



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, February 3, 2009, 8:00 p.m.**

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**MEETING**

The Special 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 May.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that at its closed session, the Council discussed two items, one was a conference with the Real Property Negotiators and a second with Legal Counsel related to existing litigation regarding the Averiett v. City of Hayward. He added that the Council took no reportable action.

**PUBLIC COMMENTS**

John Kyle, a long-term resident in the Longwood neighborhood, commented on a vacant home at 22640 Hesperian Boulevard that is in need of code enforcement as there is illegal construction. Mayor Sweeney noted that the issues related to this house have been previously discussed and asked that staff provide information in the Council's Weekly Report.

Jessica Holten Fields, a resident on Twilight Court, spoke on behalf of the Library Commission. She spoke on the impacts of the City's furlough that closed the library at the end of last year. Families and library users were disappointed at the Library's closing. She received many comments against that closure and asked that Council consider this when discussing any future furloughs.

**CONSENT CALENDAR**

Consent Items 1 and 2 were removed for separate vote.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on January 20, 2009

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Halliday, and unanimously carried, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of January 20, 2009. Council/RA Member Henson stated that although he was absent from this meeting, he had read them and would vote if permitted. Mayor/Chair Sweeney

**DRAFT**

noted that in his adjournment in memory of Reverend Gregory Michaels, he intended to mention that a tree be planted in his memory.

2. California Consensus Principles on Federal Transportation Authorization for 2009

Staff report submitted by Deputy Director of Public Works Fakhrai, dated February 3, 2009, was filed.

John Kyle, submitted a document related to the airport and discussed his experience on various committees related to transportation and his past recommendations. He commented on what occurred with the City of Livermore and the FAA land purchase in that city and indicated that a truck stop would have better served that property. He also asked that the City Council add language to this resolution to address this.

Council Member Henson stated that Mr. Kyle has brought this issue up in the past. He conveyed to Mr. Kyle that he would provide him with written document about the California Alliance for Leadership and Mobility. On another issue previously discussed by Mr. Kyle, he indicated that he would also be providing information on the Airport Land Use Commission of Alameda County and as a City representative would raise these concerns there.

Council Member Quirk reported that he has been a part of this discussion in the past, and noted that this is not the forum for Mr. Kyle's issues. The group that Mr. Kyle referred to is more concerned about national policy and Mr. Kyle's concern is more specific and local.

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

Resolution 09-011, "Resolution in Support of the Principles Put Forward by the California Alliance for Leadership in Mobility Concerning Reauthorization of the Federal Transportation Authorization for 2009"

**PUBLIC HEARING**

3. Introduction of Revisions to the Hayward Community Preservation and Improvement Ordinance (Chapter 5, Article 7 – HMC) and to the Residential Rental Inspection Ordinance (Chapter 9, Article 5 – HMC) in Order to Enhance Community Code Enforcement Policies and Procedures, and Make Improvements to the City's Administrative Hearing and Lien Hearing Processes

Staff report submitted by Neighborhood Services Manager Korth, dated February 3, 2009, was filed.

Library and Neighborhood Services Department Director Rosenblum made the staff report that revises current ordinances to improve the code enforcement policies by clarifications and revisions. She and Neighborhood Partnership Manager Sorensen responded to Council questions, in particular the elimination of the annual lien public hearings and initiating the hearing officer process.



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Neighborhood Partnership Manager Sorenson explained the hearing officer process, noting that the City currently utilizes a hearing officer for parking citations and will contract his services for six months. Appellants will have opportunity for a hearing, a judicial review and be able to appeal to the courts. A financial report would be provided to the Council under Consent.

Council Member Zermefio asked about the fee for the appeal hearing, which will be \$25. Staff indicated that the fee will need to be Council approved and included in the fee schedule. It was noted that the fee is only charged if the person is in violation and no fee will be charged if the appellant wins the appeal.

Mayor Sweeney reiterated that the fee would not be charged if the appellant wins the appeal.

Council Member Dowling asked whether the hearings will take place on a bi-weekly or quarterly basis rather than annually. It was noted that this still needs to be determined. He recommended that there be a review and presentation of community preservation programs at the Council level.

Council appreciated staff and anticipated that these ordinance revisions will make it easier to enforce community preservation.

As there were no requests to speak, Mayor Sweeney opened and closed the public hearing at 8:23 p.m.

It was moved by Council Member Henson, seconded by Council Member Quirk, and unanimously carried, to adopt the following and include in this motion Council Member Dowling's recommendation that a periodic summary report be provided to the Council regarding community preservation:

Resolution 09-012, "Resolution Finding that the Repeal of the City's Existing Community Preservation Ordinance and Residential Rental Inspection Ordinance and the Enactment of a New Community Preservation and Improvement Ordinance and Residential Rental Inspection Ordinance is Exempt from Review under the California Environmental Quality Act"

Introduction Ordinance 09-\_, "Ordinance Repealing and Replacing Chapter 5 Article 7 of the Hayward Municipal Code Relating to the Hayward Community Preservation Ordinance"

Introduction Ordinance 09-\_, "Ordinance Repealing and Replacing Chapter 9 Article 5 of the Hayward Municipal Code Relating to the Residential Rental Inspection Ordinance"

**COUNCIL REPORTS**

Council Member Zermefio recommended a downtown restaurant, A Street Café, and noted that there are new owners with good food, new colors, and a Valentine’s Day special.

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 8:25 p.m.

**APPROVED:**

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Michael Sweeney, Mayor, City of Hayward

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward