



**MINUTES OF THE JOINT MEETING OF THE
CITY COUNCIL AND REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD, City
Council Chambers 777 B Street, Hayward, CA 94541
Tuesday, December 15, 1998, 8:00 p.m.**

MEETING

The Special Joint Meeting of the City Council and Redevelopment Agency was called to order by Mayor/RA Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Cooper.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR/RA Chair Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The following residents were presented with the Pride in Hayward Award: from the Woodland Estates Neighborhood, Gary & Patricia Ervin and Hormoz & Mai Mogharei; William Castro, Jr. and Barbara Sharp from the Upper "B" Street Neighborhood; Margaret Bayliss & Nancy Sharp from the Southgate Neighborhood; Elaine & John Thornton from the Mt. Eden Neighborhood.

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, stated that the October 24th special meeting was a secret meeting, as it was not publicized.

Mayor Cooper stated that the October 24th meeting was a public meeting and that the notice was published and posted in various places. Several members of the public attended the meeting including Mr. Moreno. The Mayor reassured him no one was excluded from attending the meeting.

Ken Harmeyer, 23845 Ida Lane, commented on the continuance of the operation of the Adams Apple adult bookstore. He asked why it was taking the City so long to close it down in comparison to the recent closing of a church.

It was noted that the church was in the central downtown district, where there are restrictions.

Chuck Horner, 927 Snowberry Court, expressed strong concerns regarding the continuance of the Adams Apple video store. He suggested there be something available that would be clear and easy to understand in order to explain it to his parishioners. He has been asked how the zoning ordinance affects them. He commended Associate Planner Charlie Mullen for explaining the zoning ordinance relating to churches in the central downtown district.

Mayor Cooper suggested he make an appointment City Attorney O'Toole in this regard.

Francisco Abrantes, 22815 Alice Street, commented on the cost of trash pick-up and the amount of money earned by that company due to advance payments as well as trash bins that are not filled at pick-up.

Ron Barklow, 1210 Tiegen Drive, asked about the process for underground utilities for the City of Hayward. He noted that he had previously requested information regarding this concern. He added that by installing underground utilities, the clutter of signage on poles could be eliminated.

Mayor Cooper asked Public Works Director Butler to respond.

Public Works Director Butler explained that the underground funding has been designated for the next four years. Undergrounding will begin at Sycamore along Mission Boulevard to Industrial and will include the intersection in conjunction with the widening of Mission Boulevard project.

BOARDS AND COMMISSIONS

1. Appointments to Downtown Hayward Business Improvement Area Advisory Board/
Administer Oaths of Office

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

Resolution No. 98-208, "Resolution Appointing Members of the
Downtown Business Improvement Area Advisory Board"

City Clerk Reyes administered the Oath of Office to all of the newly appointed members.

CONSENT

2. Approval of Minutes of the Special Joint Meetings of the City Council/Redevelopment Agency of November 24 and December 8, 1998

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of November 24 and December 8, 1998.

3. Adoption of An Ordinance Amending Section 10-1.157 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located East of Huntwood Avenue, West of Taylor Avenue and North and South of Olympic Avenue, Pursuant to Zone Change Application No. 98-190-06 (Summerhill Development)



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Ordinance No. 98-17, "An Ordinance Amending Section 10-1.157 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located East of Huntwood Avenue, West of Taylor Avenue and North and South of Olympic Avenue, Pursuant to Zone Change Application No. 98-190-06"

4. State Bicycle Lane Account Application: Authorization to Submit Grant Application and Execute Funding Agreement

Staff report was submitted by Deputy Director of Public Works Bauman for December 15, 1998.

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

Resolution No. 98-209, "Resolution Authorizing the City Manager to Submit a Grant Application and Execute a Funding Agreement with the State Bicycle Lane Account Program and Certifying the Availability of Funds Sufficient to Satisfy the Required Ten Percent Match"

5. Giuliani Plaza - Approval of Addendum Nos. 1 & 2, Award of Contract and Appropriation of Funds

Staff report was submitted by Deputy Director of Public Works Bauman for December 15, 1998

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

Resolution No. 98-210, "Resolution Approving Addenda 1 and 2 to the Plans and Specifications and Awarding Contract to RMT Landscape Contractors, Inc., for the Giuliani Plaza Project, Project No. 6971"

Resolution No. 98-211, "Amending Resolution 98-110, as Amended, the Budget Resolution for Fiscal Year 1998-99, Relating to Transfers of Funds from the Seismic Retrofit Fund, Fund 414 to the Capitol Improvement Fund, Fund 410 for the Giuliani Plaza Project, Project No. 6971"

