



OFFICE OF THE CITY CLERK

DATE: September 8, 2010
TO: Mayor and City Council
FROM: City Clerk
RE: City Council Minutes June 29, 2010

In reviewing the minutes, Mayor Sweeney suggested that we revise the minutes to add clarity to the record.

Fifth paragraph, page three currently reads:

Mayor Sweeney said it could be beneficial for developers to have options such as allocating funds towards afterschool programs for youth. Mayor Sweeney said that Council would be amendable to consider an agreement between the City and the developers when they come to a development agreement. He also noted that it was clear that ownership units are preferable. He mentioned the growing senior population and that recently some of the more successful affordable housing projects have been senior projects. He suggested that staff look at exempting market rate senior projects from the requirement. Lastly, Mayor Sweeney noted that since there was no consensus among Council on this issue, he suggested that staff research options to be brought back to Council.

Proposed to read:

Mayor Sweeney said it could be beneficial for developers to have options such as allocating funds towards afterschool programs for the youth. Mayor Sweeney said that Council may be amendable to consider an agreement between the City and the developers when they come to a development agreement. He also noted that it was clear that ownership units are preferable. He mentioned the growing senior population and that recently some of the more successful affordable housing projects have been senior projects. He suggested that staff look at exempting market rate senior projects from the requirement. Lastly, Mayor Sweeney noted that since there was no consensus among Council on this issue, he suggested that staff research options to be brought back to Council.

With the change noted above, I respectfully request approval of the amended minutes.



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 29, 2010, 7:00 p.m.

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Dowling.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermeño, 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 54956.8 regarding Centennial Hall APN 415025011100, Civic Center Parking Structure APN 415025011300, and Office Tower APN 415025011200. There was no reportable action on the items discussed. Mr. Lawson also reported that Council met with Legal Counsel pursuant to Government Code 54956.9 regarding Pending Litigation, Simpson v. McNack, et al. Mr. Lawson reported that Council unanimously agreed to settle the case.

PUBLIC COMMENTS

Ms. Linda Mandolini, Executive Director for Eden Housing, presented Council Member Dowling with a commendation for his service and contributions to the City and Eden Housing. Ms. Mandolini also indicated that Eden Housing was in support of the staff's recommendation for the Inclusionary Housing Ordinance presented in the work session report.

Mr. Doug Ligibel, Grand Terrace resident, congratulated the Mayor for his re-election and the new Council Members Elect. Mr. Ligibel spoke in favor of amending the Curfew Hours for Minors Ordinance to 9:00 p.m. on school nights and 10:00 p.m. on weekends. He pointed out that this action is in response to the escalating murder rate in Hayward, especially among youth. Mr. Ligibel expressed concern about crime and advocated public safety. He further stated that the primary responsibility of Council and City staff is public safety. Mayor Sweeney asked staff to provide Council with an update from Police Chief Ace on the proposal.

WORK SESSION

1. Review of Hayward Inclusionary Housing Ordinance and In-Lieu Fee

DRAFT

Redevelopment Director Bartlett gave a synopsis of the report and then introduced Ms. Kate Funk, Keyser Marston, Inc, Senior Principal, who continued the synopsis with an overview of the Residential Nexus Analysis and the Inclusionary Housing Ordinance Financial Feasibility Analysis.

Council Member Zermefio commented that the staff report indicates that renters require a higher income than condominium owners. Ms. Funk said the lower income required for condominiums is because the price of condominiums is currently depressed and the rent level is based on the costs to fund a feasible project. Redevelopment Director Bartlett spoke about establishing deeds of trust on units to be sold to guarantee payment of the fees when properties are sold and the deferral fees are consistent with the relief measures Council adopted in February 2010. Ms. Bartlett mentioned the developer's suggestion of expanding the fees to include commercial development as an option Council may want to consider when the economy improves.

Ms. Kate Funk confirmed for Council Member Halliday that the Nexus Analysis has been conducted for more than 15 years in 20 different cities. Ms. Halliday commended the study and said the recommendations are reasonable.

Redevelopment Director Bartlett noted that she received an email from Paul Campos on behalf of the Home Builder's Association stating support for staff's recommendation.

Council Member Henson pointed out that developers such as, Mr. Zaballos, are interested in building immediately. Mr. Henson asked if there is any negative impact to charging a fee outside of the inclusionary housing process. City Manager David explained that by having the fee as part of the Ordinance and in conjunction with consensus from the development community, this will minimize challenges to the fee. Redevelopment Director Bartlett explained for Mr. Henson that the benefit of setting up a Housing Trust Fund with collected in-lieu fees is to have funds available for future affordable housing purposes such as senior and disabled housing. Mr. Henson commented that he is very interested in the Housing Trust Fund. Ms. Bartlett explained that staff is proposing the in-lieu fee "by right" be an interim measure that will be in effect until the end of December 2012 at which time it will be reviewed by Council and renewed if appropriate. Mr. Henson pointed out that the deferral of the In-lieu fees and Impact Fee Payment may not be a sufficient incentive for developers to build "green" when not required to do so and suggested further work on this item.

Council Member May shared a May 2008 report from the Alameda Housing Authority and pointed out that Hayward has a disproportionate number of low income housing units compared to surrounding cities and that this type of housing is burdensome on the Hayward community. Ms May referred to the section "Adopt an impact fee for Market-Rate Rental Housing" in the staff report and said that given the accommodation Hayward already provides to low income housing, it does not make sense to impose a fee on rental housing developers. She emphasized that Council needs to make decisions to ease the burden that Hayward is already experiencing.

Council Member Quirk noted that Council Member May's comments about the burden on the City are true. Mr. Quirk said action needs to be taken on the inadequacy of existing apartments that are a problem for the City. Ms. Kate Funk explained for Mr. Quirk that the financial feasibility study shows that current sale prices are not high enough for new development of market rate condominiums, townhomes and rentals. She added that rental development would require public



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assistance. She noted that smaller single family detached homes did show a profit. Mr. Quirk expressed concern that imposing any sort of fee would be a deterrent for developers to build, and commented that he is proud of the developments that were made possible by the ordinance, such as Eden Housing. Mr. Quirk noted that in-lieu fees "by right" makes sense, but he did not favor charging for building townhomes, condominiums and rentals. He asked that caution be taken with fees for small and large single family homes.

Council Member Dowling noted that there are many occupations in Hayward where low income workers provide valuable services to the community. Mr. Dowling agreed with Council Member Quirk that the developments that Eden Housing has brought to the community have been some of the best in the City citing the Sara Conner project. Mr. Dowling said that the City needs quality affordable housing and that the rental inspection program is in place for rental housing problems. He supported the proposal to purchase older rundown properties on Harder and Tennyson Roads in order to build new development, saying it would be a win-win for the City.

Council Member Halliday noted that the Inclusionary Housing Ordinance took a lot of time and effort to enact and that the staff report recognizes current economic conditions by lowering the requirements. Ms. Halliday said that the Nexus Report clearly shows a need for affordable housing at different levels, which justified the need for this program. She stated that it is better to have the affordable housing units as part of a development since this would create less of a stigma for low income persons. Ms. Halliday was in favor of continuing the program and lowering the fees per the staff recommendation.

Council Member Quirk was in favor of staff's recommendations regarding small and large single family homes and noted that he would like to see further analysis conducted.

Mayor Sweeney said it could be beneficial for developers to have options such as allocating funds towards afterschool programs for youth. Mayor Sweeney said that Council would be amendable to consider an agreement between the City and the developers when they come to a development agreement. He also noted that it was clear that ownership units are preferable. He mentioned the growing senior population and that recently some of the more successful affordable housing projects have been senior projects. He suggested that staff look at exempting market rate senior projects from the requirement. Lastly, Mayor Sweeney noted that since there was no consensus among Council on this issue, he suggested that staff research options to be brought back to Council.

CONSENT CALENDAR

Consent items No. 5, 10, and 12 were removed for further discussion.

2. Approval of Minutes of the Special City Council/Redevelopment Agency Meeting on June 15, 2010

DRAFT

It was moved by Council/RA Member Henson, seconded by Council/RA Member Dowling, and carried unanimously, to approve the minutes of the Special City Council/Redevelopment Agency Meeting of June 15, 2010.

3. Resolution Opposing a Ballot Initiative to Suspend the Clean Energy and Air Pollution Control Standards of the Global Warming Solutions Act of 2006 (AB32)

Staff report submitted by Deputy Director of Public Works Ameri, dated June 29, 2010, was filed.

