



**MINUTES OF THE SPECIAL CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, January 13, 2009, 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 Quirk.

**ROLL CALL**

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

**PRESENTATIONS**

**Business Recognition Award – Gillig Corporation**

The Business Recognition Award for January 2009 was presented to Gillig Corporation, the only American-owned transit bus manufacturer in the United States. Founded over 115 years ago in 1890 in San Francisco, Gillig moved its operation to Clawiter Road, Hayward in 1941. Gillig employs 695 people and plans to expand in the next two years. Gillig Corporation has contributed to the City of Hayward by: locating and expanding in Hayward; providing job opportunities to local residents; being an industry leader, and contributing to the overall economic well being of the Hayward community. President and Chief Executive Officer, Dennis Howard, accepted the award on behalf of Gillig Corporation and thanked Council for such an honor.

**Recognition of Firefighters Action**

Fire Chief Bueno presented Battalion Chief Contreras, Captain Livermore, Apparatus Operator Clark, and Fire Fighter Moothart with Unit Citations for acts worthy of honor. They were recognized for their distinguished performance on December 4, 2008, when they acted quickly to stop the assault on a young man. Chief Bueno added that their actions went beyond the call of duty. Mayor Sweeney congratulated them for their actions.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson indicated that there was no reportable action.

**PUBLIC COMMENTS**

Ms. Linda Bristow, Call Avenue resident and Shelter Advisory Board Community Member, spoke about the shelter being closed for two weeks. She recommended that closures at the shelter level be prevented and requested that the board be notified of any negative impact that may affect the shelter. Mayor Sweeney indicated that City Manager Jones would inform the shelter of any future furloughs.

**DRAFT**

Mr. Dan Henriques, currently homeless, requested to speak with Mayor Sweeney and City Manager Jones after the Council meeting regarding a previous conversation he had with City Manager Jones. Mayor Sweeney responded that there was no provision for this and asked that City Manager Jones include an item on his report to Council about the matter.

Mr. Doug Ligibel, Grand Terrace resident, thanked Council and City staff for approving and passing the BART resolution. Mr. Ligibel mentioned that he distributed a copy of an MOU from San Francisco regarding violence by youth that do not live in the area. He noted the contribution of local artist, Linda Longinotti, who through her own efforts covered graffiti by completing a mural on a building along Watkins Street.

Ms. Cathy Rodriguez, E. Lewelling Boulevard resident, reiterated comments made at a previous meeting regarding a complaint against the Police Department related to falsifying a Police report. Ms. Rodriguez requested that the Police Department and the officers involved be investigated and disciplined.

Ms. Victoria Serna, Gushue Street resident, spoke about the incidents involved with her son's arrest and harassment when he was driving with a suspended license on December 16, 2008. Ms. Serna requested that the case be investigated and asked that the names of the officers involved be disclosed to facilitate filing a proper complaint.

Ms. Jennifer H. Ong, Whittington Lane resident, provided a Keep Hayward Clean and Green Task Force schedule of future clean-up/graffiti removal events and spoke about her involvement as a volunteer. Furthermore, she thanked Council Member Dowling for his helpful presentation at the Hayward Demos Democratic Club meeting. Lastly, she announced that the task force will be gathering for a clean-up event at Harder Road and Mocine Avenue on Saturday, January 24, at 8:00 a.m.

## **CONSENT CALENDAR**

Consent items 1, 2 and 3 were removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on December 2, 2008  
At the request of Council/RA Member May, this item was continued for one week.
2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on December 16, 2008  
At the request of Council/RA Member May, this item was continued for one week.
3. Resolution to Negotiate and Execute a Professional Services Agreement with Buxton Company, and Appropriation of Funds to Develop a Retail Marketing Strategy

Staff report submitted by Economic Development Specialist Porfido, dated January 13, 2009, was filed.



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

**City Council Chambers**

**777 B Street, Hayward, CA 94541**

**Tuesday, January 13, 2009, 8:00 p.m.**

---

Council Member Dowling thanked City Manager Jones for bringing this item forward and asked how the City Council Commercial Center Committee can be involved. City Manager Jones noted that once the analysis comes back, it could be presented before the committee as an informational item.

In response to Council Member Henson's request for the intent of Buxton Company, City Manager Jones noted that the company specializes in analyzing purchasing behavior and marketing the collected data to potential retail companies.

Council Member Halliday supported the proposed item and requested that the Council Downtown Committee be presented with an informational item regarding Buxton Company's findings.

