



**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF HAYWARD**

**City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, July 13, 1999, 8:00 p.m.**

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**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 Ward.

**ROLL CALL**

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

**PRESENTATION: Pride in Hayward Award**

Mayor Cooper presented the Pride in Hayward Award to the following Woodland Estates homeowners: J.T. and Julie McKillop; Duane and Wendy Lambert; Robert and Shari Raymond; and Jerrold and Myra Feiger.

**PUBLIC COMMENTS**

Jason Moreno, 25200 Carlos Bee Boulevard, spoke against the action taken on an item considered last week and commented that the restaurant owner was treated unjustly and prevented from selling beer to his customers.

Mayor Cooper noted that the decision related to purchasing take-out alcoholic beverages, not to restaurant customers.

Velvia Long, 2640 Randall Way, reiterated her comments on the manner of reciting the Pledge of Allegiance.

Council Member Ward commented on the recent joint meeting with the School Board. He clarified his comments that were reported and noted that the joint meetings have resulted in the expansion of the DARE program, school resource officers, youth enrichment programs and other things developed as a community.

**CONSENT**

1. Approval of Minutes of the Meeting of the City Council of July 6, 1999

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to approve the Minutes of the Meeting of the City Council of July 6, 1999.

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2. Adoption of Resolutions Related to the Office of Criminal Justice Grant Awards for FY 1999-2000

Staff report submitted by Administrative Analyst Blohm, dated July 13, 1999, was filed.

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

Resolution 99-121, "Resolution Concerning Funds Received Pursuant to the Hayward Police Department's Grant Application Through the Career Criminal Apprehension Program Administered by the Office of Criminal Justice Planning"

Resolution 99-122, "Resolution Concerning Funds Received Pursuant to the Hayward Police Department's Grant Application Through the Violence Against Women Program Administered by the Office of Criminal Justice Planning"

Resolution 99-123, "Resolution Concerning Funds Received Pursuant to the Hayward Police Department's Grant Application Through the Community Crime Resistance Program Administered by the Office of Criminal Justice Planning"

3. Utility Service Agreement 99-2 – Mark Edwards (Applicant/Owner) – Authorize the City Manager to Execute a Utility Service Agreement for Water Service at 3611 East Avenue

Staff report submitted by Development Services Specialist Koonze, dated July 13, 1999, was filed.

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

Resolution 99-124, "Resolution Authorizing the City Manager to Apply to LAFCO for Approval of a Utility Service Agreement (USA 99-2) to Provide Water Services to Property Located at 3611 East Avenue; and Further Authorizing the City Manager to Execute Such Agreement, as well as an Agreement for Completion of Public Street Improvements"

## HEARINGS

4. General Plan Amendment 98-110-04; Zone Change 98-190-09; Variance Application 99-

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180-05, Tentative Map Tract 7063 - Request to Subdivide Five Parcels Totaling 11.62 Acres into 74 Single-Family Residential Lots and Vacate Excess Right-of-Way Along Orchard Avenue - Greystone Homes, Inc. (Applicant), Serra LLC, et al (Owners) - The Property is Located on Orchard Avenue along the East Side of the Southern Pacific Railroad Right-of-way

Staff report submitted by Senior Planner McClellan, for July 13, 1999, was filed.

Senior Planner McClellan presented the staff recommendation. There was discussion relating to the noise mitigations, school boundaries, school impacts and construction trucks traversing near the schools. There was also concern about the treatment of the walled areas. It was noted that both sides of the wall will be treated, with some stepped areas and various plantings that may be installed. The homeowners association will maintain the awning in the common area.

Public Works Director Butler informed the Council that the Harder Road capital construction begins in May 2000 and will take two years to complete.

Council Member Rodriguez expressed concerns regarding the accuracy of the number (nineteen) of students that could be using local schools as a result of this development. It was noted that this number was derived through a formula developed by the School District.

