



**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 20, 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 Halliday.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermefio, Quirk, Halliday, May, Dowling
MAYOR/Chair Sweeney
Absent: COUNCIL/RA MEMBER Henson

PROCLAMATION

American Red Cross – National Blood Donor Month

Mayor Sweeney read the proclamation declaring the month of January 2009 as National Blood Donor Month. Mayor Sweeney urged all residents to pay tribute to those who donate for others in need and also urged all Hayward residents in good health to donate regularly. Mr. Ed Faso, Account Manager for the American Red Cross, accepted the proclamation and thanked Council and those that have donated in 2008. Mr. Faso encouraged those interested in organizing a blood drive to contact him. He announced the next blood drive, scheduled to take place at Kaiser Hayward on Friday from 10:00 a.m. to 4:00 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson indicated that at its closed session, the Council met regarding the City Attorney's performance evaluation and there was no reportable action.

PUBLIC COMMENTS

Mr. Dan Henriques, currently homeless, expressed his continued concern for Hayward and a trash free environment.

Ms. Audrey LePell, Ocie Way resident and Citizens against Pollution (CAP) President, invited everyone to attend the Bay Area Air Quality Management District (BAAQMD) hearing regarding objections to granting a future permit for the Russell City Energy Center. The hearing was scheduled for January 21, at Hayward City Hall.

Ms. Wynn Grich, Union City resident, submitted a letter with references regarding her continued concern with the content of fluoride in water and its correlation to health effects. She also referred to the Fluoride Deception, by Christopher Bryson.

DRAFT

Reverend John Wichman, Patrick Avenue resident, praised the Martin Luther King Jr. Birthday Celebration at Centennial Hall. Rev. Wichman announced that former Pastor Gregory Michaels had passed away. He was a former Westminster Hills Presbyterian Church pastor, a pioneer for faith-communities engagement, and a great community leader. Rev. Wichman announced a memorial service scheduled for Sunday at the Westminster Hills Presbyterian Church.

Mr. Andy Wilson, Greenbrier Lane resident, thanked Council and City staff for putting up “No Parking” signs on Mission Boulevard. Following up Ms. LePell’s invitation to attend the BAAQMD hearing, he spoke about the negative effects that building the Russell City Power Plant could render for Hayward.

CONSENT CALENDAR

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 2, 2008

It was moved by Council/RA Member Dowling, seconded by Council/RA Members Halliday and Zermefio, and carried with Council/RA Member Henson absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 2, 2008.

2. Minutes of the Special City Council/Redevelopment Agency Joint Meeting of December 16, 2008

It was moved by Council/RA Member Dowling, seconded by Council/RA Members Halliday and Zermefio, and carried with Council/RA Member Henson absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 16, 2008.

3. Appropriation of Funds to make Additional Pass-Through Tax Increment Payments to Local Educational Agencies Pursuant to Assembly Bill 1389

Staff report submitted by Redevelopment Director Bartlett, dated January 20, 2009, was filed.

It was moved by Council/RA Member Dowling, seconded by Council/RA Members Halliday and Zermefio, and carried with Council/RA Member Henson absent, to adopt the following:

RA Resolution 09-003, “Resolution Amending Resolution 08-097, the Budget Resolution for Fiscal Year 2008-09, Relating to an Appropriation of Funds, and Authorizing the Executive Director to Make Payments to Local Educational Agencies to Comply with Assembly Bill 1389”

4. Authorization to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc., and Appropriation of Funds to Assist in Securing State Funding for Proposed South Hayward BART Transit-Oriented Development by Montana-Witteck

Staff report submitted by Redevelopment Director Bartlett, dated January 20, 2009, was filed.



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It was moved by Council/RA Member Dowling, seconded by Council/RA Members Halliday and Zermefio, and carried with Council/RA Member Henson absent, to adopt the following:

RA Resolution 09-004, "Resolution Authorizing the Executive Director to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc., to Assist in Securing State Funding for a Transit-Oriented Development"

RA Resolution 09-005, "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's Tax Increment Fund, Fund 451"

PUBLIC HEARING

5. Zone Change Application PL-2007-0594, Ram Paharia and Amos Picker (Applicants/Owners) – Request to Rezone a Parcel from Commercial Office (CO) District to Planned Development (PD) District – The Property is Located at 1944 B Street, at the Northwest Corner of Pearl Avenue and B Street intersections

Staff report submitted by Associate Planner Koonze, dated January 20, 2009, was filed.

Director of Development Services Department Rizk gave a synopsis of the report and noted that the projected sales tax revenue per year, under Fiscal and Economic Impact, should have been about \$35,000 instead of the erroneous \$1,425,000 presented in the staff report.

Council Member Dowling suggested that "tattoo parlors" be added to the Conditions of Approval, Prohibited Uses list.

In response to Council Member Zermefio's suggestion that a "Comic Book Store" be added, Director of Development Services Department Rizk responded that it would be at the Council's discretion and that the Planning Director had the authority to approve uses that would be considered similar. He further noted that a "Bookstore" was an allowed use.

Council Member Halliday received confirmation that "sale of alcoholic beverages," added to the prohibited uses at the direction of the Planning Commission, encompassed restaurants.

Mayor Sweeney opened the public hearing at 8:26 p.m.

Mr. Amos Picker, applicant/owner and Fremont resident, indicated that an enormous effort was placed in order to comply with allowable uses for the proposed project and asked that Council approve the zone change application.

DRAFT

Mayor Sweeney closed the public hearing at p.m. 8:29 p.m.

Council Member Quirk noted that the Planning Commission recommended to prohibit “retail liquor sales,” and expressed that it would be difficult to find a restaurant that could not sell beer or wine in the proposed location. Therefore, Mr. Quirk made a motion per staff recommendation with amendments to the Conditions of Approval- Prohibited Uses list by adding “tattoo parlors” and changing “sale of alcoholic beverages” with “retail sale of alcoholic beverages,” in order to allow for a bona fide restaurant for the proposed site.

Council Member Zermefio seconded the motion.

Council Member Halliday disagreed with the motion as presented indicating that it was appropriate to add restaurants that do not serve alcoholic beverages. In response to Ms. Halliday’s inquiry regarding Mr. Picker’s preference, he noted that he did not have a position. She further indicated that Police had been challenged with calls to the residential development in the proposed area. She preferred to have Council review any prospective applications with sale of alcohol. Mr. Quirk did not concur with Ms. Halliday’s request for reconsideration of “sale of alcoholic beverages.”

Council Member May noted that the list of prohibit uses was too restrictive and she felt that uses such as that of “Bakery, Coffee/Expresso Shop, and Ice cream Shop,” should be left to the property owner’s discretion.

Council Member Dowling was amenable with motion on the floor.

It was moved by Council Member Quirk, seconded by Council Member Zermefio, and carried by the following vote, per staff recommendation, amending the Conditions of Approval, Prohibited Uses List by adding “tattoo parlors” and changing “sale of alcoholic beverages” with “retail sale of alcoholic beverages.”

AYES: Council Members Zermefio, Quirk, May, Dowling
MAYOR Sweeney
NOES: Council Member Halliday
ABSENT: Council Member Henson
ABSTAINED: None

Resolution 09-007, “Resolution Adopting Negative Declaration and Approving Zone Change Application No. PL-2007-0594”

Intro Ordinance 09-_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2007-0594”



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COUNCIL REPORTS

Council/RA Member Quirk reported on his attendance at a Joint Powers Authority session regarding radio interoperability and noted that the technology was still developing and did not think that the City should have to be the first in transitioning.

Council/RA Member Zermefio thanked the community for attending the Martin Luther King Jr., Birthday Celebration at Centennial Hall on January 19, 2009 and praised the event.

Mayor/Chair Sweeney announced the next Keep Hayward Clean and Green Task Force Clean-Up event, scheduled for Saturday, January 24, 2009 at 8:30 a.m., with the meeting place at the corner of Harder Road and Mocine Avenue.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 8:40 p.m., in memory of former Westminster Hills Presbyterian Church Pastor Gregory Michaels. He was a Pastor, a Hayward Unified School Board member, a leader in the Hayward community, and a great mentor. Mayor/Chair Sweeney sent condolences to his family.

APPROVED:

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

ATTEST:

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