



**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 16, 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 Halliday.

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 preparation for disposition of approximately 400 parcels within the 238 Corridor. There was no reportable action.

PUBLIC COMMENTS

Ms. Wynn Grcich, Union City resident, spoke about fluoride and its correlation to brain damage. Ms. Grcich also spoke about the Master Water Contract.

Mr. Frank Goulart, with business office at Main Street, noted that Hayward has a rich history of entertainment and mentioned the different events throughout the year. He invited everyone to attend live band performances at the Music in the Park, behind the Hayward Plunge, on Saturday June 20, 2009.

Ms. Alma Martinez, through interpreter Mr. Jason Oringer, expressed that she is a 14-year employee of Aramark Uniform Services in Hayward. She mentioned that the company is refusing to negotiate a new contract with the workers and asked that Council contact Aramark and urge the negotiation of a fair contract.

Mr. Gary Conlon, Garin Road resident and 10-year employee of Aramark, expressed dissatisfaction that Aramark is refusing to renew the contract.

Mr. Adam Alonzo, San Francisco resident and business representative for Aramark Local 3, spoke about Aramark's attempt to obtain contracts with several cities, but refuses to honor a contract that was signed three years ago. Mr. Alonzo asked for Council's intervention.

DRAFT

Mr. Jason Oringer, San Francisco resident, noted that although the standards at Aramark are better than Cintas, Aramark was trying to take advantage of the confusion among the Unions to say that there is not a legitimate bargaining representative. He distributed information from the NLRB reaffirming the workers' choice of a union and also thanked Council Member Quirk for sending a letter to the company. Mr. Oringer urged Council to write to Aramark Corporation about the matter.

Mayor Sweeney asked that City Manager Jones talk to Mr. Oringer and bring back an update. Mayor Sweeney also asked City Manager Jones about properly noticing about the upgrades to the Hetch Hetchy water system. Mr. Jones responded that the agreement will be coming to Council in July.

CONSENT CALENDAR

Consent Item No. 2 was removed at the request of Council/RA Member Henson.

1. Approval of Minutes of the Special City Council/Redevelopment Agency Meeting on May 26, 2009

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 May 26, 2009.

2. Approval of Minutes of the Special City Council/Redevelopment Agency Meeting on June 2, 2009

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Halliday, and carried with Council/RA Member Henson abstaining, to approve the minutes of the Special City Council/Redevelopment Agency Meeting of June 2, 2009.

3. Acknowledge Receipt of the Statewide Special Election of May 19, 2009 pertaining to Measure A- Utility Users Tax (UUT) and Declaring Results Thereof

Staff report submitted by City Clerk Lens, dated June 16, 2009, was filed.

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

Resolution 09-072, "Resolution Acknowledging Receipt of Canvass for Measure A of the Special Municipal Election Held May 19, 2009, and Declaring the Results Thereof"

4. Pavement Reconstruction - Eden Landing Road, Lincoln Avenue, San Luis Obispo Avenue and Westview Way: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 16, 2009, was filed.



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

Resolution 09-073, "Resolution Approving Addendum No. 1, and Awarding Contract to Bay Cities Paving and Grading, Inc., for the Pavement Reconstruction - Eden Landing Road, Lincoln Avenue, San Luis Obispo Avenue and Westview Way Project, Project Nos. 5144 and 5169"

5. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2010, and Set July 7, 2009, as the Public Hearing Date for Such Actions

Staff report submitted by Development Review Engineer Nguyen, dated June 16, 2009, was filed.

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

Resolution 09-074, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2010 for Zone 1-13, and Setting July 7, 2009, as the Public Hearing Date Concerning Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13"

6. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road and Ruus Lane - Preliminarily Approve the Engineer's Report, Adopt a Resolution of Intention and Set July 7, 2009, as the Public Hearing

Staff report submitted by Development Review Engineer Nguyen, dated June 16, 2009, was filed.

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

Resolution 09-075, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal year 2010, and Setting July 7, 2009, as the Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage 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 – Preliminarily Approve the Engineer’s Report, Adopt a Resolution of Intention and Set July 7, 2009, as the Public Hearing

Staff report submitted by Development Review Engineer Nguyen, dated June 16, 2009, was filed.