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

Resolution 10-108, "Resolution Opposing the Suspension of AB32's Clean Energy and Air Pollution Control Standards"

4. Authorization for the City Manager to Execute an Amendment to the Professional Services Agreement with Brown and Caldwell for Design and Construction Administration Services During Construction of the Highland 1000 Reservoir Replacement Project

Staff report submitted by Deputy Director of Public Works Ameri, dated June 29, 2010, was filed.

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

Resolution 10-109, "Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Professional Services Agreement with Brown and Caldwell for Additional Design and Construction Services for the Highland 1000 Reservoir Replacement Project, Project No. 7165"

5. Carlos Bee Boulevard Realignment: Summary Vacation of a Portion of Carlos Bee Boulevard; and Authorization for the City Manager to Award Project

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 29, 2010, was filed.

Council Member Dowling said he would have preferred that the staff report be brought before Council regarding concerns about the number of collisions that have occurred on Carlos Bee Boulevard. He added that this would have given the public an opportunity to provide input and allow for Council discussion. Mr. Dowling noted receiving correspondence from residents on Overlook Avenue who expressed concern that whenever there is a problem on Carlos Bee Boulevard all the traffic is diverted onto their street.



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

Resolution 10-114, "Resolution Summarily Vacating a Portion of Carlos Bee Boulevard"

Resolution 10-115, "Resolution Authorizing the City Manager to Award Contract in Order to Expedite Construction for the Carlos Bee Realignment Project, Project No. 5105"

6. Pavement Reconstruction FY11 – Bahama Avenue: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 29, 2010, was filed.

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

Resolution 10-110, "Resolution Awarding Contract to O'Grady Paving, Inc., for the Pavement Reconstruction FY11 – Bahama Avenue Project, Project No. 5147"

7. Sidewalk Rehabilitation and Wheelchair Ramps FY10 – Districts 1 and 8: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 29, 2010, was filed.

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

Resolution 10-111, "Resolution Awarding Contract to Star Construction, Inc. for the Sidewalk Rehabilitation and Wheelchair Ramps FY10 Project, Project Nos. 5103 and 5113"

8. Measure B Pavement Rehabilitation FY11: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 29, 2010, was filed.

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

Resolution 10-112, "Resolution Awarding Contract to O'Grady Paving, Inc. for the Measure B Pavement Rehabilitation FY11 Project, Project No. 5112"

9. New Sidewalk – D Street, Cypress Avenue, Western Boulevard, and Huntwood Avenue:
Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 29, 2010, was filed.

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

Resolution 10-113, "Resolution Increasing the Administrative Change Order Amount for the New Sidewalk – D Street, Cypress Avenue, Western Boulevard, and Huntwood Avenue Project, Project No. 5109, and Awarding Contract to Rosas Brothers Construction"

10. Designation of Voting Delegates and Alternates for the League of California Cities 2010 Annual Conference

Staff report submitted by City Manager David, dated June 29, 2010, was filed.

Council Member Halliday pointed out that she has been the voting delegate for the past few years and is the representative for the East Bay Division of the League of California Cities and will be attending the conference. Council Member Zermefio mentioned that he has attended the conference for the past two years and suggested that one of the Council Members Elect, Peixoto or Salinas, be considered. Ms. Halliday recommended that the new Council Members participate and noted that Council Member Elect Salinas was present in the audience. Mayor Sweeney concurred with the idea to include a new Council Member. Therefore, it was recommended to designate Council Member Halliday as the Voting Delegate and Council Member Zermefio and Council Member Elect Salinas as Voting Alternates.

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

Resolution 10-116, "A Resolution Designating a Voting Delegate and Two Alternate Voting Delegates as Hayward's Representatives to the League of California Cities 2010 Annual Conference"

11. Authorization for Executive Director to Execute a Professional Services Agreement with Andrew Knight for Cinema Place Garage Mural Project in an amount not to exceed \$62,000



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Staff report submitted by Neighborhood Partnership Manager Sorensen, dated June 29, 2010, was filed.

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

Redevelopment Agency Resolution 10-13, "Resolution Authorizing the Executive Director to Execute a Contract with Andrew Knight for Mural Design and Installation Services for the Cinema Place Parking Garage"

12. Authorization to Send Letter to Arizona Governor Requesting Reconsideration of State Immigration Law

Staff report submitted by City Manager David, dated June 29, 2010, was filed.

Mr. Ken Moudy, Ventura Avenue resident, spoke against the proposed letter. Mr. Moudy stated that Council should concentrate on important issues in the City of Hayward and cited several violent incidents.

Ms. Silvia Brandon-Perez, Gading Road resident, expressed that as a human being and a Latina, she is offended by the new Arizona immigration law and therefore supported the proposed letter.

Ms. Linda Bennett, with P.O. Box in Hayward, noted that Arizona's new immigration law mirrors Federal immigration law and noted that the proposed letter does not make any recommendations for change. Ms. Bennett spoke about violence that has resulted from illegal immigrants.

Ms. Betty DeForest, Westwood Street resident, spoke against the new immigration law in Arizona because she considered it the basis of racial profiling and a form of discrimination. Ms. DeForest noted that the government needs to take care of immigration issues. She applauded the letter that was written and hoped that Council would approve sending it to the Governor of Arizona.

Reverend John Wichman, Patrick Avenue resident, thanked Council for drafting the letter and noted that Arizona's immigration law relates to Hayward. Mr. Wichman expressed that he likes Hayward because of its diversity. Mr. Wichman spoke about past evidence of discrimination, which affected people in this country citing World War II and the civil rights movement. Mr. Wichman explained how the proposed law could negatively impact residents when visiting Arizona. He said he deeply appreciated Council's courage to write this letter and noted that it protected the residents of Hayward.

Council Member Zermefio shared his personal experience immigrating to the United States and on becoming a U.S. citizen. Mr. Zermefio thanked Mr. Ligibel and Mr. Moudy for their comments and agreed that public safety should be the City's number one issue. He expressed concern that the Police Department should not be burdened with enforcing immigration laws. Mr. Zermefio stated the early stages of racial injustice should not be allowed to develop.

Council Member Quirk concurred with the majority of Council Member Zermefio's comments, and expressed concern that if someone is a victim of a crime and perceives the police officer as an immigration agent they might not report the incident. Mr. Quirk noted the City has a policy that does not require Hayward to agree with other State laws. He said he will write a personal letter to the Arizona Governor and the Attorney General protesting Arizona's immigration law. He stated that the City should not take a position on Arizona's immigration law and indicated he would be abstaining on this motion.

Council Member Halliday said that this issue stretches the current Council Member Handbook policy, but also mentioned that Arizona's immigration law relates to Hayward residents. She shared that she would be afraid to travel to Arizona because of their restrictions and the burden it places on citizens to comply with the law. Ms. Halliday noted that Council and the community are divided on this issue and said it would be more effective to individually write letters as she would be doing so. Ms. Halliday indicated that she was leaning in favor of the motion and that if Council supports the motion then the letter should be sent.

Council Member Henson indicated that he has already written a personal letter to the Governor and to the U.S. Attorney General asking them to adhere to the nation's policies and take action. He shared his personal experience growing up with racial discrimination in Louisiana. Mr. Henson said that the majority of the Arizona's Immigration Law AB1070 mirrors Federal law. He was extremely concern about the burden this would place on police officers. Mr. Henson suggested that the letter would be more effective if it highlighted Hayward's diversity. Mr. Henson noted this is a federal issue and needs to be dealt with at that level. Mr. Henson agreed that Council needs to be discerning of which issues outside of the City's boundaries need to be considered.

Council Member May shared that her family also immigrated to the United States. Ms. May reminded Council that they were chosen to serve the City of Hayward. Ms. May emphasized that Council's priorities are paramount. She mentioned an irate email that suggested Council should be spending time encouraging the School Board to balance their budget. Ms. May pointed out that Council has no authority on issues that occur in another state and added there are different levels of government that can be pursued.

Council Member Dowling agreed with the Council Handbook policy that Council should not be spending time on issues that do not pertain to Hayward, but he acknowledged that this is an important issue for residents of different ethnic backgrounds. He added that he does not support illegal immigration. He pointed out that the Arizona immigration law was amended to include that another violation must occur before detaining a person. Mr. Dowling said that the Council's job is to give the police department the resources it needs to solve crimes. Mr. Dowling showed support for the proposal.