6. Authorization to Prepare a Tentative Map for Surplus City-Owned Property Along the Proposed Panjon Street Extension

Staff report was submitted by Deputy Director of Public Works Bauman for December 15, 1998

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

Resolution No. 98-212, "Resolution Declaring as Surplus Property an Approximately 2.25 Acre Parcel Located Between Coleridge Avenue and Ruus Road on the Site of the Proposed Extension of Panjon Street and Authorized Staff to Prepare a Tentative Map for Subdivision of Such Property"

7. Authorization for the City Manager to Execute Program Supplements with the State of California for Federal Aid Projects

Staff report was submitted by Deputy Director of Public Works Bauman for December 15, 1998

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

Resolution No. 98-213, "Resolution Authorizing the City Manager to Execute Program Supplements for Federal Aid Projects"

8. Adoption of Annual Report of Redevelopment Agency Activities for FY 1997-98

Staff report was submitted by Redevelopment Director Bartlett for December 15, 1998

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and unanimously carried to approve the following:

RA Resolution No. 98-21, "Resolution Adopting the Annual Report of Redevelopment Agency Activities for Fiscal Year 1997-98"

Resolution 98-214, "Resolution Adopting the Annual Report of Redevelopment Agency Activities for Fiscal Year 1997-98"



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HEARINGS

9. Precise Development Plan No. 98-120-01 and Site Plan Review No. 98-130-12 - Signature Properties, Inc. (Applicant Owner): for 135 Single-Family Detached Homes in the Bailey Ranch Residential Planned Development Project - Project Site Located at South of Hayward Boulevard/Fairview Avenue

Staff report submitted by Associate Planner Mullen, dated December 15, 1998, was filed.

Associate Planner Mullen stated that the issue of emergency vehicle access needs an approval from both Signature Properties and Hayward 1900.

City Manager Armas indicated that both parties have conditions of approval requiring coordination. Before either project can go forward emergency vehicle access needs to be addressed. He stated that there needs to be more discussion to resolve any conflict.

Council Member Henson was assured that it would be a fully sprinkled project.

Council Member Jimenez confirmed that Signature Properties, Inc., assumes all of the mitigation responsibilities. Associate Planner Mullen specified that the mitigation measures adopted through the expanded negative declaration for the project and the conditions of approval indicate the requirements with which the developer must comply.

Council Member Ward cited a correction that there is no Skyline Boulevard in Hayward. The zoning is for Skyline Drive. He asked Mr. Banducci from Signature Properties whether all of the units have three-car garages. The houses will sell from the mid-\$400,000 to the low \$500,000 range.

June Williams, project architect, clarified that it is a tandem three-car garage that includes two straight-on and one will be a turn-in.

Council Member Ward asked about the beginning of the grading for the site. He was told they would begin grading in April, anticipating availability by the year's end.

Council Member Hilson asked about the floor plans and a note on the plans regarding the unit mix and siting is subject to change per the developer. He asked whether the models and mixes could change.

Associate Planner Mullen explained that staff has final approval, but generally stays very close to the approved development plan. Staff does not anticipate major changes in the plans.

Council Member Rodriguez referred to a letter from Mr. Carden, dated August 1998, expressing concern regarding impacts on him and his property during the building process. She also commented that the houses should be more interesting.

City Manager Armas indicated that Mr. Carden is more affected by the Blue Rock project, his concerns will be considered during the construction phase of both projects.

Council Member Jimenez asked about the remodeling of Fire Station No. 5 on Skyline Drive encroaching on the adjoining parcels.

City Manager Armas explained that Fire Personnel have indicated that the project will not encroach on neighboring property. The Blue Rock Country Club will provide the reimbursement for the cost of the Fire Station.

Mayor Cooper opened the public hearing at 8:45 p.m.

Michael Banducci Signature Properties, 4670 Willow Road, Suite 200, thanked staff, agreed with staff recommendations, and responded to questions from Council.

Council Member Ward asked about extending the treatments on the western sides of the houses for a better view from Skyline Drive. Mr. Banducci said they have already agreed to that.

Mr. Barklow, 1210 Tiegen Drive, showed a brochure entitled, "Keeping Cats Indoors Isn't Just For The Birds!" He noted problems with cats and their effects on endangered bird life and talked about spaying and neutering the cats in the area. He asked for a City ordinance against abandoning animals in the park.

Council Member Jimenez asked the City Attorney whether this should be a homeowner's condition rather than City responsibility.

