.

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

Introduce Ordinance 08-\_\_\_, "An Ordinance Amending Chapter 10, Article 3 of the Hayward Municipal Code Relating to Mobilehome Park Conversions"

## **LEGISLATIVE BUSINESS**

### **11. "Stop Graffiti" Reward Program (*Report from City Manager*)**

Staff report submitted by Assistant to the City Manager Saad, dated April 22, 2008, was filed.

City Manager Jones noted that this item is in support of Council's priorities for the community.

Assistant to the City Manager Saad presented the staff report and responded to questions from Council Members.

Council Member Quirk commended the City Manager for getting staff involved and Ms. Saad for her nice presentation.

Council Member Halliday asked how the program was to be publicized. Ms. Saad replied that posters will be in English and Spanish and will be displayed on the City's website and in local businesses willing to post them, and there will be a permanent announcement on KHRT cable television.

Council Member Dowling noted that paint spray cans are accessible in the home improvement stores and the current ordinance needs to be improved to tighten the availability of the spray cans.

Council Member Henson thanked staff for bringing this forward. He expressed dismay regarding the vulgarities and gang-related graffiti that he personally observed during his participation in recent clean-up activities. He asked staff to look for an injunction process, both civil and criminal, for this activity.

Council Member Ward noted that parents need to be made aware of the responsibilities for their children and that the current ordinance needs "more teeth." He stated that the people who commit the crime, need to clean it up.

Mayor Sweeney commented that in addition to moving forward with this resolution, he wanted to see more done about holding parents accountable.



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Assistant City Manager David stated that Council will soon be reviewing an ordinance related to administrative citation that will include penalties for such matters and will hold parents responsible for their children.

Council Member Rodriguez stated that graffiti is an infringement on the rights of residents of the city and it is destructive.

Mayor Sweeney opened the public hearing at 10:15 p.m.

Dee Dee Ligibel, Hayward resident, spoke in support of the program and thanked Council and staff for moving so quickly on the matter.

Doug Ligibel, Hayward resident, commended the City Manager and staff for the program. He reiterated Council Member Henson's comments. He stated that if graffiti is not cleaned up it leads to additional crime and vandalism. It is not only expensive to the City but to private businesses as well.

Mayor Sweeney closed the public hearing at 10:19 p.m.

Council Member Quirk thanked the Ligibels and the rest of the Keep Hayward Clean and Green Task Force, including the new members, for all of their efforts.

Council Member Halliday noted the trend for graffiti on signs that are essential to drivers and stated that it can be a safety problem on the road.

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

Resolution No. 08-053, "Resolution Approving the Stop Graffiti Reward Program"

Resolution No. 08-054, "Resolution Amending Resolution 07-079, As Amended, the Budget Resolution for fiscal Year 2007-08 Relating to an Appropriation of Funds for the Stop Graffiti Reward Program"

## **COUNCIL REPORTS**

Council Member Dowling stated that he recently attended the League of California Cities Lobby Day in Sacramento with Assembly Members Torrico and Hayashi. He stated there is much concern about budget cuts and everybody expects it to be a long arduous process this summer.

DRAFT

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 10:26 p.m., in memory of Chuck MacDonald, who resided in Eden Gardens Mobilehome Park. He was also the President of the board of the local Meals on Wheels. The Mayor asked that a tree be planted in his memory.

**APPROVED:**

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Michael Sweeney, Mayor, City of Hayward

**ATTEST:**

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Connie G. Macias, Deputy City Clerk, City of Hayward