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Mayor Sweeney said that Council Handbook policy is a reasonable one and Council's priority should be to concentrate on City of Hayward issues. Mayor Sweeney agreed with Council Member Quirk that individuals can write personal letters. Mayor Sweeney said that the State of Arizona cannot require Hayward or California to comply with Arizona's immigration law. Mayor Sweeney was in agreement with the community that Council should stay focused on City of Hayward issues. He referred to Council Member Henson's comments that Council can change policy if that is what Council feels is appropriate, but the Mayor felt that would not be productive. Mayor Sweeney said that he would be abstaining from the vote.

Mayor Sweeney noted that the letter should be signed by a Council Member who is voting for the motion.

It was moved by Council Member Zermeño, seconded by Council Member Dowling, and carried by the following roll call vote to send a letter to the Arizona Governor requesting reconsideration of State Immigration Law.

AYES: Council Members Zermeño, Halliday, Dowling, and Henson
NOES: None
ABSENT: None
ABSTAINED: Council Member Quirk, Mayor Sweeney

LEGISLATIVE BUSINESS

13. A Resolution Allocating Recovery Zone Facility Bond Authority to Bonds to be Issued by the Industrial Development Authority of the County of Alameda to Finance a Project for Western State Design, Inc.

Staff report submitted by Economic Development Manager Brooks, dated June 29, 2010, was filed.

City Manager David provided a synopsis of the report.

There being no comments, Mayor Sweeney opened and closed the public hearing at 9:04 p.m.

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

Resolution 10-117, "A Resolution of the City Council of the City of Hayward Allocating Recovery Zone Facility Bond Authority to Bonds to be Issued by the Industrial Development Authority of the County of Alameda to Finance a Project for Western State Design, Inc."

14. Termination of Exclusive Negotiating Agreement with the MIKA Realty Group, LLC, for the City Center Campus Project, and Authorization for the Executive Director to Execute a Contract with FBA, Inc. to Prepare Specifications and Bid Documents for the Deconstruction of Centennial Hall

Staff report submitted by Project Manager Dalmon, dated June 29, 2010, was filed.

Redevelopment Director Bartlett provided a synopsis of the report.

Council Member Henson appreciated the information about the potential for deconstruction and the presence of asbestos and commented that he is saddened by the potential demise of Centennial Hall. Redevelopment Director Bartlett said that MIKA owns the office building, but has not been in communication with staff with respect to negotiations. City Manager David confirmed for Mr. Henson that the City would be willing to enter into another Exclusive Negotiating Agreement (ENA) with MIKA Realty if they are able to come forward within the next year with a viable project. Ms. David said the proposed demolition of Centennial Hall is a step towards clearing the site for future projects

In response to Council Member Halliday's inquiry whether it is necessary for the Agency Board to confirm the action given that the ENA has expired, City Attorney Lawson said that the determination by the Agency Board is a formality.

Council Member Dowling asked for an update on the challenges to keep the vacant property secure. City Manager David noted that staff and MIKA property management have joined efforts to control problems due to vandalism and fires. Ms. David added that the vacant building continues to be a problem for both commercial and residential neighbors. Mr. Dowling acknowledged staff's efforts and was resigned to the fact that the building could not be reused.

Mayor/Chair Sweeney opened the public hearing at 9:19 p.m.

Mr. Ray Baker, with a business address on A Street, expressed concern about vacant lots and what is happening to downtown Hayward. Mr. Baker urged Council to research productive ways to utilize Centennial Hall suggesting a year-round Farmer's Market and to create spaces for small business owners. He was not supportive of demolishing the building and suggested that technology be utilized to secure the building.

Mr. Frank Goulart, Prospect Street resident, shared his own experience creating office space by restoring an old house that would have been demolished as did Mr. Baker with the old Hayward Hospital and suggested the same can be done with Centennial Hall. Mr. Goulart did not favor



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demolishing Centennial Hall and urged Council to save the building because it is historical.

Mr. Gil Zaballos, with a business address on Foothill Boulevard, shared his fond experience attending Hayward High School and noted that Centennial Hall should be repurposed. Mr. Zaballos mentioned his offices lie in the path of the high rise and would suffer damage if an earthquake were to occur. He commented that MIKA paid a lot for the building and the structural improvements would cost at least \$10 million. Mr. Zaballos suggested the attention should be on getting rid of the “toaster” and putting the project out for development bids.

