



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 24, 2009, 8:00 p.m.

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 Quirk.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson noted that Council met during the Closed Session concerning: Conference with Labor Negotiator pursuant to Government Code 54957.6; Conference with Real Property Negotiators pursuant to Government Code 54956.8; and Conference with Legal Counsel regarding existing litigation pursuant to Government Code 54956.9(a). He added that there was no reportable action.

PRESENTATION

Proclamation Welcoming Stonebrae Classic TPC Golf Tournament to Hayward

Mayor Sweeney presented a Certificate of Commendation recognizing Stonebrae Classic. TPC San Francisco in association with the PGA will host a nationwide tournament in Hayward beginning March 30 through April 5, 2009. The Stonebrae Classic will be broadcast nationwide on the Golf Channel. The Stonebrae Classic would not only generate substantial economic benefits for Hayward, but it would also benefit the Jordan and Kyra Memorial Foundation, the George Marks Children's House, and other non-profit organizations through fund-raising initiatives. Hayward residents purchasing tickets for tournament play on Saturday, April 4, 2009, will only pay \$5.00. Mr. Steve Miller accepted the certificate on behalf of Stonebrae Country Club and the PGA Tour and thanked Council and City staff for all of their support. Mr. Miller also showed a 30 second commercial that will be televised on the Golf Channel during the tournament.

PUBLIC COMMENTS

There were none.

CONSENT CALENDAR

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 3, 2009

DRAFT

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

2. Adoption of an Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located within the South Hayward BART Station Concept Design Plan Area from Station Area Residential to Planned Development Pursuant to Zone Change Application No. 2008-0547 (*The addresses of the parcels are 28601 Dixon Street, 28850 Dixon Street, and 28901-28953 Mission Boulevard, Assessor Parcel Numbers 078C-0441-001-16, 078C-0441-001-17, 078C-0441-001-23, 078C-0441-001-24, 078C-0441-001-28, and 078C-0441-001-29.*

Staff report submitted by City Clerk Lens, dated March 24, 2009, was filed.

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

Ordinance 09-04, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located within the South Hayward BART Station Concept Design Plan Area from Station Area Residential to Planned Development Pursuant to Zone Change Application No. 2008-0547"

3. New Sidewalks Berry Avenue – Soto Road to Whitman Street: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 24, 2009, was filed.

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

Resolution 09-027, "Resolution Approving Plans and Specifications for the Construction of New Sidewalks on Berry Avenue from Soto Road to Whitman Street, Project No. 5173, and Call for Bids"

4. Measure B Pavement Rehabilitation FY 09: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 24, 2009, was filed.

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



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Resolution 09-028, "Resolution Awarding the Contract to O'Grady Paving, Inc., for the Measure B Pavement Rehabilitation FY09 Project, Project No. 5154 and Increasing the Administrative Change Order Amount"

5. Implementation of a of a 104 Hour Furlough: Authorizing the City Manager to Schedule Closure of Non-Essential City Operations During Fiscal Year 2010, as Necessary; and Implementing Other Cost Saving Measures Proposed by Employee Bargaining Units

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 24, 2009, was filed.

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

Resolution 09-029, "Resolution Approving Amendment to the Memoranda of Understanding for SEIU Local 1021 Maintenance and Clerical and Related Bargaining Units"

Resolution 09-030, "Resolution Approving Amendment to the Memorandum of Understanding for Local 21 Bargaining Unit"

Resolution 09-031, "Resolution Approving Amendment to the Memorandum of Understanding for the Hayward Association of Management Employees Bargaining Unit"

Resolution 09-032, "Resolution Authorizing the Implementation of a Mandatory 24-Hour Furlough for the Remainder of FY 2009 and a Mandatory 104-Hour Furlough for FY 2010 for the Unrepresented Management Employees"

6. Resolution Requesting State Funding for Fairway Park Tree Planting

Staff report submitted by Landscape Maintenance Manager Nagle, dated March 24, 2009, was filed.

