



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 7, 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 Dowling.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that Council met with Real Property Negotiators pursuant to Government Code Section 54956.8, concerning property addresses: Centennial Hall - 22292 Foothill Blvd, APN 415025011100; Civic Center Parking Structure - 22321 Foothill Blvd, APN 415025011300; and Office Tower - 22300 Foothill Blvd, APN 415025011200. There was no reportable action.

BUSINESS RECOGNITION AWARD

Elephant Bar Restaurant

The Business Recognition Award for July 2009 was presented to Elephant Bar Restaurant. Located at 24177 Southland Drive in Hayward, Elephant Bar Restaurant was established in 1979 and opened its Hayward location in December 2006. They have 100 employees and 60% of them live in Hayward. Elephant Bar Restaurant has contributed to Hayward by providing a positive restaurant experience for Hayward businesses, residents and visitors; being an industry leader; making donations to local organizations; and contributing to the overall economic well being of the City. Mr. Dan Kleinberg, General Manager, accepted the award on behalf of Elephant Bar Restaurant.

PUBLIC COMMENTS

Ms. Wynn Greich, Union City resident, spoke about the content of corrosive metal in water and its correlation to cancer and other illnesses. Ms. Greich encouraged everyone to protest fluoridation.

Ms. Susan Julie Gonzales, Castro Valley resident, read a statement from the 1776 Declaration of Independence regarding the pursuit of life, spoke about the Berkeley Memorial Oak Grove that was cut down, and the proposed power plant.

Ms. Andrea Dareing, Bodega Street resident, inquired about the status of the Garin Vista Project and noted that she had not received any response from Mr. Jim Summers of DeSilva Group. Ms. Dareing requested that the City serve as a mediator for dialogue between Ms. Dareing and Mr. Summers. Mayor Sweeney asked City Manager Jones to bring a report to Council and to Ms. Dareing.

Ms. Amanda Dareing, daughter of Andrea Dareing and former Hayward resident, noted that her mother's neighborhood has changed and felt empathy for the senior citizens that remain in the area. She was supportive of dialogue between the parties involved.

CONSENT CALENDAR

Consent Item No. 3 was removed for further discussion.

1. Adoption of an Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code and Creating the Sustainable Mixed Use Zoning District (SMU), and the Special Design Overlay District (SD-7) for the Hayward Foothills Trail; and Adoption of an Ordinance Reclassifying Certain Properties Located in the Route 238 Bypass Land Use Study Area Pursuant to Zone Change Application PL-2009-0277

Staff report submitted by City Clerk Lens, dated July 7, 2009, was filed.

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

Ordinance 09-07, "An Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code and Creating the Sustainable Mixed Use Zoning District (SMU), and the Special Design Overlay District (SD-7) for the Hayward Foothills Trail"

Ordinance 09-08, "An Ordinance Reclassifying Certain Properties Located in the Route 238 Bypass Land Use Study Area Pursuant to Zone Change Application PL-2009-0277"

2. West T-Hangar Ramp Pavement Reconstruction: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated July 7, 2009, was filed.

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



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Resolution 09-105, "Resolution Approving Addenda Nos. 1 and 2 Increasing the Administrative Change Order Amount, and Awarding the Contract to O'Grady Paving Inc., for the West T-Hangar Ramp Pavement Reconstruction Project, Project No. 6849"

3. Consortium Agreement with Alameda County to Apply for Neighborhood Stabilization Program Phase II Funds

Staff report submitted by Redevelopment Director Bartlett, dated July 7, 2009, was filed.

Council Member Halliday asked about the accuracy of the census tracts in Attachment A. Staff reassured Ms. Halliday that the accuracy of the map would have to be reviewed prior to moving forward with the application. Ms. Halliday made a motion to approve the staff recommendation provided staff checks the accuracy of the report.

Council Member Dowling seconded the motion.

Council Member Henson did not disagree with the accuracy of the Attachment A and noted that some of the newer developments have high pockets of foreclosed properties.

At the request of Mayor Sweeney, Assistant City Manager David noted that staff would provide more explanation about the census tracts.

