



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 26, 2010, 7:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Halliday.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met at the end of the regular meeting on January 19, 2010 and on January 26, 2010, regarding the City Manager's Performance Evaluation, pursuant to Government Code 54957. There was no reportable action.

PROCLAMATION

End Polio Day

Mayor Sweeney read a proclamation declaring January 26, 2010, as End Polio Day in the City of Hayward. Polio eradication has been Rotary's priority since 1985. Mayor Sweeney presented a Proclamation to Mujda Zhublwar representing Sunset Rotary Club, Robert Cook representing Hayward Rotary Club, and Jim Jardine representing Hayward-San Lorenzo Rotary Club. Recipients thanked Council Members for such honor.

PUBLIC COMMENTS

Ms. Crystal Porter, Barn Rock Drive resident and representing the Hayward Landscaping Committee, noted that the Prominence Development was recognized by the California Landscape Contractors Association and presented with an award for first place for the best in class for Medium Residential Properties. Ms. Porter gave background about the committee formation, its purpose and the positive results. Ms. Porter shared photos of the improved development and shared other volunteer efforts of the community. Ms. Porter also spoke about the committee working closely with retired City staff member, Dan Nagel.

Mr. Gabriel Hernandez, Tennyson Road resident, noted that he submitted the Community Development Block Grant Report for Agreement FY2009-10 on behalf of the South Hayward Parish-Hayward Day Labor Center, and gave highlights of the report. Mr. Hernandez spoke about a possible job summit meeting with Central Labor Council in the Bay Area and asked Council if they

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would be interested in hosting the meeting. Mayor Sweeney suggested that Mr. Hernandez contact City Manager Jones.

Mr. Doug Ligibel, Grand Terrace Avenue resident, thanked the Mayor, Council members and staff who opposed medical marijuana as a priority. Mr. Ligibel mentioned recent shooting crimes in the City and expressed that the City Council's priorities should include violence prevention and not pot clubs. He strongly opposed using City resources for medical marijuana establishments. He asked Council members who spoke of prioritizing medical marijuana to reconsider their decision. Council Member Dowling clarified that he did not support pot clubs being a priority.

Mr. Jesse D. Garrett, with Community Prevention of Alcohol Related Problems (COMMPRE), stated that COMMPRE stands in strong opposition of medical marijuana clubs in Hayward. Mr. Garrett noted that COMMPRE, under a Drug Free Community Grant, is working with the County and the communities of Ashland and Cherryland to revise and adopt a new medicinal marijuana cooperative ordinance that will be designed to mitigate some of the crime and nuisance activities that are associated with those outlets.

Ms. Dee Dee Ligibel, Grand Terrace resident, opposed medical marijuana being on the priority list for Council. Ms. Ligibel stated that medical marijuana ends up in the wrong hands no matter how tightly regulated. Ms. Ligibel said that she does not want medicinal marijuana facilities in her neighborhood or in Hayward.

Mr. Jim Drake, Franklin Avenue resident, spoke about crime and two recent incidents in his neighborhood including a hijacking and a shootout during a robbery. He asked how the Police Chief is dealing with crime and asked if his area is becoming a target for crime. Mayor Sweeney asked the City Manager to have a Police Department representative contact Mr. Drake.

Ms. Teresa Banks, Jacobs Street resident and owner of Dream Courts Youth Sports Facility on Hathaway Avenue, described the facility's amenities which include a homework center to address the issue of student athletics falling behind in their studies. Ms. Banks said the facility could be a revenue generator for Hayward and mentioned several programs designed to keep youth off the street and deter gang violence and crime. Ms. Banks said she had already spoken with the Hayward Area Recreation and Park District and will be speaking with the Hayward Unified School District to set up programs.

PRESENTATION

1. Presentation on Reauthorization of Measure B Half-Cent Transportation Sales Tax

Alameda County Transportation Authority (ACTA)/Alameda County Transportation Improvement Authority (ACTIA) Executive Director Christine Monsen delivered an oral presentation regarding issues and opportunities to address the transportation funding crisis. A copy of the presentation was filed in the Office of the City Clerk.

Ms. Monsen suggested a Council work session to allow for further dialogue. She posed questions to Council members that included: what are the challenges facing the community, what partnerships need to be established, what are the political challenges, and what projects should be included in the



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expenditure plan. She provided a timeline to develop a plan that could be placed on the November 2012 ballot. Mayor Sweeney asked the City Manager to invite Ms. Monsen to come back for a work session.

Council Member Dowling stated that the measure would need unanimous support from interest groups to be able to pass. Mr. Dowling inquired if the proposed half-cent sales tax would be an extension from 2022 for another 20 years or on top of the current sales tax. Ms. Monsen stated the plan, including the amount of the increase has yet to be determined. Mr. Dowling voiced that an increase in sales tax would be a difficult position with the current economy. Mr. Dowling highlighted: importance of bicycle, pedestrian, and Para-transit programs; problems associated with the Hwy 880 interchange; lack of shuttles in Hayward; a fixed bus schedule that functions throughout the City; that a transit-oriented development needs to be supported; and a bicycle-pedestrian corridor on the Eden Greenway from Mission to Industrial Boulevards that would provide an alternative east-west link. Ms. Monsen said ACTIA/ACTA have been working with Urban Ecology to try and implement a plan to address viable alternatives.

Mayor Sweeney noted that the proposed measure is guaranteed to fail unless the State takeaways stop. He did not foresee Hayward or Alameda County voters agreeing to an additional tax if the State continues to take away more local revenue. He said this message needs to be communicated clearly to the State Legislature.

Council Member Henson concurred with Mayor Sweeney. Mr. Henson mentioned he attended a joint ACTIA and Alameda County Congestion Management Agency (ACCMA) retreat meeting at the Masonic Home in Union City where Ms. Monsen explained the decline in revenue for transportation projects. Mr. Henson said the public is facing increases from different agencies via increased bridge tolls and a proposed charge of \$2.50 for using the car pool lane. Mr. Henson mentioned that Council Member Dowling's comment regarding a light rail in Hayward is a futuristic goal for the City. Mr. Henson stated that the public is focused on the connection between transportation and sustainability, which is a critical issue for Hayward and all communities. Mr. Henson stated that the Montana-Witteck project in South Hayward is also critical for the City. He mentioned that with the increase in electric and alternative fuel vehicles, charging stations need to be part of the Plan. Mr. Henson added that is also critical to better serve Hayward's employment and retail corridors including the need for a project at Industrial Boulevard and Hwy 880. Mr. Henson asked Ms. Monsen to elaborate on the mission of the Watchdog Committee. Ms. Monsen explained the make-up and purpose of the Citizens Watchdog Committee adding that the Committee meets quarterly and reviews audits and projects and informs the Board and the public of its findings.

Council Member May stated that Hayward will be continuing to expand its industrial base and that it will become extremely important to focus on how the City is linked to San Mateo County. Ms. May stated that a lot of money is being spent on the 880/92 corridor and asked how ACTA presently links Hayward to San Mateo County. Ms. Monsen was not sure if AC Transit provides bus service over the San Mateo Bridge as it does the Dumbarton Bridge. Ms. May asked about a

rideshare program linking people traveling between San Mateo and Hayward. Ms. Monsen stated that AC Transit is the largest recipient of the half-cent sales tax funds and then the 880/92 interchange. Ms. May suggested a train that would travel between Hayward and San Mateo and noted that staff is working hard to expand Hayward's industrial base and she said there is a lot of great vision in the City.

Council Member Zermefio mentioned the ACTIA's bicycle/pedestrian grant program and suggested a bicycle rental program similar to those he has seen overseas and in Mexico. Mr. Zermefio suggested that the agency look into it and generate a positive report.

Council Member Quirk was supportive of a future work session with staff bringing forward a report giving Council a breakdown of the costs and benefits of shuttles versus light/heavy rail. Mr. Quirk said that the State tax will be decreasing soon and that it would be appropriate to conduct a poll to find out what the public wants and to inform them what can be done without increasing the sales tax.

Council Member Halliday also supported a work session on this item and noted she was glad to hear about non-freeway projects as she believed this is where the City is headed. Ms. Halliday stated that the City should do whatever is necessary to meet future needs for the health and safety of the City and its children. Ms. Halliday referred to a presentation by the League of California Cities and noted that State funding is shrinking and spoke about the importance of maintain existing roads.

Consent Items No. 2 and 4 were pulled for further discussion. Mayor Sweeney requested that item No. 2 be continued to the meeting on February 2, 2010.

CONSENT CALENDAR

2. Approval of Minutes of the City Council Meeting on January 19, 2010
Item No. 2 was continued to February 2, 2010 for a correction.

3. Adoption of an Ordinance Adding Section 2.15 to Chapter 11, Article 3, Section 400, Appendix "A" of the Hayward Municipal Code Relating to Dental Amalgam Recovery Program Ordinance (*Introduced on January 19, 2010*)

Staff report submitted by City Clerk Lens, dated January 26, 2010, was filed.

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

Ordinance 10-03, "Ordinance of the Hayward City Council Adding Section 2.15 to Chapter 11, Article 3, Section 400, Appendix "A" of the Hayward Municipal Code Relating to Dental Amalgam Recovery Program Ordinance"



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4. Adoption of the Neighborhood Partnership Program Strategic Plan

Staff report submitted by Neighborhood Services Manager Korth, dated January 26, 2010, was filed.

Mayor Sweeney noted a correction to the Neighborhood Partnership Program Strategic Plan, page six of the second paragraph, and asked that the clarification be included into the Plan.

Council Member Dowling noted that he spoke to a community leader regarding the Blight Busters Program and noted that there is currently a \$600 fee for leaving garbage cans out. Mr. Dowling expressed concern that the fee is excessive and since he was given conflicting reports on the program, is requesting a staff report update.

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

Resolution 10-008, "Resolution Adopting the Hayward Neighborhood Partnership Program Strategic Plan"

5. Hayward Municipal Election – June 8, 2010

Staff report submitted by City Clerk Lens, dated January 26, 2010, was filed.

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

Resolution 10-007, "Resolution of the City Council of the City of Hayward Calling for and Ordering a General Municipal Election and Requesting the Board of Supervisors of Alameda County to Provide for the Consolidation of a General Municipal Election of the City of Hayward with the State of California Primary Election to be Held on June 8, 2010, for the Purpose of Electing a Mayor and Two Members of the City Council for Terms of Four Years"

PUBLIC HEARING

6. Introduction of two Ordinances: a) Amending Chapter 10 to Add Article 23 Relating to the City of Hayward Indoor Water Use Efficiency; and b) Introduction of an Ordinance Amending Article 2 of Chapter 11 to Add Section 11-2.47 Relating to the City of Hayward Water Waste Prohibition

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Staff report submitted by Director of Public Works Bauman dated January 26, 2010, was filed.

Director of Public Works Bauman provided a synopsis of the report.

Council Member Henson asked why some of the standards for the Alameda County Water District and East Bay Municipal Utility District (EBMUD) are less stringent than in Hayward. Public Works Director Bauman said EBMUD adopted standards in July 2009, prior to the availability of high efficiency water saving fixtures that the City is taking advantage of. Mr. Henson asked if the State mandates that standards need to be uniform. Mr. Bauman said that the City presently exceeds the limitations set by SB 207 and added that the City is preparing for compliance by 2018 to save more water with new limitations imposed by the San Francisco Public Utilities Commission (SFPUC). Mr. Henson commended the residents and businesses for being in the lower strata of water usage and noted that the City will have to do more to comply with the State's mandates. Mr. Henson asked if there was a Federal program for appliances similar to the "Cash for Clunkers." Mr. Bauman was not aware of such a program. Mr. Henson expressed concern that some homeowners associations are not clear on the necessary water conservation efforts of the City. Mr. Bauman noted that informational inserts regarding the City's water conservation efforts can be included in water bills. He also said that public information meetings and workshops will be available, particularly for developers.

Council Member Dowling asked about both residential and commercial properties watering during the day. Public Works Director Bauman stated that Council had previously approved an Outdoor Landscaping Conservation Ordinance and noted that the outdoor water usage is an area that is being aggressively pursued. Mr. Dowling also mentioned that low flow toilets do not work effectively and that one ends up flushing multiple times. Discussion ensued and Mr. Bauman explained why the City chose to go with the extremely low water flow urinals at City Hall.

In response to Council Member Zermefio, Public Works Director Bauman noted that the Waste Water Prohibition Ordinance does not prohibit home car washing but requires the automatic shutoff nozzle for the water hose. Mr. Bauman confirmed for Mr. Zermefio that water bill inserts can be used to publicize and inform the public of the new ordinances. Mr. Bauman noted that the City has received more rebates than other agencies. Mr. Zermefio shared that he started collecting rainwater for his home use and suggested the City might want to explore this concept.

Council Member Quirk indicated that when there is a water shortage everyone has to cut back and that future water shortages are deemed a result of population growth. Mr. Quirk said that limitations set by the SFPUC are necessary and mentioned not wanting to be without water in the event of an earthquake. Mr. Quirk added that there are limits to the availability of water and that the measures staff introduced are excellent. Mr. Quirk noted that he has been questioned by a mobilehome owner regarding the proposed ordinance. Public Works Director Bauman confirmed for Mr. Quirk that mobile homeowners will be able to spray clean their mobile homes as long as there is an automatic shutoff nozzle on the hose.

Council Member Halliday concurred that water saving measures need to be taken. In response to Ms. Halliday's inquiry related to the table on page four of the report concerning submeters for new multifamily residential, Public Works Director Bauman responded that submeters are not required,



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but condominiums do require them. Ms. Halliday asked about existing multifamily properties that do not have submeters or remodeled properties and Administrative Analyst Moser explained the intent is that existing multi-family apartments would not be required to have submeters. Discussion ensued and there was concurrence to clarify the language of the proposed ordinance.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 8:47 p.m.

Council Member Halliday made a motion per staff recommendation to introduce the proposed ordinances with an amendment to Article 23 to Chapter 10, Indoor Water Use Efficiency Table under Section 10-23.05, to reflect that the requirement for submeters does not apply to multifamily residential remodels.

Council Member Quirk seconded the motion and indicated there is a water crisis throughout the State and the situation is worse for those depending on the Delta. Mr. Quirk noted that the Bay Area Water Supply and Conservation Agency, which represents all of the Hetch-Hetchy water users, is looking at increasing supply. Mr. Quirk stated that passing these ordinances is an important first step.

It was moved by Council Member Halliday, seconded by Council Member Quirk, and carried unanimously, to adopt the following with an amendment to Article 23 to Chapter 10 of the Hayward Municipal Code Establishing Indoor Water Use Efficiency Standards, Indoor Water Use Efficiency Table under Section 10-23.05, to reflect that the requirement for submeters does not apply to multifamily residential remodels:

Introduction Ordinance 10-_, "An Ordinance Adding Article 23 to Chapter 10 of the Hayward Municipal Code Establishing Indoor Water Use Efficiency Standards"

Introduction Ordinance 10-_, "An Ordinance Adding Section 11-2.47 to Chapter 11, Article 2 of the Hayward Municipal Code Establishing Prohibitions on Water Waste Activities and Adopting Penalties and Fines for Violations"

COUNCIL REPORTS

Council Member Zermeño expressed he was impressed by the performance of his students from Hayward High School and was enthusiastic about preparing them for reputable four-year institutions.

Council Member Halliday noted that Council adopted a resolution calling for the Municipal Election on June 8, 2010, for the office of Mayor and two Council Members. She added that nomination papers could be obtained from the City Clerk, beginning on February 16th until March 12, 2010. She also noted that the California League of California Cities will start circulating a petition calling for the protection of local tax revenues from State takeaways. In response to a

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question regarding a resolution endorsing the measure, Mayor Sweeney suggested placing the item on the agenda after Council hears from the League.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 8:54 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward