



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD**

**City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 17, 2008, 8:00 p.m.**

MEETING

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

ROLL CALL

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

PUBLIC COMMENTS

Dan Henriques described his experience cleaning up after the Farmers' Market this past Saturday and noted the need for vendors to participate in cleaning up after it closes.

John Moran reiterated his remarks from a previous meeting and expressed his concerns related to his property at 1932 Highland Boulevard. He indicated that he could not afford to install underground utilities as required by City staff along the frontage of his property.

Council discussion ensued. Council Member Rodriquez indicated that she previously spoke with Mr. Moran. Council Member Quirk commented, referring to staff's response in the Council's Weekly Report, and recommended a formal vote be taken to place this on a future agenda. There was further discussion and Mayor Sweeney determined that there were four Council Members who agreed to direct staff to place this on a future agenda and no further debate should occur at this meeting.

Council Member Dowling expressed his reluctance with placing Mr. Moran's request on a future agenda. He indicated that he had informed Mr. Moran that he needs to apply for this adjustment through the regular planning process. Council Member Dowling also cautioned that Council, continuing in this manner, could cause more applicants to bypass the regular planning process.

Wynn Grich, a Union City resident, spoke on several topics including eliminating jobs for employees with salaries over \$150,000, news reporter Michael Finney's efforts to collect and replace mercury light bulbs and on fluoride dangers to humans.

Bob Franklin, representing BART Board District #3, reported that he was contacted by Doug Ligibel regarding recent crime incidents at the Hayward station. He described what occurred on Saturday and the collective efforts of various police agencies to resolve it. He provided information on BART's efforts to remove graffiti and gang tagging, and the recent efforts to remove it from the D Street overpass. The BART policy is to inspect within the first 24 hours of being reported and clear it within 48 hours. He indicated that cameras have been installed and will be utilized for monitoring. BART police have formed a team to address incidents and has increased patrols. He would follow up on

Council Member Henson's suggestion to coordinate with the police department to utilize the police "koban" located at the small rotunda in the City Hall.

Council Member Dowling commended him for his work as a BART representative. He asked Mr. Franklin to explain the current quality of train service due to the recent fire.

Mr. Franklin reported that it was a major fire, the second biggest in BART's history. It has impacted the last four stations on the line that includes both Hayward stations. BART riders from these four stations going to Oakland venues beyond the Lake Merritt station need to transfer at the Bayfair BART Station and board the Richmond line, which causes delays to their schedules. The repairing and replacing of cables and wiring are massive jobs and taxing on staff. Hopefully the repair can be completed by early August. He would also follow-up on Council Member Ward's request to correct the message board timer.

Mrs. Patricia Gowin thanked the Council for the Memorial Day event at Lone Tree Cemetery. She also complimented the candidates who ran for office and noted that the campaign literature was very good and thoughtful. More importantly, she reiterated her request for sidewalks where there are none along Mission and on her neighboring street of Blanche that leads to Tamarack in Union City.

Mayor Sweeney asked that staff provide a timely response to her question.

Doug Ligibel thanked Mr. Franklin of BART for attending this Council meeting. He also described his experience this past Saturday while walking down Grand Avenue and estimated that there were about 300 teen-agers in the downtown. He felt that this was the worst display of youth out of control, the worst youth disturbance he has seen since 1977. He has met with each of the homeowners associations seeking assistance to address this issue. It was his opinion that such incidents could cause a "slum situation" and impact the B Street businesses. He challenged several Council Members, including those recently re-elected to come up with a specific strategies and resolutions to address this most serious problem.

CLOSED SESSION ANNOUNCEMENT

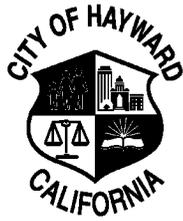
Mayor Sweeney announced that the Council held a closed session at 7:00 p.m. with legal counsel. At this Closed Session, City Attorney Lawson reported that the City of Hayward prevailed in the case of Francisco Amaral v. Cintas Corporation No. 2, which involved a challenge to the City's Living Wage Ordinance. This is good news for the City and the employees who work for companies that do business with the City.

CONSENT CALENDAR

Council Member Henson asked to remove Consent Items 1 and 3 for separate vote.

1. Authorization to Request that Caltrans Initiate the Process for Relinquishment of State Highways within the City

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 17, 2008, was filed.



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Council Member Henson maintained that he opposed the “loop” plan, but was not in opposition of the State’s relinquishment of sections of the State highways for better control for the City. He asked why these particular sections of the highways were chosen. Council Member Henson also asked if staff could confirm or ascertain with Caltrans that the conditions of these facilities are appropriate for at least five or ten years after relinquishment.

Director of Public Works Bauman responded that an overall plan needs to be in place as the City accepts them. It is necessary that the sections are initially brought up to current standards and there be a future plan to finance the operation of these facilities. Director of Public Works Bauman also confirmed that staff will negotiate with Caltrans on such an issue, but it will be a challenge to reach acceptable agreements. He discussed the proposed sections further and noted that Caltrans will permanently retain the connection points that give access to the freeways.

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

Resolution 08-088, “Resolution Requesting that Caltrans Initiate the Process to Relinquish Portions of State Routes 238, 92, and 185 in the City of Hayward and Authorizing the City Manager to Negotiate and Execute All Documents Necessary to Effectuate the Relinquishment of the State Routes”

2. Authorization to Enter into Contract for Financial Consulting Services Related to the City Center Campus Project with Economic Research Associates and Appropriation of Funds

Staff report submitted by Redevelopment Director Bartlett, dated June 17, 2008, was filed.

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

RA Resolution 08-05, “Resolution Authorizing the Executive Director to Execute an Agreement with Economic Research Associates for Financial Consulting Services Related to the City Center Campus Project”

RA Resolution 08-06, “Resolution Amending Resolution RA 07-16, as Amended, the Redevelopment Budget Resolution for Fiscal Year 2007-2008, Relating to an Appropriation of Funds from the Redevelopment Agency’s Tax Increment Fund, Fund 451”

3. Resolution in Support of California Assembly Bill 2939 Giving Cities Authority to Adopt Mandatory Green Building Standards that Exceed State Code Standards Without having to File Special Findings with State Agencies

Staff report submitted by Planning Manager Rizk, dated June 17, 2008, was filed.

Council Member Henson stated that he was informed at a recent recycling board meeting that AB2939 establishes a “grandfather” provision and was asked to highlight this. The provision allows any city that has adopted a mandatory green building ordinance without making the findings authorized by this bill could be deemed to have complied with all applicable statutory requirements so long as it made such a finding by January 1, 2010. He attributed this provision in the bill to Assembly Member Lonnie Hancock’s work.

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

Resolution 08-089, “Resolution of the City Council of the City of Hayward in Support of Assembly Bill 2939 Relating to California Green Building Standards”

HEARINGS

4. Consolidated Landscaping and Lighting District No. 96-1, Benefit Zones 1 through 13 – Approve the Engineer’s Report, Form Benefit Zone 13, and Order the Setting of Collection Rates for FY 2008-09

Staff report submitted by Development Review Engineer Nguyen, dated June 17, 2008, was filed.

City Manager Jones reported that he would leave the Council Chamber as he is a resident of one of the zones that will be discussed and reviewed.

Community and Economic Development Director Daluddung indicated that these three hearings are the annual updates for the various districts and the necessary process for ordering further assessment amounts.

Development Review Engineer (DRE) Nguyen made the report, noting that the Council had previously approved the Preliminary Engineer’s Report. He reported that there will be a slight increase in the levies for Zone 7 and Zone 12. He described the process that recommends taking action to create a new Benefit Zone 13 for the Cannery Place development. He also noted that the Zone 11 Maintenance District for Stonebrae would be adjusted in accordance with the actual maintenance costs. He reported that no homeowners attended the community meeting that was previously held.

As there were no requests to speak on this report, Mayor Sweeney opened and closed the public hearing at 8:39 p.m.