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

Resolution 09-033, "Resolution for Funding from the Urban Forestry Grant Program Entitled, "An Urban Forest for Every City" as Provided Through Propositions 40 and 84"

PUBLIC HEARING

7. Adoption of Hayward Environmentally Friendly Landscape Guidelines for Private Development Projects

Staff report submitted by Planning Manager Patenaude, dated March 24, 2009, was filed.

Planning Manager Patenaude gave a synopsis of the report and responded to questions.

In response to Council Member Halliday's inquiry regarding the influence of Stopwaste.org Bay Friendly System and the State Model Water Efficiency standards on the proposed Hayward Environmentally Friendly Landscape Guidelines and Checklists for private development projects, Planning Manager Patenaude noted that when these documents are finalized, staff would draft the new City's landscape ordinance. He added that the proposed guidelines and checklists would serve in the interim.

Council Member Henson noted the importance of reducing water usage and planting vegetation that is friendly to California and the City's landscape. Mr. Henson encouraged that those involved be provided with a plant list from which information can be drawn from. He indicated that the proposed guidelines and checklists are an interim measure and the new ordinance would incorporate best practices, similar to what the City of Albany did.

Council Member Zermefio suggested that the reference websites listed on Exhibit B be available on the City's website. Mr. Zermefio favored the tree protection notes presented in the report and suggested adding composting to the section entitled, "Helpful Gardening Guides to a Healthy Garden."

Council Member May favored higher guidelines and checklist standards for larger projects, but she disagreed with this imposition on individual property owners. She felt that it made more sense to impose standards on property owners not taking care of their landscaping.

In response to Mayor Sweeney's request for clarification of the summary table on page three of the report, Planning Manager Patenaude noted that the Project Components for Single-Family Project/Homeowner, should be corrected to read "Less than 4 Single-Family Units, and Additions with more than 50% Expansion Area."

There being no public comments, Mayor Sweeney opened and closed the public hearing at 8:33 p.m.

Council Member Henson noted that the proposed guidelines are necessary from a water conservation perspective and they serve as an interim measure until Stopwaste.org and the State consolidate their efforts. He recommended that interested parties be properly informed. He made a motion per staff recommendation.



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Council Member Quirk seconded the motion. Concerning Council Member May's comments, Mr. Quirk noted that the requirement for property owners was done for environmental reasons and because the City shares the same water allocation.

Mayor Sweeney clarified and Council Members Henson and Quirk concurred that the motion include correction to the language for Project Components for Single/Family Project/Homeowner to state, "Less than 4 Single-Family Units, and Additions with more than 50% Expansion Area."

Council Member May emphasized leaving the individual homeowner alone.

Council Member Zermefio recommended studying the possibility of homeowner water tank.

Council Member Halliday thanked staff and the Sustainability Committee and noted that the action taken was that of a public policy. Ms. Halliday thought that most homeowners considering renovations would appreciate learning about the guidelines. In reference to the suggested plant list and roses, Landscape Architect Koo clarified that the list provided was not intended to be a complete list. Ms. Halliday suggested that a copy of the final plant list and photographs be distributed to Council. Ms. Koo noted that the information would also be available on the City's website.

Mayor Sweeney suggested that staff keep the proposal simple and as user friendly as possible.

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

Resolution 09-034, "Resolution Adopting Guidelines and Checklists
for Environmentally-Friendly Landscaping for Private Development
Projects"

COUNCIL REPORTS

Council Member Henson reported on his attendance at the National League of Cities Congressional City Conference in Washington D.C., from March 13 through March 17, 2009. He noted that this event was Congressional Lobbying and reported on: the reestablishment of the COPS Hiring Recovery Program; interoperability issues; local law enforcement block grants; the second stimulus program and local funds; weatherization programs for public/school buildings; creation of supergrid wind power; and accountability funds.

ADJOURNMENT

Mayor Sweeney gave opportunity to Council Member Henson to adjourn the meeting at 8:49 p.m., in memory of slain Oakland Police Sergeants Mark Dunakin, Ervin Romans, Daniel Sakai, and Officer John Hege. Mr. Henson expressed condolences to the City of Oakland and their families. Mayor Sweeney offered condolences to their families.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, Acting City Clerk, City of Hayward