



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 17, 2009, 8:00 p.m.

MEETING

The City Council meeting was called to order by Mayor Sweeney at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

ROLL CALL

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

PRESENTATION

Business Recognition Award

The Business Recognition Award for February 2009 was presented to Hayward Ace Hardware. Ace Hardware was owned by George Diamantine since 1976 and purchased by Jim and Rhonda Wieder in 2006. In 2007 Hayward Ace was awarded the prestigious Vision 21 award for superior customer service and sales. Hayward Ace offers more than 10,000 items and is the downtown's leading outlet for "green" environmentally safe products. In addition to owning and managing Hayward Ace Hardware, in 2008 Mr. Wieder was asked to lead the Hayward Chamber of Commerce as CEO and President. Hayward Ace has contributed to the City by: locating and staying in Hayward; providing job opportunities to local residents; being an industry and civic leader; and contributing to the overall economic well being of the Hayward community. Hayward Ace Hardware owner Jim Wieder accepted the award and thanked Council for such honor. He also acknowledged that Mr. Steven Warren, District Manager for Ace Hardware Corporation was in attendance.

PUBLIC COMMENTS

Mr. Frank Goulart, Main Street business owner, continued from a previous meeting a historical tour of the Lincoln Highway. Mr. Goulart noted that the Lincoln Highway ran through Hayward between 1913 and 1927 and showed pictures of Hayward during that period.

Mr. Felipe Razo, Webster Street resident, read a resolution by the Friends of the Library in support of a possible ballot measure. The revenue measure would help maintain Library services and stabilize the City finances.

Mr. Jim Drake, Franklin Avenue resident, noted the high gas prices at the gas station on Soto Road, across from the Corporation Yard. He expressed concern that City Fleet vehicles patronized the business and inquired if they were getting a discount. Mayor Sweeney asked Mr. Drake to leave his contact information with staff in order to follow-up on the concern expressed.

DRAFT

Ms. Wynn Greich, Union City resident, reiterated her concern about the fluoride content in water and its repercussions.

Council Member Quirk spoke about his attendance at the opening of Walker Landing, a new affordable apartment housing on the other side of Hesperian Boulevard. He noted the life style improvement that the development represented for some new residents. He also commended Council Member Henson's involvement with Eden Housing in helping work out concerns from the neighbors.

Council Member Halliday also noted her attendance at the opening of Walker Landing. Ms. Halliday congratulated the Friends of the Library for the commendable and wonderful work that they do and for the money they raise every year.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson noted that at its closed session, the Council discussed two items, one was a conference with Labor Negotiators regarding all bargaining units pursuant to Government Code 54957.6 and a second with Legal Counsel related to pending litigation regarding Averiett, et al. v. City of Hayward pursuant to Government Code 54956.9. He noted that in both items Council took no reportable action.

CONSENT CALENDAR

Consent Item No. 5 was removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of January 27, 2009

It was moved by Council/RA Member Henson, seconded by Council/RA Member Dowling, and unanimously carried, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of January 27, 2009, with an amendment by Council/RA Member Halliday.

2. Approval of Minutes of the City Council Meeting of February 3, 2009

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried, to approve the minutes of the City Council Meeting of February 3, 2009.

3. Adoption of an Ordinance Repealing and Replacing Chapter 5 Article 7 of the Hayward Municipal Code Relating to the Hayward Community Preservation Ordinance (*Introduced on 02/03/09*)

Staff report submitted by Deputy City Clerk Lens, dated February 17, 2009, was filed.

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

Ordinance 09-02, "Ordinance Repealing and Replacing Chapter 5 Article 7 of the Hayward Municipal Code Relating to the Hayward Community Preservation Ordinance"



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4. Adoption of an Ordinance Repealing and Replacing Chapter 9 Article 5 of the Hayward Municipal Code Relating to the Residential Rental Inspection Ordinance (*Introduced on 02/03/09*)

Staff report submitted by Deputy City Clerk Lens, dated February 17, 2009, was filed.

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

Ordinance 09-03, "Ordinance Repealing and Replacing Chapter 9 Article 5 of the Hayward Municipal Code Relating to the Residential Rental Inspection Ordinance"

5. Resolution Requesting State Funding for Urban Forestry Inventory Grant

Staff report submitted by Landscape Maintenance Manager Nagle, dated February 17, 2009, was filed.

In response to Council Member Quirk's inquiry related to the census of the trees and how park trees would be selected and the benefits of doing the census on park and school trees, Landscape Maintenance Manager Nagle indicated that the City would let the Hayward Area Recreation and Park District (HARD) decide which park trees are most important. He noted that with the purchase of a tree software, he expected to complete the inventory within three years. Mr. Nagle noted that by having a central repository of tree information, the sustainability, climate action, and value of the trees can be considered in a more comprehensive manner. Mr. Quirk noted that a resident complimented Mr. Nagle's degree of knowledge concerning a tree in the resident's front yard.

In response to Council Member Zermefio's inquiry about City areas where fruit trees could be planted, Landscape Maintenance Manager Nagle noted that fruit trees are not generally planted as street trees because of the litter they produce. He added that HARD has some parks with fruit trees, e.g., Meek Estate House.

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

Resolution 09-013, "Resolution Approving Funding from the Urban Forestry Grant Program as Provided Through Propositions 40 and 84"

COUNCIL REPORTS

Council Member Henson reminded the public that February 17th was the scheduled transition of broadcast channels 20, 36, 38, and 50 from analog to digital. He mentioned that 100,000 households in the Bay Area had not gotten the information nor had ordered the \$40 coupons. He provided a consumer telephone information number 1888-DTV-2009 and a website address, www.dtv2009.gov to order the coupons.

CITY COUNCIL ADJOURNED to a Special Closed Session at 8:25 p.m., regarding City Clerk employment pursuant to Government Code 54957.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, Deputy City Clerk, City of Hayward