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City Clerk Reyes opened the two ballots received related to the formation of a new Benefit Zone 13 within the City of Hayward's Landscape and Lighting Assessment District No. 96-1. She reported that the tally of the ballots affirmed the formation of Landscape and Lighting Assessment District Zone No. 13 for maintenance and operation of landscaping, lighting and other improvements which are associated with the development of Cannery Place.

Council Member Halliday expressed her appreciation to staff for their work and flexibility in actually reducing amounts as there is sufficient monies to fund the work.

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

Resolution 08-090, "Resolution Approving the Engineer's Report, Forming Benefit Zone 13 and Ordering Levy of Assessment for Fiscal Year 2009 For Zones 1-13 of the Consolidated Landscaping and Lighting Assessment District No. 96-1"

5. Maintenance District No. 1 – Storm Drainage and 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 2008-09

Staff report submitted by Development Review Engineer Nguyen, dated June 17, 2008, was filed.

Development Review Engineer Nguyen made the report, noting that this is an annual update for this maintenance district. He displayed the boundaries of this maintenance district, recommended the approval of the engineer's report, and requested Council approve the levy of assessment for the 2009 fiscal year with no changes. He reported that no homeowners attended the community meeting that was held on May 5th.

In response to Council Member Halliday's, Development Review Engineer Nguyen reported that several years ago, the majority of the property owners voted not to increase the assessment. It was therefore necessary for Public Works staff to reduce the level of service for both the landscape and lighting and the maintenance district in order to utilize the services from the Alameda County Flood Control. Staff will continue to provide the necessary maintenance that provides minimal protection in this area and ultimately there it will be a cost to the City due to insufficient funds.

With no requests to speak, Mayor Sweeney opened and closed the public hearing at 8:46 p.m.

City Manager Jones reported that staff will be providing ten-year financial plans for the districts and compare the long-term plans to insure that the districts are self-funded. It may be necessary to conduct a Proposition 218 vote and if the vote is not successful review service levels on these districts.

Council Member Quirk appreciated that staff has proactively included the districts in its long-term financial planning.

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

Resolution 08-091, “Resolution Approving the Engineer’s Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the Fiscal Year 2009, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit-Pacheco Way, Stratford Road, and Russ Lane (MD No. 1)”

6. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond - Approve the Engineer’s Report, and Order the Levy of Assessments for the 2009 Fiscal Year

Staff report submitted by Development Review Engineer Nguyen, dated June 17, 2008, was filed.

Community and Economic Development Director Daluddung reiterated that this hearing is also the annual update for this district and Development Review Engineer Nguyen would be presenting the report.

Development Review Engineer Nguyen reported that Maintenance District No. 2 includes the Eden Shores Buffer Zone and the pre-treatment pond. He described the boundaries of the Maintenance District No. 2 and the recommended amount of assessment to be levied for the 2009 Fiscal Year. He noted the change in its status from the previous year and pointed out that on July 1, 2008, the assumption of maintenance will be the responsibility of the District, which previously was the responsibility of the developer. He reported that the collection rate is \$100 per parcel, a lower amount to accommodate homeowners during this economic downturn. He responded to Council questions related to the one year adjustment and what could occur should the economy be more impacted. Development Review Engineer Nguyen reported that the district assessment must be reviewed annually and the rate could remain the same as this year if maintenance costs remain as projected.

There were no requests to speak. Mayor Sweeney opened and closed the public hearing at 8:53 p.m.

Council Member Halliday discussed the reason for this maintenance district initially to protect the natural habitat from domestic animals. She asked if staff has received a complete report from the developer whether its purpose was accomplished. Council Member Halliday noted that she observed jack rabbits in the area.

Community and Economic Development Director Daluddung reported that staff has not received a report. She did a walk around, talked to the developer about the project as well as some residents, and observed that it seemed well maintained. Staff has not received information from the residents otherwise.



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City Manager Jones stated that staff will follow-up to obtain the report from the developer and distribute to Council when it is received.

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

Resolution 08-092, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the Fiscal Year 2009, Maintenance District No. 2, Eden Shores Buffer Zone and Pre-Treatment Pond (MD No. 2)"

COUNCIL REPORTS

There were none.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 8:56 p.m.

APPROVED:

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

ATTEST:

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