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

Resolution 09-001, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Buxton Company to Develop a Retail Marketing Strategy"

RA Resolution 09-01, "Resolution Authorizing the Executive Director to Negotiate and Execute a Professional Services Agreement with Buxton Company to Develop a Retail Marketing Strategy"

Resolution 09-002, "Resolution Amending Resolution 08-097, the Budget Resolution for Fiscal Year 2008-09, Relating to an Appropriation of Funds from the General Fund, Fund 100 to Develop a Retail Marketing Strategy"

RA Resolution 09-02, "Resolution Amending Resolution RA 08-07, as Amended, the Redevelopment Budget Resolution for Fiscal Year 2009, Relating to an Appropriation of Funds from the Redevelopment Agency Fund, Fund 451"

4. Authorization for the City Manager to Execute a Professional Services Agreement for Design and Construction Administration Services for the Highland 1000 Reservoir Replacement Project

Staff report submitted by Deputy Director of Public Works Ameri, dated January 13, 2009, was filed.

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

Resolution 09-003, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Brown and Caldwell for Design and Construction Administration Services for the Highland 1000 Reservoir Replacement Project, Project No. 7165"

5. Authorize the City Manager to Amend the Scope of the Contract with Sidewalk Strategies; and Appropriate the Necessary Funds

Staff report submitted by Assistant City Manager David, dated January 13, 2009, was filed.

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

Resolution 09-004, "Resolution Amending Resolution 08-097, the Budget Resolution for Fiscal Year 2008-09, Relating to an Appropriation of Funds from the General Fund, Fund 100, for Consulting Services Relating to Community Surveys and to Assist the City in Developing a Revenue Communication Strategy"

Resolution 09-005, "Resolution Authorizing the City Manager to Negotiate and Execute an Addendum to the Agreement for Professional Services with Sidewalk Strategies"

## **LEGISLATIVE BUSINESS & INFORMATIONAL ITEMS**

6. East Bay Regional Communication System Authority Participation

Staff report submitted by Technology Services Director Priest, dated January 13, 2009, was filed.

Technology Services Director Priest gave a synopsis of the report and introduced Executive Director of East Bay Regional Communication System (EBRCS), Bill McCammon, and Communications Manager Calzada.

Council Member Quirk indicated that the technical and financial concerns expressed by Council at the work session were discussed in detail during the Council Technology Application Committee (CTAC) meetings and that all his questions were answered. Mr. Quirk thanked Executive Director of the EBRCS, McCammon, for his participation at the meetings. Mr. Quirk also spoke about his attendance at a presentation by Mr. Daryl Jones from San Mateo County. He asked that Mr. Jones' message "Fireground Radios should go digital after the hydrants go digital," be displayed to portray his firefighters' concern and his advocacy in favor of waiting before transitioning to the new system. Lastly, he noted that he would be attending forthcoming EBRCS meetings.

Council Member Dowling also noted his attendance at the presentation by Mr. Daryl Jones, a radio expert, and asked staff to comment on the concerns with digital equipment for firefighters. Communications Manager Calzada indicated that he was aware of the concerns and that the technical



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

**City Council Chambers**

**777 B Street, Hayward, CA 94541**

**Tuesday, January 13, 2009, 8:00 p.m.**

---

aspects are being analyzed to assure that safety is not an issue for firefighters. In response to Mr. Dowling's inquiry regarding the budget for the proposed infrastructure, Mr. Bill McCammon, Executive Director for EBRCS and Pleasanton resident, noted that EBRCS is working with CTA Communications to determine the cost associated with the infrastructure. In response to the expected date to go live, given the economic crisis, Mr. McCammon indicated that real time testing is expected to begin in the next several months and added that the date for complete infrastructure upgrades is 2013. Mr. McCammon also mentioned that EBRCS is going to conduct testing with the fire service in the Bay Area to determine the best components to use on the fireground. Mr. Dowling suggested that the Hayward Firefighters Union and other unions be also included in the testing.

Council Member Henson concurred with Council Member Quirk about discussions at the CTAC meetings. In response to Mr. Henson's inquiry related to the next steps in technology, Mr. McCammon spoke about Project 25 (P25) standards and noted that the benefit of moving towards P25 digital would include upgrades that do not require hardware replacement. Mr. Henson mentioned that the firefighters' concern has been known and noted that Mr. Bob Gross has been working on testing low level frequencies, white noise, and technology in order to improve the expressed concerns. Lastly, he did not agree on waiting when there were interested people working on technology improvements.

Council Member Zermeño asked for clarification about the cost of the infrastructure. Mr. McCammon responded that the initial cost was an entry into the system and the operational maintenance cost would be based on the number of radios in each jurisdiction. Mr. Zermeño also indicated that he attended the presentation by Mr. Jones related to the concern for firefighters. Mr. McCammon noted future presentations by those who are involved in the testing of the radios.

In response to Ms. Halliday's inquiry, Mr. McCammon pointed out that the system would be fully operational within two to three years and reiterated that the City's infrastructure would need to be upgraded by 2013. Communication Manager Calzada noted that in 2005 the City's Public Safety Radio Network was upgraded and in order to meet the 2013 requirements, the infrastructure would need a software upgrade. Mr. Calzada added that the portable radios' life expectancy is five to seven years and the infrastructure has about ten years. In reference to Council Member Halliday's concern regarding the lack of Hayward representation in the EBRCS Board of Directors, Mr. McCammon indicated that board members are selected at the Mayor's Conference. In response to an assessment by the Board of Directors, Mr. McCammon noted that it would take an action by Council to reaffirm entrance of the agreement. Ms. Halliday expressed concern that the Bay Area Rapid Transit (BART), the Hayward Area and Recreational District (HARD), and cities of Oakland and Berkeley were not listed as participating agencies in the Joint Powers Authority (JPA). Mr. McCammon noted that the City of Berkeley has a stand alone radio system, the City of Oakland is trying to determine how to join the EBRCS, and BART did not find prudent to join because it works with different counties. In regard to the use of cell phone for public safety, Mr. McCammon indicated that cell phones do not provide the reliability and priority accessibility for safety communication. Lastly, Ms. Halliday expressed concern about the associated cost at a time when the City has other economic priorities.

Discussion ensued regarding participation in the East Bay Regional Communication System.

**DRAFT**

There being no public comments, Mayor Sweeney opened and closed the public hearing at 9:14 p.m.

Council Member Quirk moved per the staff recommendation.

Council Member Henson seconded the motion and suggested that the governance structure of the EBRCS Board of Directors be revisited.

Council Member Dowling supported the motion, but he favored purchasing a radio system that works for the firefighters and is more efficient than the current system. Mr. Dowling urged securing a seat in the Board of Directors. Due to the current economic crisis and the City's priorities, he suggested proposing a bond measure if there is need for major infrastructure funding from cities and counties. Lastly, he favored continuing the communication between entities.

Council Member Zermeño supported the motion trusting that with the fee of \$25,000 this year and no cost next year, the technology and the safety for firefighters will improve.

Mayor Sweeney supported the motion with the understanding that there would be no charge next year. Mr. Sweeney referenced the second and fourth paragraphs of page 2 of Attachment A-1 and first and third paragraphs under Fiscal and Economic Impact on page 10, indicating that there is need for improvement in terms of governance, professionalism and making the numbers work. He noted that if it does not improve, he would have no problem in advocating that Hayward remove itself from the system.

Council Member Quirk expressed agreement with the concerns expressed by his colleagues and ensured them that he would monitor discussions at future meetings.

Council Member Henson agreed with Mayor Sweeney's points and asked that the EBRCS Board of Directors revisit the governance structure and the selection procedures to ensure expert participation on the board. Mr. Henson also favored having a Hayward elected member on the board as well as having Communications Manager Calzada as a formal and traditional participant.

Council Member May referenced the second to the last paragraph of page 9 of Attachment A-1, indicating that she was irritated and noted that the \$25,000 in investment was nothing more than an insurance policy. She concurred with Mayor Sweeney that she was willing to risk the \$25,000. She also referenced the fourth paragraph of page 6 of Attachment A-1 and indicated that there are sites in Hayward that are necessary.

Council Member Halliday did not support the motion because of the current economic state. She did not think the proposal was a high infrastructure priority in terms of a natural disaster when compared against operationally seismically retrofitted hospitals and with roads that work.

It was moved by Council Member Quirk, seconded by Council Member Henson, and carried, with Council Member Halliday voting no, to adopt the following:



**MINUTES OF THE SPECIAL CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, January 13, 2009, 8:00 p.m.**

---

Resolution 09-006, "Resolution Authorizing the City of Hayward's Continuing Membership and Participation in the East Bay Radio Communication System Authority for FY 2009"

**COUNCIL REPORTS**

There were no Council reports.

**ADJOURNMENT**

Mayor/Chair Sweeney adjourned the meeting at 9:35 p.m. Council/RA Member Halliday suggested that Council close the meeting offering condolences to Oscar Grant's family. Council/RA Member Henson concurred and offered to relay this to the family. Mr. Grant grew up in Hayward and was killed at the Fruitvale BART Station. Council/RA Member Zermeño mentioned that Mr. Richard Dick McDonald, one of the founders of the Hayward- San Felipe Sister City Committee, passed away on December 26, 2008. A service was scheduled for Saturday at the San Felipe Community Park.

**APPROVED:**

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

**ATTEST:**

\_\_\_\_\_  
Miriam Lens, Deputy City Clerk, City of Hayward  
Secretary, Redevelopment Agency