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

Resolution 09-106, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Enter into a Consortium Agreement with the County of Alameda for the Purpose of Submitting an Application to the Department of Housing and Urban Development (HUD) for Funding from the Neighborhood Stabilization Program Phase 2 Created Through the American Recovery and Reinvestment Act of 2009"

4. Authorization for the City Manager to Execute a Professional Services Agreement with Suzanne Gale for a New Mural for the Cinema Place Alley Way Project at 1051 B Street

Staff report submitted by Redevelopment Director Bartlett, dated July 7, 2009, was filed.

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

RA Resolution 09-17, "Resolution Authorizing the Executive Director to Negotiate and Execute a Contract for a New Mural for the Cinema Place Alley Way Project at 1051 B Street"

PUBLIC HEARING

5. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 - Approve the Engineer's Report, Confirming the Assessment Diagrams and Assessments, and Order the Levy and Collection of Assessments for Fiscal Year 2010

Staff report submitted by Development Review Engineer Nguyen, dated July 7, 2009, was filed.

Development Review Engineer Nguyen provided a synopsis of the report.

Assistant City Manager David noted that City Manager Jones left the Council Chambers because he had a conflict of interest due to his residence at the Stonebrae Country Club Development.

In response to Council Member Henson regarding Eden Shores and Zone 10, Director of Public Works Bauman noted that there is no reduction in the assessment, but the process is similar to the Stonebrae Development, where the funding comes from the Landscaping and Lighting District.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 8:31 p.m.

Council Member Quirk made a motion per staff recommendation noting satisfaction that staff was able to work with some of the owners and come up with reductions wherever appropriate. Council Member Henson seconded the motion.

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

Resolution 09-107, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagrams and Assessments, and Order Levy and Collection of Assessment for the Fiscal Year 2010 of the Landscaping and Lighting District No. 96-1, Zones 1-13"

City Manager Jones returned to the dais.

6. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2010



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Staff report submitted by Development Review Engineer Nguyen, dated July 7, 2009, was filed.

Development Review Engineer Nguyen provided a synopsis of the report.

Council Member Quirk expressed concern regarding the unsuccessful dialogue with property owners regarding the Consumer Price Index (CPI) adjustments and asked at what point there would be a problem completing the work due lack of funding. Public Works Director Bauman noted that currently, there is funding to do the work, but he was concerned that there would not be enough in capital reserves to attend to unforeseen situations such as the rupture of a pump and thus the recommendation to increase future assessments. Mr. Quirk noted that the neighbors should be aware of the value of their homes and what could happen if a flood occurred.

In response to Council Member Zermefio's inquiry about lack of property owners attending the meeting, Public Works Director Bauman noted that historically they do not attend unless they have concerns.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 8:38 p.m.

Council Member Henson moved the item per staff recommendation noting that the comments by Council Member Quirk should be taken seriously and to continue to work with property owners.

Council Member Quirk seconded the motion.

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

Resolution 09-108, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the Fiscal Year 2010, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane (MD No.1)"

7. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond – Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2010

Staff report submitted by Development Review Engineer Nguyen, dated July 7, 2009, was filed.

Development Review Engineer Nguyen provided a synopsis of the report.

DRAFT

Council Member Dowling inquired about an assessment to keep house pets out of the wet land areas. Public Works Director Bauman indicated that there was no assessment and had no knowledge of complaints received from the East Bay Regional Park District or those that maintain the area. He added that the barriers are in place and have not been breached.

There being no public comments Mayor Sweeney opened and closed the public hearing at 8:44 p.m.

Council Member Dowling moved the item per staff recommendation. Council Member Henson seconded the item.

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

Resolution 09-109, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the Fiscal Year 2010, Maintenance District No. 2, Eden Shores Buffer Zone and Pre-Treatment Pond (MD No. 2)"

COUNCIL REPORTS

There were none.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 8:46 p.m., in memory of Walter "Walt" Muniz, who passed away on June 26, 2009. Mr. Muniz was a longtime resident of Hayward, a Hayward Police Officer for almost thirty years, and a role model of what all police officers should emulate. Mayor/Chair Sweeney asked that a tree be planted in his memory.

APPROVED:

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

ATTEST:

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