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

Resolution 09-076, “Resolution Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2010 and Setting July 7, 2009, as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer (MD No. 2)”

8. FY 2010 Annual Hayward Paratransit Program Plan

Staff report submitted by Social Services Planning Manager Culver, dated June 16, 2009, was filed.

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

Resolution 09-077, “Resolution Authorizing the City Manager to Submit an Annual Paratransit Plan and Negotiate and Execute All Documents Related To and In Support of Paratransit Activities”

9. Authorization of Sale by City and Acquisition by Redevelopment Agency of Surplus Residential Land at 123-197 A Street (Odd Numbers Only), (APN: Portions Thereof 431-0016-080-03, 081-00, 082-00, 083-00, 084-00, 085-00, 086-00, 087-00, and 088-00)

Staff report submitted by Redevelopment Director Bartlett, dated June 16, 2009, was filed.

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

Resolution 09-078, “Resolution Authorizing the Conveyance of the Properties Located at 123-197 A Street (Odd Numbers Only) to the City’s Redevelopment Agency”

RA Resolution 09-14, “Resolution Authorizing the Acquisition of the Properties Located at 123-197 A Street (Odd Numbers Only)”



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RA Resolution 09-15, "Resolution Amending RA Resolution 08-097, As Amended, The Budget Resolution for Fiscal Year 2009 Relating to an Appropriation of Funds From the Redevelopment Agency's Low and Moderate Income Housing Fund, Fund 452"

10. Authorization to Submit an Application for State American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Authorization for the Public Works Director to Advertise and Award the Project to Meet State Deadline

Staff report submitted by Deputy Director of Public Works Fakhrai, dated June 16, 2009, was filed.

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

Resolution 09-079, "Resolution of Local Support for American Recovery and Reinvestment Act of 2009 (ARRA) and Authoring the Filing of an Application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Stating the Assurance to Complete the Project"

Resolution 09-080, "Resolution Authorizing the Public Works Director to Advertise For and Award Contracts for Projects Funded Through the 2009 American Recovery and Reinvestment Act"

11. Costco at Eden Shores Project – Approval of Partial Assignment and Assumption of Mount Eden Business and Sports Park Community Development Agreement from Eden Shores Associates I, LLC and Eden Shores Associates II, LLC to Costco Wholesale Corporation

Staff report submitted by Senior Planner Buizer, dated June 16, 2009, was filed.

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

Resolution 09-081, "Resolution Approving the Partial Assignment and Assumption of the Mount Eden Business and Sports Park Community Development Agreement as It Relates to the Costco Development at the Legacy Eden Shores Project"

At the request of Mayor Sweeney and with no objections, Public Hearing No. 13 was heard first.

PUBLIC HEARING

- 13 Adoption of the City of Hayward and Hayward Redevelopment Agency Operating Budget for FY 2010; Capital Improvement Program Budget for FY 2010-2019; Approving FY 2010 Master Fee Schedule; Traffic Fines and Bail Schedule; and Gann Appropriations Limit

Staff report submitted by Director of Finance Auker, dated June 16, 2009, was filed.

Director of Finance Auker gave a synopsis of the report. Ms. Auker noted that the State is considering borrowing from the City, which could be approximately 3.6 million dollars. She also mentioned that another proposal before the State is a complete take away of local gas tax funds with no intention of pay back. She added that the State's proposal is to take 100% of allocations that go to local governments for this year and to take 75% next year, ending in fiscal year 2011.

In response to Council/RA Member Henson's inquiry about the impact to any of the City's on-going capital projects by the State actions, Director of Public Works Bauman explained that the State proposal would affect the general fund more than capital projects. Mr. Bauman also stated that the other item being discussed, that is directly related to capital funds, is the deferral of Prop 1B monies. He added that the City will not be affected by this as the City is scheduled to receive the remainder for this year. Mr. Henson also inquired if there was any potential to utilize infrastructure monies from the stimulus federal dollars. Mr. Bauman noted that the City is expecting to receive a total of \$2.5 million for stimulus projects, and the work is being performed right now. Mr. Bauman noted that the proposal of taking Prop 42 funds would significantly affect the City as this would represent \$1.5 million a year that the City budget counts on to perform additional pavement work.

