



CITY COUNCIL MEETING FOR NOVEMBER 13, 2012
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:00 PM

1. PUBLIC COMMENTS

2. Public Employment

Pursuant to Government Code 54957

➤ Performance Evaluation

City Manager

3. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

Guzman, et al. v. Sangha, et al., Alameda County Superior Court No. HG12640596

4. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation:

APN 428-0066-024-00

APN 428-0066-039-00

APN 428-0066-038-02

APN 428-0066-038-01

APN 428-0066-037-00

Property Negotiators: City Manager David, Assistant City Manager McAdoo, Development Services Director Rizk, Finance Director Vesely, City Attorney Lawson, Assistant City Attorney Conneely, Assistant City Attorney Alvarado, Assistant City Attorney Vigilia, Deputy City Attorney Brick, Deputy City Attorney Vashi; and Polly Marshall, Esq., and Rafael Yaquian, Esq., of Goldfarb & Lipman

5. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation:

APN 415-0240-041-00

Property Negotiators: City Manager David, Assistant City Manager McAdoo, Economic Development Manager Brooks, City Attorney Lawson, Assistant City Attorney Conneely, Assistant City Attorney Alvarado, Assistant City Attorney Vigilia, Deputy City Attorney Brick, and Deputy City Attorney Vashi.

6. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager McAdoo, Human Resources Director Robustelli, Finance Director Vesely, Deputy City Attorney Vashi, and Director of Maintenance Services McGrathUnder Negotiation: All Groups
 7. Adjourn to Special City Council Meeting
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**SPECIAL CITY COUNCIL MEETING
Council Chambers – 7:00 PM**

CALL TO ORDER Pledge of Allegiance Council Member Salinas

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION Business Recognition Award: Siemens Infrastructure & Cities

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

WORK SESSION (60-Minute Limit)

1. Overview of the 2012 Resident Satisfaction Survey Results (**Report from Assistant City Manager McAdoo**)
Information Only



ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

2. Approval of Minutes of the Special City Council Meeting on October 16, 2012
Motion
3. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting on October 23, 2012
Motion
4. Authorization for the City Manager to Execute a Professional Services Agreement for Evaluation of the Cathodic Protection System
Resolution
5. Authorization for City Manager to Execute a Master Lease Purchase Agreement for the Purchase of Police Department Vehicles
Resolution
6. Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2013 Pursuant to California Government Code 22892 of the Public Employees Medical and Hospital Care Act
Resolution
7. Authorization of Payment for Legal Consulting Services Provided by Wulfsberg Reese Colvig & Firstman in Relation to Negotiation of Contracts with WM Lyles Group and Fuel Cell Energy for the New Cogeneration Power System at the Water Pollution Control Facility
Resolution
8. Resignation of Muhammad Irfan from the Keep Hayward Clean and Green Task Force
Resolution

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
- *Staff Presentation*
- *City Council Questions*
- *Public Input*
- *Council Discussion and Action*



PUBLIC HEARING

9. Request to Amend the General Plan Land Use Designation from Low Density Residential to Medium Density Residential; Rezone from Single-Family Residential to Open Space and Planned Development; Approve a Parcel Map for the park expansion and future development lots; and Approve a related Development Agreement for the property at the northeast corner of Eden and Denton Avenues - General Plan Amendment Application No. PL-2010-0236, Zone Change Application No. PL-2010-0237, Parcel Map Application No. PL-2010-0431, and Development Agreement Application No. PL-2010-0235 – Westlake Development LLC (Applicant)/ Chang Income Partnership L.P. (Owner) (***Report from Development Services Director Rizk***)

Resolution

Introduction of Ordinances(2)

LEGISLATIVE BUSINESS

10. Adoption of an Ordinance Adding Section 5-7.25, Regarding Unlawful Nuisance on Public Property, to Article 7 of Chapter 5 of the Hayward Municipal Code (***Report from Director of Maintenance Services McGrath***)

Adoption of Ordinance

11. Introduction of an Ordinance Amending Building Abatement Code, Chapter 9, Article 3 of the Hayward Municipal Code (***Report from Development Services Director Rizk and City Attorney Lawson***)

Introduction of Ordinance

12. Introduction of Two Ordinances Adding Sections 11-2.48 through 11-2.52 and Sections 11-3.461 through 11-3.465 to the Hayward Municipal Code to Authorize Collection of Delinquent Water and Sewer Charges by Placement on the County Tax Rolls; and Amending Section 11-2.42 to Clarify Responsibility for Payment of Water Charges (***Report from Director of Public Works-Utilities and Environmental Services Ameri and Director of Finance Vesely***)

Introduction of Ordinances (2)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

NOVEMBER 20, 2012 MEETING CANCELED – HOLIDAY/BUSINESS CLOSURE

NEXT MEETING, TUESDAY, NOVEMBER 27, 2012

November 13, 2012



PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker Card must be completed by each speaker and is available from the City Clerk at the meeting.*

PLEASE TAKE NOTICE *that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*
PLEASE TAKE FURTHER NOTICE *that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

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