Mayor/Chair Sweeney closed the public hearing at 9:28 p.m.

Council Member Halliday thanked the members of the community for their comments. Ms. Halliday noted that Council never had a thorough discussion regarding Centennial Hall and that an economic analysis should have been done on the impact of closing Centennial Hall. She said the report does not mention that Centennial Hall was used as a place where people attended different events. Council Member Halliday made a motion to terminate the Exclusive Negotiating Agreement with the MIKA Realty Group, LLC, for the City Center Campus Project.

Council Member Zermefio seconded the motion.

In response to Council Member Henson’s request for staff feedback, City Manager David clarified for Council that the motion is for approval to draw up the specifications and see what problems and issues would arise should the building be demolished. Ms. David said to the best of her knowledge, during the process regarding the demolition of Centennial Hall, there was not an in-depth analysis conducted of potential use of the building. She noted that Council has had a firm policy to develop that site as one entire campus and to ensure that future plans are cohesive and utilize the entire space. Ms. David said there is strong interest from hotels who want to utilize the “toaster” site and Council has reaffirmed that a hotel and/or business conference center would be extremely desirable. She said that the longer the building stands vacant it will become more of a nuisance, but she recognizes that this is a complex situation. Mr. Henson commented that Centennial Hall was not an ideal conference center and was supportive of other uses. Mr. Henson supported the motion to end the ENA and that the action was appropriate.

It was moved by Council Member Halliday, seconded by Council Member Zermefio, and carried unanimously, to approve a motion to terminate the Exclusive Negotiating Agreement with the MIKA Realty Group, LLC, for the City Center Campus Project.

Council Member Quirk mentioned that since the closure of Centennial Hall, organizations have found alternative venues to hold events and he does not want the vacant building to become a nuisance. Mr. Quirk made a motion to authorize the Executive Director to Execute a Contract with FBA Inc., to prepare specifications and Bid Documents for the Deconstruction of Centennial Hall.

Council Member Henson seconded the motion

Council Member Dowling supported the motion indicating that Centennial Hall was never a good conference facility and should be torn down.

Council Member Halliday mentioned that the City has made great strides in green building and sustainability and noted the recent passing of the Historic Preservation Ordinance. Ms. Halliday said she did not support the motion.

Council Member Zermeño commented that Centennial Hall should be reused and would like to see time, energy and resources put towards demolishing the eleven story office building. Mr. Zermeño said he did not support the motion.

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

Redevelopment Agency Resolution 10-14, "Resolution Authorizing the Executive Director to Execute a Contract with FBA, Inc. for Engineering Consultant Services for the Deconstruction of Centennial Hall"

AYES: Council Members Quirk, Dowling, Henson
Mayor Sweeney
NOES: Council Member Zermeño, Halliday, May
ABSENT: None
ABSTAINED: None

15. Authorization to Enter into an Exclusive Negotiating Agreement with Urban Dynamic, LLC, for a Proposed Residential Development at the Residual Burbank School Site

Staff report submitted by Project Manager Dalmon, dated June 29, 2010, was filed.

Redevelopment Director Bartlett provided a synopsis of the report. City Manager David added that in discussions with Urban Dynamic, LLC, staff has stressed that this is a premier site of great interest to Council and the City. Ms. David said Urban Dynamic has expressed a willingness to conduct research and make a commitment to design and innovative green building standards.

Mayor/Chair Sweeney opened the public hearing at 9:47 p.m.

Mr. Perry Hariri, representative for Urban Dynamic LLC, described for Council the residential community plans for the Burbank School site. Mr. Hariri said that Urban Dynamic recognizes that the property is a premier site and is looking forward to working with City staff to build a community that both Urban Dynamic and the City can take great pride in.



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Mayor/Chair Sweeney closed the public hearing at 9:49 p.m.

Council Member Dowling made a motion per staff recommendation. Council Member Zermefio seconded the motion.

Council Member Quirk told to Urban Dynamics representatives that staff has summarized Council's views and is looking forward to reviewing the plans.

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

Redevelopment Agency Resolution 10-15, "Resolution Authorizing the Executive Director to Execute an Exclusive Negotiating Agreement Between the Redevelopment Agency of the City of Hayward and Urban Dynamic, LLC, for a Proposed Residential Development at the Residual Burbank School Site"

16. Consolidation of Council Committees

Staff report submitted by City Manager David, dated June 29, 2010, was filed.

City Manager David provided a synopsis of the report and noted this item was taken to the Council Commercial Center Improvement Committee (CCCCIC), the Council Downtown Committee (CDC), the Economic Development Committee (EDC), and the Hayward Redevelopment Area Committee (HRAC). Ms. David mentioned that they were all in favor of the consolidation.

Council Member May noted that the Mayor is the Chair of the proposed committees for consolidation and suggested that the responsibility be spread among council members.

Council Member Dowling agreed with Council Member May that leadership should be shared noting that the committees gave council members the opportunity to develop leadership skills and be proactive. Mr. Dowling spoke about serving on the EDC for eight years and suggested that prospective members be knowledgeable and willing to speak up and share opinions. Mr. Dowling observed that members of HRAC do not attend Council meetings as do other committee members when there are items pertaining to that Committee and suggested the HRAC membership needs to be looked at. He noted that because of State requirements the HRAC should be kept separate and to go forward and consolidate the other three committees. He commented that for committees to be effective, members need to be proactive and not depend solely on staff members to bring items forward. Mr. Dowling agreed with the staff proposal.

Council Member Zermeño commended staff for the two recommendations and the suggestion of reviewing the new committee in two years. Mr. Zermeño agreed with including the HRAC in the consolidation in order to improve efficiency and productivity. He said he believes in collective wisdom.

Council Member Halliday was in agreement with Council Member Dowling that there needs to be more value in the committee structure. She noted that the consolidation would enable the committees to be more efficient and respectful of staff time. Ms. Halliday relayed that the item was discussed at the CDC meeting and members requested that staff consider holding EDC meetings scheduled in the evenings to allow for community participation.

Council Member Quirk agreed with Council Member Halliday's comments regarding consolidation making the committees more efficient. Mr. Quirk remarked that a nine member committee would be more effective, as eleven members could be counterproductive. Mr. Quirk noted that Council Member Dowling made a valid point about community members unwilling to speak up and that Council needs to take a hard look at how the committees are to be structured in the future. He mentioned that Mayor Sweeney has given Council members the opportunity to be involved in other committees. Mr. Quirk stated that this could be one of the most important committees for the City and the consolidation will give the committee focus. Mr. Quirk supported the proposal.

Council Member Henson said the consolidation would improve efficiency and productivity and that he did not object to the Mayor chairing the new committee. Mr. Henson acknowledged the comments made by Council Member Dowling regarding committee members needing to be more vocal. Mr. Henson asked for feedback from staff in regards to the HRAC and noted attending the City of Richmond's HRAC meeting where members were very strong and opinionated. City Manager David said the staff report asked for latitude to enable staff to take a look at the HRAC carefully and to find a way to strengthen it. Ms. David noted that the HRAC needs to be more connected to Council and economic development. Ms. David added that there are legal questions that still need to be resolved and said that it is important that staff brings this back to Council for review after a period of time and to address any issues. Mr. Henson stated the consolidation will strengthen the committees and supported the proposal.

Mayor Sweeney noted that Council needs specific answers regarding the HRAC questions and spoke about the need for the new Council Members to have an opportunity to comment on this issue. Mr. Sweeney said the item should return to Council when there is an answer regarding the HRAC. Mayor Sweeney pointed out to staff that there are conflict of interest issues with the HRAC and asked staff to take this into account.

Mayor Sweeney proposed a motion indicating that Council is interested in moving forward on the implementation of the Council Standing Committees and other committee consolidations and asked staff to bring back a more detailed proposal on July 20, 2010.

It was moved by Council Member Quirk, seconded by Council Member Halliday, and carried unanimously, to move forward on the implementation of the Council Standing Committees and other committee consolidations and bring back a more detailed proposal on July 20, 2010.



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD**

**City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 29, 2010, 7:00 p.m.**

Council Member May was supportive in taking action at the meeting. Mayor Sweeney pointed out that the motion was for staff to come back on July 20, 2010.

Council Member Halliday supported the report coming back and commented that the only committee affected by the interviews would be the EDC.

COUNCIL REPORTS

There were none.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 10:10 p.m.

APPROVED:

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

ATTEST:

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