City Manager Jones emphasized that the taking of the gas tax revenue is a complete take of the operating budget and the City does not get paid back. Contrary, he mentioned that Prop 1A's take is a loan that the State would have to pay back in three years.

In response to Council/RA Member Halliday's inquiry regarding the Gann Appropriations Limits, Finance Director Auker explained that it was established in order to protect the tax payers from being taxed in excess.

Council/RA Member Zermefio noted that Council is taking action by sending letters to the legislature in opposition to the State taking monies from the City.

Mayor/Chair Sweeney opened the public hearing at 8:30 p.m.

Mr. Herb Witt, Lebanon Street resident, spoke favorably of the Zucchini Festival and the Kid's Town for the children.

Mayor/Chair Sweeney closed the public hearing at 8:33 p.m.

Council/RA Member Dowling moved the item per staff recommendation. Council/RA Member Quirk seconded the motion.



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Mayor/Chair Sweeney emphasized Council/RA Member Zermefio's comments noting that the State take-away can be severe for local governments. Mr. Sweeney noted that the State already receives six million dollars of the City's property taxes at present and that the potential take away that the State can receive from property, gas, and redevelopment monies could be seven to eight million dollars from the City this year. Mayor Sweeney urged everyone to contact the legislators and ask them to keep local revenues local.

Council/RA Member Quirk thanked and commended staff for the work done on the budget.

Council/RA Member Henson reiterated favorable comments about the budget and thanked the community for passing Measure A. Mr. Henson expressed concern about the potential take-away by the State. Mr. Henson acknowledged that the budget was well developed for the community and fully supported it. Mr. Henson noted how the City had been supportive of the Zucchini Festival in the past but unfortunately this year there was not enough funding.

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

Resolution 09-082, "Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2010; Adopting Appropriations for Fiscal Year 2010"

RA Resolution 09-16, "Resolution Approving the Budget of the Redevelopment Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2010"

Resolution 09-083, "Resolution Approving Capital Improvement Projects for Fiscal Year 2010"

Resolution 09-084, "Resolution Adopting the 2010 Master Fee Schedule Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 08-131 and All Amendments Thereto"

Resolution 09-085, "Resolution Approving a Fine and Recommended Bail Schedule for the City of Hayward Traffic Code"

Resolution 09-086, "Resolution Establishing the Appropriation Limit for Fiscal Year 2010"

Because Mayor Sweeney works for a non-profit that had applied for funding, he noted that he would be excusing himself from participating on Public Hearing No. 12. Mayor Sweeney turned the gavel over to Mayor Pro Tempore Dowling and left the Council Chambers. Council Member Zermefio noted that he is a volunteer board member with the St. Rose Foundation. At the recommendation of City Attorney Lawson, Mr. Zermefio chose to remain in the room and refrain from discussion about the funding for St. Rose/FACES Program.

12. Human Services Commission's FY 09-10 Social Services Funding Recommendations

Staff report submitted by Redevelopment Director Bartlett, dated June 16, 2009, was filed.

Social Services Planning Manager Culver gave a synopsis of the report.

Council Member Halliday inquired about the impact on services to the City's Literacy Plus Program since there is such a difference between the requested amount of \$25,000 and the staff recommendation of \$10,000. Social Services Planning Manager Culver noted the \$10,000 will enable the program to help 118 Hayward residents. In response to Ms. Halliday's inquiry about the Magnolia Women's Recovery Program, Ms. Culver noted that as a part of the CDBG Program, Magnolia will be receiving \$25,000 to enclose a porch for a play area for children and also a grant of \$4,000 to help with the program's utility expenses. She added that as a shelter program, Magnolia was eligible under CDBG Funding and not Social Services because it is housing related. In reference to the Eden Youth and Family Center, Ms. Culver noted that through the economic development category of the Block Grant Program, the City will provide assistance to the Day Laborer Center, as it has been unable to pay rent in the past, but in the current year the Day Laborer Center will be able to pay rent to the Eden Youth and Family Center. She added that the monies will help the center with their operational costs. Council Member Halliday recognized Social Services Planning Manager Culver's creative solutions with limited funds and thanked her and staff for their hard work.

Council Member Quirk asked if both staff and the Commission's recommendations were in agreement. Social Services Planning Manager Culver replied that there was disagreement but in the end staff concurred with all of the Commission's recommendations. Mr. Quirk noted that the Tiburcio Vasquez "Keepin' It Real" Program is recommended to receive \$15,000. Mr. Quirk noted that in the past Council received a summary of which agencies applied for funds and the reasons for funding or rejecting, which was not in the report. Mr. Quirk noted that he would feel better next year if the additional information is included.

In response to Council Member Henson's inquiry for the number of food dispensing agencies that serve low income and less fortunate population, Social Services Planning Manager Culver noted there are approximately 35 Alameda County Community Food Bank members. Mr. Henson expressed concern that the Alameda County Community Food Bank would not be able to keep up with the growing need. Mr. Henson requested clarification about the International Institute and what the agency does. Ms. Culver explained that this agency is located in Oakland and the services involve immigration and family law. Ms. Culver explained that in order to receive funding, the International Institute is required to come to Hayward and serve Hayward residents. Mr. Henson



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inquired about the Chabot Summer Youth Sports Program. Ms. Culver noted this program has found alternative funding and will continue. Social Services Planning Manager Culver added that Hope for the Heart is the second largest distributor of food in Alameda County.

In reference to the International Institute located in Oakland, Council Member May asked how many of the 36 agencies reside in Hayward. Social Services Planning Manager Culver replied over 75% of the agencies operate in Hayward.

Mayor Pro Tempore Dowling opened the public hearing at 8:57 p.m.

Mr. Sergio Morales, with the Tiburcio Vasquez House Center located at the Tennyson High School campus, spoke about the value of the peer advocate program, the "Keepin' It Real" Program. The program does presentations for students at Tennyson High School, freshman students in their health classes and also 8th graders at Cesar Chavez Middle School.

Ernesto Araiza, senior at Tennyson High School, noted that the program is important to the school as it allows the students to interact with other students their own age, to connect, to relate on different topics, to get resources, and to seek help.

Nimra Qureshi, recent graduate from Tennyson High School, spoke about the value of the program for teenagers in terms of mental and sexual health topics. She is an advocate of the program and asked for funding continuance.

Milkhais Haile, Tennyson High School student, highly recommended the program because it helps counteract peer pressure from the media and music industry related to tobacco and sexually transmitted diseases. Mr. Haile noted the program helps over 500 new students every year.

Anum Qureshi, currently attending UCLA, thanked Council for funding the program for it can be a confidence booster, teach public speaking skills, and help educate the youth.

Council Member Halliday inquired whether the program will survive with the \$15,000 recommended by the Human Services Commission. Ms. Gutierrez, with Tiburcio Vasquez House Center, explained that \$50,000 is needed to fund the program, but \$34,000 plus donations and a small grant through the Latino Community Foundation would greatly help. Ms. Gutierrez thanked Council Members and the Human Services Commission for their support.

Ms. Toni Guy, Regent Way resident, spoke about the Isolated Senior Program. Ms. Guy thanked Council for supporting the Senior Services Foundation because it currently serves about 35 isolated seniors in the City of Hayward and plans to serve up to approximately 70 seniors in the coming year. Serving isolated seniors does a number of things; one is to cut the cost of health care. Ms. Guy thanked the Council and Commission for the support that has been given and reported on what the funds have been being used for.

Ms. Karen Norell, Coleman Avenue resident and coordinator for La Familia Counseling Service, noted that the program provides basic needs and health access services to the community. Ms. Norell was concerned that there would not be enough funds to run the center next year and also expressed concern in regards to the application and interview process. Ms. Norell noted it was challenging to re-educate the current Commission on the services the Resource Center provides. Ms. Norell asked that next year, the Commission review the application process.

In response to Mayor Pro Tempore Dowling's request for clarification, Ms. Norell said she felt that the center was forgotten, and so in December, Ms. Norell came and reminded the Commission about the Center. She added that the clients are 95% Hayward residents and the other 5% are outside the Hayward.

Council Member Henson asked, with the lost resources, is there opportunity to gain resources by partnering with other agencies. Ms. Norell replied the \$15,500 represents about 38% of what it costs to have a family advocate in the center and only 4% of the total budget.

Council Member May noted that she would prefer funding organizations situated in the City of Hayward, over and above everybody else located outside the City limits. Ms. May stated for future reference, that more consideration be given to organizations located in our City.

Ms. Grace Oakes, Program Director of Hedco House, thanked the Council and the Commission for their generosity in funding over the years. Ms. Oakes said Hedco House helps keep people off the streets and helps stabilize the mentally challenged. Ms. Oakes expressed the program is finding itself at risk due to the drastic loss of teacher hours. She emphasized how important the City's funding is for Hedco House and thanked everyone for the support and generosity.

Ms. Vicky Gwiasda, Executive Director of Calico, explained this is a child advocacy center serving Alameda County. Calico assists law enforcement with child welfare investigations. Ms. Gwiasda noted that annually Calico serves 80 to 90 young victims in the City of Hayward, typically kids 2 to 17 years of age, most have been sexually abused, many have been physically hurt, neglected, exploited as prostitutes, or witnessed a homicide or violence in their homes. She noted that Calico is experiencing a sharp decrease in funds and Ms. Oakes thanked Council and the Commission for their funding recommendations. In response to the number of children and families served, Ms. Oakes noted that Calico served 700 children last year. In response to Council Member Quirk's question of the location of Calico's offices, Ms. Oakes stated Calico has two offices, one in San Leandro and another in Oakland. She added that Calico has a strong relationship with the Hayward Police Department and many local children are referred to Calico.

Mayor Pro Tempore Dowling closed the public hearing at 9:23 p.m.

Mayor Pro Tempore Dowling asked for a motion to approve Application No. 33, St. Rose/FACES Program.

Council Member Henson made a motion for Application No. 33 and to grant the Commission's recommendation of \$25,000.



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Council Member Halliday seconded the motion.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried with Mayor Sweeney absent and Council Member Zermefio abstaining, to adopt the following:

Resolution 09-087, "Resolution Approving Application No. 33 of the Social Services Funding Recommendations for Fiscal Year 2010"

Council Member Quirk moved the item per staff recommendation, excluding application No. 33. Mr. Quirk asked staff, for next year, to supply Council with more information as to what the application is for and why they were or were not recommended for funding. Mayor Pro Tempore Dowling concurred with Council Member Quirk. Social Services Planning Manager Culver noted that staff will provide more information for next year.

Commissioner Zermefio seconded the motion

Council Member Halliday expressed support for the motion noting this has been a tough year for everybody. Ms. Halliday noted that the funds supplied by the City are just a small part of overall funding that helps to leverage funding from other sources. Ms. Halliday mentioned that ultimately all of these agencies work together. Ms. Halliday thanked everyone involved in this process.

Council Member Henson supported the motion and the work done by staff. Mr. Henson requested that next year the information be provided on a flash drive. Mr. Henson indicated that the priorities for this year have been to make sure that people have food, shelter and clothing, especially when people have lost jobs and/or are unemployed. Mr. Henson noted the necessity of having the Lincoln Child Center/Kinship Support Program where grandparents are raising their grandchildren. Mr. Henson commended staff for a great job in the balance of the funding recommendations.

Mayor Pro Tempore Dowling was glad to help fund the Tiburcio Vasquez "Keepin' It Real" Program at Tennyson High School because of the importance of educating the youth. Mr. Dowling agreed with part of Council Member May comments regarding supporting organizations in Hayward because they are more accessible to people that live and work in Hayward.

It was moved by Council Member Quirk, seconded by Council Member Zermefio, and carried with Mayor Sweeney absent, to adopt the following:

Resolution 09-088, "Resolution Approving Social Services Funding Recommendations for 24 of the 36 Social Services Funding Proposals for Fiscal Year 2010"

COUNCIL REPORTS

Council Member Quirk reported on his and Council Member May's attendance at the 20th Anniversary Celebration of the San Francisco Bay Trail on June 6, 2009. He added that the City was presented with an award from HASPA- Hayward Area Shoreline Planning Agency.

Council Member Dowling reported that he, Mayor Sweeney and Council Member Zermefio are working with COMPREE towards the development of a Youth Master Plan.

Council Member Zermefio reminded everyone to attend the Downtown Hayward Street Party on Thursday, June 18, 2009, at Main Street from A and C Streets and B Street from Foothill Boulevard to City Hall.

ADJOURNMENT

Mayor Pro Tempore Dowling adjourned the meeting at 9:41 p.m.

APPROVED:

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

ATTEST:

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