



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 2, 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 Mayor Sweeney.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met regarding the City Attorney's Performance Evaluation, pursuant to Government Code 54957. There was no reportable action.

PRESENTATION

Business Recognition Award

Mayor Sweeney presented the February 2010 Business Recognition Award to Acapulco Taqueria Restaurant. Acapulco Taqueria Restaurant began as a taco truck and in 2003 opened a popular taqueria located on West A Street. Acapulco Taqueria further expanded in 2007 opening a full-service restaurant and bar on Hesperian Boulevard. They currently have 40 employees between the two restaurants. Mr. Alex Gamarra, owner of Acapulco Taqueria, participates in many community groups including Movimiento Estudiantil Chicano de Aztlán (MEChA) and the Puente Project. He is on the Hayward Chamber of Commerce Board of Directors. The Business Recognition Award was presented to Acapulco Taqueria Restaurant in recognition of the contributions this restaurant has made to the community by: successfully expanding from a taco truck to a restaurant in Hayward; providing job opportunities to local residents; getting involved and contributing to local service groups and charities; and contributing to the overall economic well-being of the Hayward community. The award was accepted by Mr. Gamarra on behalf of Acapulco Taqueria Restaurant. Mr. Gamarra thanked the Council for such an honor.

PUBLIC COMMENTS

Mr. Chuck Horner, Lyford Street resident, referred to a previous Council meeting and asked that Council Member Quirk clarify his statement regarding medicinal marijuana made during that meeting. Council Member Quirk corrected his statement and apologized.

Mr. Doug Ligibel, Mesa Circle resident, mentioned the recent double homicide and how the homicide rate in Hayward keeps increasing. Mr. Ligibel also referred to the comments made at

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previous Council meetings regarding medical marijuana and noted that he was concerned about the comments made by Council members, in particular Council Member Quirk. Mr. Ligibel spoke about the recent incident of high school students who consumed marijuana brownies and ended up in the emergency room. Mr. Ligibel noted that Council Members' mention of marijuana in Hayward high schools is counterproductive. Mr. Ligibel stated that he is committed to stopping the early release schedule on Wednesday and Thursday afternoons at Hayward Unified School District campuses. He requested that Mr. Quirk consider sending a letter of apology to Hayward high school principals.

Mr. Brian Schott, Interim CEO and Executive Director of the Hayward Chamber of Commerce, highlighted the recent Annual Chamber Gala at Cal State East Bay, where hometown heroes were celebrated. The recipients were: Lifetime Achievement Award - Sheriff Emeritus, Charles C. Plummer; Police Officer of the Year - Kenneth Henderson; Educator of the Year - Irma Torres-Fitzsimmons; Firefighter of the Year - Gary Bisagno; and Business Person of the Year - Steven Miller. Mayor Sweeney congratulated all of the award winners and to the Chamber for the successful event.

PRESENTATION

1. League of California Cities Update (*Presentation from Eric Figueroa, League of California Cities Regional Manager*)

Mr. Eric Figueroa, League of California Cities Regional Manager, delivered an oral presentation. A copy of the presentation was filed in the Office of the City Clerk.

Mayor Sweeney noted that starting in 1992 the State moved the property tax transfer to fall under the Educational Revenue Augmentation Funds (ERAF), which has cost the City between 5 to 6 million dollars each year. He added that the League's initiative will not bring those monies back, but hopefully prevent further State takeaways. Mayor Sweeney expressed his support of a future resolution in support of the initiative and stated that it is important to send a clear message to the Governor, State Senator Ellen Corbett, and Assemblywoman Mary Hayashi that the Council wants the State to keep their hands off of the City's revenues.

Council Member Dowling concurred with the Mayor's comments. Mr. Figueroa confirmed for Council Member Dowling that Initiative 1A allowed the State to borrow property taxes twice in ten years, but the Court order stopped that. In response to Mr. Dowling's inquiry about other alliances, Mr. Figueroa noted that the California Special District Association, California Fire Chiefs Association and California Police Chiefs Association are in agreement with the initiative and the California State Association of Counties is considering the measure but has not taken a position.

In response to Council Member Dowling's inquiry in reference to the deadline for signatures, Mr. Figueroa responded the deadline is mid April. Mr. Dowling expressed support for the initiative and the Mayor's recommendation to add it to a future agenda.

Council Member Henson stated that the initiative is timely. Mr. Henson asked if the initiative has particular language that can withstand a challenge from the State. Mr. Figueroa noted that this initiative has more "teeth" than previous initiatives. Mr. Henson concurred with the Mayor and



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Council Member Dowling regarding the ERAF losses and that the issue needs to be addressed. In response to Mr. Henson's inquiry about the League's efforts to inform the community, Mr. Figueroa noted that the League is taking steps such as delivering this presentation to local leaders who can then educate interested groups.

In response to Council Member Zermefio's inquiry, Mr. Figueroa noted that the League has contacted support groups and democratic clubs. Mr. Zermefio noted that Council Members Dowling, Halliday and himself are collecting signatures.

Council Member Halliday commended the League and noted past instances in which the League was very helpful in providing her with guidance and information. Ms. Halliday spoke about the difficulties of the past year with the tough economic climate. Ms. Halliday voiced strong support for a resolution in support of the initiative in November.

Mayor Sweeney indicated to City Manager Jones that there is consensus to place a resolution in support of the proposed initiative on a future agenda.

CONSENT CALENDAR

Consent Item No. 3 was pulled for further discussion.

2. Approval of Minutes of the City Council Meeting on January 19, 2010

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to approve the minutes of the City Council Meeting of January 19, 2010, with a correction.

3. Proclamation Supporting Census 2010

Staff report submitted by City Manager Jones, dated February 2, 2010, was filed.

Council Member Halliday noted that Council is voicing support for the Census 2010 and encouraging constituents to participate. She noted the importance for every person to be counted, and that the Census questionnaire will be mailed March 15, 2010. City Manager Jones added that the proclamation supporting the Census was one of Council's priorities.

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

A Proclamation Supporting Census 2010

4. Adoption of an Ordinance Adding Article 23 to Chapter 10 of the Hayward Municipal Code Establishing Indoor Water Use Efficiency Standards (*Introduced on January 26, 2010*)

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Staff report submitted by City Clerk Lens, dated February 2, 2010, was filed.

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

Ordinance 10-04, "An Ordinance Adding Article 23 to Chapter 10 of the Hayward Municipal Code Establishing Indoor Water Use Efficiency Standards"

5. Adoption of 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 (*Introduced on January 26, 2010*)

Staff report submitted by City Clerk Lens, dated February 2, 2010, was filed.

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

Ordinance 10-05, "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 announced the African-American Parent Club's first annual celebration of African-American Heritage on March 13th from noon to 6:00 p.m., at Bowman Elementary School.

Council Member Henson reported that the proposed merger of Alameda County Transportation Improvement Authority and the Alameda County Congestion Management Agency passed its first test and noted that the proposed voting structure is based on population with three votes for Oakland, two for Fremont and two for Hayward. Mayor Sweeney suggested that Council be provided with updates.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 7:53 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward

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