Robert Sakai, 26429 Chatham Court, spoke in favor of this project, noting the need for upper scale housing for executives and professionals who desire a high quality project. This project fits those requirements.

Antoine Bartley, 4590 Riding Club Court, was concerned about the Bailey project. He lives in the Prominence development. He expressed concern about this project imposing on his view from the back of his house.

Craig Miller, project civil engineer, explained that there is an existing hill, and grades will be lowered to about fifteen feet in elevation; he added that he would go through grading plans with concerned citizens.

Mayor Cooper closed the public hearing at 8:57 p.m.



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Council Member Henson asked staff about enhancing the somewhat mundane project with more decorative lighting standards such as with wood poles rather than the usual metal poles. In regards to Mr. Barklow's comments, Council Member Henson asked whether there were provisions to address issues relating to cats as there are to dogs. It was noted that there are presently no regulations with respect specifically to cats. He then asked for the City Attorney to check into present laws with respect to stray animals. He then **moved**, seconded by Council Member Dowling, to uphold the decision of the Planning Commission and the staff recommendation.

Associate Planner Mullen noted that from a maintenance standpoint, there is concern for the longevity of the light standard pole since a metal pole will outlast a wooden pole. It will be a decorative type of pole. Staff will look at the placement of the poles as well as the globes. The preliminary discussions only addressed the actual globe element type.

In response to Council Member Ward's question regarding the ridgeline on this project, Associate Planner Mullen displayed the grading plan and noted that the existing grade will be lowered. Council Member Ward expressed concern that the elevation and design of homes on the south side of Bailey Ranch Road not impact the adjoining developments.

Council Member Dowling commented on previous statements made regarding cats. He referred to Condition "O" in the homeowners association CC&R's, on page C-25 of the staff report, that authorizes the enforcement of leash laws and other controls to prevent disturbance of the local biota by domestic pets. He suggested Mr. Barklow's brochure be given to Signature Properties to make available when the homes are sold as part of this condition.

Council Member Henson agreed with this suggestion and indicated that the problem of cats is more global and, at some point, the City might want to take a look at the problem of cats.

Council Member Rodriguez suggested that buyers be reminded that this is a sensitive area with a park nearby that requires special care and those with pets should be made aware of the situation.

Mayor Cooper noted that she would be supporting the motion, but was concerned that the requirement for sidewalks on this type of development was inconsistent with past requirements for sidewalks on similar projects.

There was further discussion regarding the required sidewalks.

Council Member Rodriguez stated that she prefers sidewalks, but there are those who desire a "rural" atmosphere where the natural topography is maintained with or without them.

Council Member Hilson commented that the project is not a rural project, but a downtown project on a hill that is being graded out of existence. The padded lots take the "rural" look out of the project although it will be situated in a rather beautiful rural area. He also spoke to the sidewalk issue noting that areas without sidewalks have certain appeal, but there is a potential problem for wheelchair bound individuals. He will vote for the project because the developers maintained the Council's parameters on the lots. Lastly, he commended the developers for following Council guidelines.

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

Resolution No. 98-215, "Resolution Approving Precise Development Plan No. 98-120-01 and Site Plan Review Application No. 98-130-12 of Signature Properties, Inc."

LEGISLATIVE BUSINESS

10. Application to Alameda County Local Agency Formation Commission (LAFCO) Requesting Initiation of Proceedings for Annexation of the "Oliver East" Property (APN 456-95-2-4) and Authorize City Manager to Execute a Property Tax Exchange Agreement with Alameda County

Staff report submitted by Community Planning and Economic Development Administrator Bauman, dated December 15, 1998,

Community Planning and Economic Development Administrator Bauman made the presentation and indicated that this is the only major parcel in the South of 92 that is located within the County that needs to be annexed. This is part of the Oliver Trust property and is considered the Oliver East property. On election day, November 3, the voters approved the changes in the Specific Plan Area.

Mayor Cooper opened the opportunity for public comment at 9:20 p.m.

Ron Barklow, 1210 Tiegen Drive, thought that the property was located within the City of Union City.

Robert Sakai, attorney for Oliver Trust, asked for support of the resolution as a logical progression in preparing the South of Route 92 Specific Plan, and this is the next step.

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

Resolution 98-216, "Resolution Authorizing Filing a Change of Organization Application with the Alameda County Local Agency Formation Commission for Annexation of the "Oliver East" Property Located in the South of 92 Planning Area"



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COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned at 9:27 p.m., by reading an anonymous letter from a single parent commending and thanking the Salvation Army staff for its hard work to assist those in need particularly at this time of year.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency