



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD,
City Council Chambers 777 B Street
Hayward, CA 94541
Tuesday, April 6, 1999, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Jimenez.

ROLL CALL

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

PRESENTATION: Business Recognition Award

This month's Business Recognition Award was presented to General Growth Properties in recognition of its contribution to the vitality and economic well being of our community. Its recent improvements in the Southland Mall included physical renovations, business recruitment, an innovative marketing campaign and assisting many charitable groups. Accepting the award was Robert Canepa, General Manager.

PUBLIC COMMENTS

Velvia Long, 2640 Randall Way, expressed concern with the project to improve' upper "B" Street. She asked specifically for a written answer to how narrowing the street is going to help to address traffic; what are the special allowances for handling the traffic.

Mayor Cooper asked that staff respond to Ms. Long's questions.

Jason Moreno, 25200 Carlos Bee Boulevard, submitted a statement relating to the recent Community Meeting held at Burbank Elementary School.

Francisco Abrantes, 22815 Alice Street, commented on the Redevelopment Area, specifically Cannery Park.

Gary Patigler, 6363 Christe Avenue, Emeryville, owner of the Electro-Forming Company, distributed information regarding an incident when his business on Enterprise was closed by the City Fire Department.

Mayor Cooper referred this issue to staff.

City Manager Armas said he would meet with Mr. Patigler regarding the issue.

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John McCarthy, 732 B Street #2, spoke regarding soil contamination on various downtown sites and liquefaction.

William Blundin, 1089 "D" Street, commented on limiting public comment at the Building Abatement Appeals and Review Board.

CONSENT

Item 1 was removed at the request of a citizen.

1. Approval of Minutes of the Meeting of the City Council of March 23, 1999.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to approve the Minutes of the Meeting of the City Council for March 23, 1999.

2. Ruus Road Sanitary Sewer Line Replacement and Tennyson Road Sewer Interceptor Improvement - Approval of Addendum No. 1, Appropriation of Funds, Award of the Construction Contracts to the Lowest Responsible Bidders

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated April 6, 1999, was filed.

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

Resolution 99-045, "Resolution Approving Addendum No. 1 for the Ruus Road Sanitary Sewer Line Replacement and Tennyson Road Sewer Interceptor Improvement, Project No. 7604 and 7588, and Awarding Contracts to the Lowest Bidders for Each Project"

Resolution 99-046 " Amending Resolution 98-110, as Amended, the Budget Resolution for Capital Projects for Fiscal Year 1998-99, Relating to an Appropriation of Funds for the Tennyson Road Sewer Interceptor Improvement Project, Project No. 7588"

3. Conveyance of Surplus Real Property: Parcel 83 Located at the Westerly End of Dean Street, and Parcels Nos. 92 and 93 Located Southwest of the Intersection of "D" and Grand Streets

Staff report submitted by Deputy Director of Public Works Bauman, dated April 6, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and



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unanimously carried to adopt the following:

Resolution 99-047, "Resolution Authorizing Conveyance of Surplus Property Parcels 83, 92 and 93 to the Adjoining Property Owner"

4. **Approval of Equipment Lease/Purchase Agreement for Purchase of a Flatbed Crane Truck**

Staff report submitted by Purchasing & Service Manager, dated April 6, 1999, was filed.

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

Resolution 99-048, "Resolution Authorizing Execution of Equipment Lease Purchase Agreement and Other Documents Necessary to Procure Equipment Lease Financing from Zion's First National Bank"

HEARINGS

5. **Zone Change No. 98-190-11 - Landfill Management, Inc. (Applicant), HBF Enterprises, Inc. (dba KTC AM Radio) (Owner) - Request to Modify Conditions of Approval for a Planned Development Site - Property Located at 4001 West Winton Avenue**

Staff report submitted by Senior Planner McClellan, for April 6, 1999, was filed.

Senior Planner McClellan made the presentation noting the grading map and responded to Council inquiries. He noted that the Regional Water Quality Control Board is satisfied with the work that has been accomplished thus far.

There were no requests to speak on this item. Mayor Cooper opened and closed the public hearing at 8:48 p.m.

Randy Bailey, Landfill Management Incorporated, 159 Terrace Avenue, San Rafael, applicant, responded to questions.

Council Member Hilson was not opposed to the extension, but was concerned that it has taken fourteen years to attempt to complete a project that should have been completed in four years. He

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asked that Council consider adding a condition to have the completion date coincide with the project completion. He indicated that he wanted a guarantee that the capping be completed by the extension date in 2003.

Council Member Jimenez moved on the Planning Commission and Staff recommendation seconded by Council Member Ward. He indicated the weather conditions to be a problem, which made the situation unpredictable.

Council Member Dowling suggested that Council focus on the results on the shoreline. It is a very active wildlife area. The concrete area is not readily seen; the towers are almost invisible; and the concrete recycling is satisfactory. He stated that the applicant is making progress even though there have been changes to the environmental regulations, and other developers have had similar experiences. He preferred that the Council focus on the good work completed thus far.

Council Member Henson questioned the easement of open space to the public should this project cease.

Senior Planner McClellan said staff consulted the City Attorney's Office and it is possible the land may never be dedicated to a public agency. If the recycling does not continue, HARD and the Alameda County Flood Control Board do not have the money budgeted to take care of this work. The project would be in jeopardy because the water table rises and everything would as well.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and carried by the following roll call vote to adopt:

Resolution 99-049, "Resolution Modifying Conditions for Planned Development District No. 98-190-11 (Landfill Management, Inc., Applicant, and HBF Enterprises, Inc., Owner)"

AYES: Council Members Jimenez, Ward, Dowling, Henson
MAYOR Cooper
NOES: Council Members Hilson and Rodriquez
ABSENT: None
ABSTAINED: None

6. Authorization for the City Engineer to Issue a Grading Permit to C&G Contractors, Inc., for Slide Repair at 25085 and 25087 Vista Green Court

Staff report submitted by Deputy Director of Public Works Bauman, dated April 6, 1999, was filed.

Public Works Director Butler made the staff presentation, noting that the grading permit is necessary to repair slide damage following the heavy rains of 1997. He described the grading procedures and responded to questions from the Council Members.



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Mayor Cooper opened and closed the public hearing at 9:06 p.m., as there were no requests to speak.

It was moved by Council Member Hilson, seconded by Council Member Rodriguez, and unanimously carried by all present, to approve the following:

Resolution 99-050, " Certifying that the Negative Declaration for Grading Permit Application No. GR 0280 has been completed in Compliance with the California Environmental Quality Act and Implementing State and City Guidelines and Authorizing the Issuance of a Grading Permit to C&G Contractors, Inc."

LEGISLATIVE BUSINESS

7. Authorization to Install Ornamental Streetlights on "B" Street from Mission Boulevard to Foothill Boulevard

Staff report submitted by Deputy Director of Public Works Bauman for April 6, 1999 was filed.

Public Works Director Butler made the staff presentation. He described the conversion process. There was discussion regarding the voltage and the color of the lighting.

Mayor Cooper opened and closed the public hearing at 9:11 p.m.

It was moved by Council Member Hilson, seconded by Council Members Rodriguez and Jimenez, and unanimously carried by all present, to approve the following:

Resolution 99-051, "Resolution Authorizing Installation of Ornamental Street Lights on B Street from Mission Boulevard to Foothill Boulevard "

8. Consideration of Living Wage Ordinance

Staff report submitted by City Attorney O'Toole, dated April 6, 1999, was filed.

City Attorney O'Toole presented the revised ordinance, noting the revisions as directed by Council.

Mayor Cooper opened the public hearing at 9:15 p.m.

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Jim Du Pont, 548 - 20th Street, said the labor coalition was satisfied with the new proposal. However, they were hoping to hear a change on the scope to allow for the Council to select any contract without having to do another Ordinance.

The City Attorney indicated that he could replicate the language, if Council desired.

It was moved by Council Member Ward, seconded by Council Member Jimenez, to accept the proposed Ordinance.

Council Member Dowling clarified that any future Councils may come back to amend the Ordinance with Mr. Du Pont's language.

Council Member Rodriquez again thanked the Demo's Democratic Club and the Unions for the work they did in bringing this issue to the City.

Mayor Cooper closed the public hearing at 9:15 p.m.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried by all present, to reintroduce the following:

Ordinance 99-0, " An Ordinance Adopting the Hayward Living Wage Ordinance as Article 13 of Chapter 2 of the Hayward Municipal Code"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:20 p.m. in memory of Mildred Giuliani, wife of the late Mayor Alex Giuliani.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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