

Resolution 11-158, “Resolution Confirming Members of the Community Services Commission”

Resolution 11-159, “Resolution Accepting the Written Resignation of James E. Millet III from Human Services Commission”

## LEGISLATIVE BUSINESS

9. Adoption of Ordinance Reclassifying the Zoning Designation for Properties in the South Hayward BART/Mission Boulevard Form-Based Code Area; and Adoption of Ordinance Amending the Zoning Ordinance Chapter 10, Article 1 of the Hayward Municipal Code, and Off-Street Parking Regulations, Chapter 10, Article 2 of the Hayward Municipal Code and Adding a New Article 24 “South Hayward Bart/Mission Code,” All Relating to the Adoption of the South Hayward Bart/Mission Boulevard Form-Based Code

Staff report submitted by City Clerk Lens, dated October 11, 2011, was filed.

Mayor Sweeney noted the item was introduced on September 27, 2011, and it appeared under Legislative Business because it did not receive unanimous vote.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:08 p.m.

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

Ordinance 11-11, “An Ordinance Reclassifying the Zoning Designation for Properties in the South Hayward BART/Mission Boulevard Form-Based Code Area”

Ordinance 11-12, “An Ordinance Amending the Zoning Ordinance, Chapter 10, Article 1 of the Hayward Municipal Code, and Off-Street Parking Regulations, Chapter 10, Article 2 of the Hayward Municipal Code, and Adding a New Article 24 “South Hayward BART/Mission Boulevard Form-Based Code” to Chapter 10 of the Hayward Municipal Code, All Relating to the Adoption of the South Hayward BART/Mission Boulevard Form-Based Code”

10. Red Light Camera Update

Staff report submitted by Chief of Police Urban, dated October 11, 2011, was filed.

Police Chief Urban provided a synopsis of the report.



**MINUTES OF THE SPECIAL JOINT CITY  
COUNCIL/REDEVELOPMENT AGENCY/HOUSING  
AUTHORITY MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 11, 2011, 7:00 p.m.**

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In response to Council Member Henson's inquiry of whether the Computer Aided Dispatch/Records Management System (CAD/RMS) would improve data gathering for the Program, Chief Urban noted that the new system would be able to capture more accurate detail and this information would be easily attained by the crime analyst. In terms of legal challenges, Chief Urban noted that they continue to exist and added that there were positive and negative aspects associated with the Program: it was an expensive program to operate with a greater part of the revenue going to the company, but when paired with smarter and more efficient policing, the cameras would reduce the number of collisions. Mr. Henson added that there was a benefit to the pedestrian count-down signalization being placed at intersection traffic lights because it helped warn drivers when traffic lights change.

In response to Council Member Zermeño's question for reasons why cities chose to drop out of the Red Light Camera program, Police Chief Urban explained one reason was because 2/3 of the revenue collected from the program went to the monitoring company. City Manager David commented that another reason was the lack of strong evidence in the industry that red light cameras were effective in reducing collisions.

Police Chief Urban clarified for Council Member Salinas that the City leases the cameras via a five-year contract per camera, and when a contract expires, staff could determine if it was beneficial to continue having the camera at that particular location. Mr. Salinas further asked staff if the current proposal included both utilizing the red light camera enforcement program as well as the deployment of a traffic officer. Chief Urban confirmed the Police Department would be using both means in an effort to reduce collision occurrences in the City. In response to Council Member Salinas' question, Sergeant Olthoff stated that the intersections with highest number of collisions are: Foothill Boulevard/Grove Way, Hesperian Boulevard/A Street, Santa Clara Way/Jackson Street, and Tennyson Road between Patrick Avenue and Tampa Avenue.

Council Member Halliday expressed support of the Red Light Camera Program stating that the cameras serve as a deterrent to reckless driving and also catches violators who run red lights. She indicated that although reducing collisions was one objective of the program, the program also helped to ensure the safety of all motorists and pedestrians.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:32 p.m.

Mayor Sweeney concurred with Council Member Halliday's comment and also agreed with staff that the RedFlex program needed constant evaluation. He noted that at the intersection of Winton/Hesperian, drivers were proceeding through the intersection with more caution, implying that cameras were a good deterrent. Mayor Sweeney stated that although the Red Light Camera Program helps bring in revenue to the City, he expressed that Hayward residents should not pay fines unless they are running red lights and driving recklessly.

11. Amended and Restated Joint Powers Authority Agreement for the Alameda County Associated Community Action Program (ACAP)

Staff report submitted by City Manager David, dated October 11, 2011, was filed.

City Manager David provided a synopsis of the report.

In response to Council Member Peixoto's question as to how the amendment to the Joint Powers Authority (JPA) Agreement would limit the liability of its members, City Attorney Lawson stated that the existing JPA Agreement did not limit the liability of the member agencies and therefore needed to be amended. Additionally, he explained the amended JPA Agreement would facilitate the agency's ability to conduct business and would allow the agency to shut itself down.

City Manager David responded to Council Member Peixoto's question stating that the City had spent approximately \$101,000 to pay the outstanding obligations of the Alameda County Associated Community Action Program (ACAP). She commented that every member agency had contributed similar amounts to resolve the issue.

In response to Council Member Peixoto's inquiry about having a third party conduct an audit, City Manager David noted that the ACAP Interim Executive Director Ambrose contracted an outside auditor who was preparing an audit report. It was also noted that there was a preliminary audit conducted by the County Auditor-Controller. Council Member Peixoto stated that it was improper to have the County Auditor-Controller conduct the audit for ACAP because the County was the fiscal agent. Ms. David noted that the JPA Agreement called for the Auditor-Controller to do an annual audit, and as a precaution, the Board sought out an outside auditor's opinion as well. Mr. Peixoto emphasized that the public's money should not be misspent in this manner and hoped for a resolution.

Council Member Henson asked if there was potential to form another JPA that would continue to deliver services provided by ACAP. City Manager David was doubtful that another JPA would be formed in the near future. City Manager David noted that the Interim Executive Director Ambrose was able to transfer some of ACAP programs to other non-profit organizations in order to continue delivering these services.

Council Member Halliday was impressed by the plan that had been developed by the City Manager's group and asked that if this new governing board was made up of only appointed officials. City Manager David noted that the cities would continue to be member agencies and they would each have an appointed official representing them on the new governing board, noting that she would be the appointee for Hayward. Ms. David added that the actions of the agency would be purely administrative with no service delivery.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:48 p.m.

Council Member Zermeño moved per staff recommendation and Council Member Henson seconded it.