Fire Chief Larry Arfsten commented that there are no environmental hazards on this property.

Mayor Cooper opened the public hearing at 8:48 p.m.

David Smith, 25169 Pleasant Way, expressed concern about the traffic that was projected and was concerned that Orchard already has too many homes and too much traffic. He was not opposed to the homes, but to the number of homes and the loss of openness in that area as well as the trees due to be removed due to this development. He would like to see the blending of homes. On another issue, he was concerned about the number of students impacting the school.

Jason Moreno, 25200 Carlos Bee Boulevard, asked whether this project included affordable housing. It was noted that the Council does not have control over this project and thus, cannot set housing prices.

Sue Schafer, representing Greystone Homes, reported that her firm has completed a market study and home prices will start at \$300,000.

In response to questions from Council Members Dowling, Henson, and Ward, Ms. Schafer surmised that there may be some overlap of the year-long project construction with the Harder Road construction. She stated that her firm will consider the effect on the schools and try to

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minimize the levels of activity on the schools during the various construction phases by revising the haul routes.

Mayor Cooper closed the public hearing at 9:01 p.m.

Council Member Hilson moved the item as presented.

Council Member Dowling stated that he would be supporting the motion. He said this could be a test project in what can be done to help schools; this is a good example of how to plan attendance and impact on the schools.

Council Member Rodriguez agreed with Council Member Dowling and expressed strong concerns on the impacts to schools of infill projects. She recognized that a moratorium would be too drastic, noting that infill projects tend to positively influence owners to improve their properties. This continuing problem of impacting schools needs to be checked, evaluated, and worked out. This is not beneficial to the City as a whole. She indicated that she would not be supporting the motion and her vote would be a "protest vote" to point out the issue.

Council Member Jimenez noted that developers have been overly fair in contributing their fair share to the School District. He cited Blue Rock development's contribution and was against unnecessarily placing the developers under any pressure.

Council Member Henson said he would support this project since it conforms to the rules and standards. He suggested that as future applicants are reviewed, ideas can be shared to resolve this outstanding issue.

City Manager Armas clarified that the condition of the approval requires the payment of the Parks Dedication In-Lieu Fee provides the City with full discretion of using the funds for the benefit of that neighborhood.

Council Member Hilson said he totally agreed with what was stated by his colleagues. He suggested reviewing and surveying past developments to see the validity of the school districts input on those projects.

Council Member Ward commented on infill projects and the density allowances. He complimented both the developer and the staff for the efforts made to develop this former nursery and the creativity that this project exemplifies.

Mayor Cooper addressed the issue of the impacts to the schools. She indicated that the school district needs to be encouraged to move more quickly in making decisions about the school facilities and what to do with the students that is generated by new developments. She was wary about the mandated class size of twenty children to one teacher. She did not agree that having portables was a solution because it deprives youth of their play area. This City Council will do all that it can do to help the school district make these decisions. Quality schools occur when there are play areas. New schools are needed to meet the challenges of the new millennium. She felt that this was the



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time to be pragmatic to move ahead so that educational facilities will be improved for our children.

It was moved by Council Member Hilson, seconded by Council Members Jimenez and Henson, and carried by the following roll call vote to introduce an ordinance and adopt the following resolutions:

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

Ordinance 99-\_\_, "An Ordinance Amending Section 10-1.136 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located on Orchard Avenue Along the East Side of the Southern Pacific Railroad Right-of Way Pursuant to Zone Change Application No. 98-190-09"

Resolution 99-125, "Resolution Approving Mitigated Negative Declaration and Zone Change Application No. 98-190-09"

Resolution 99-126, "Resolution Approving General Policies Plan Amendment Application No. 98-110-04, and Amending General Policies Plan Map in Connection with Zone Change Application No. 98-190-09"

Resolution 99-127, "Resolution Certifying that the Mitigated Negative Declaration for Tentative Tract Map 7063 has been Completed in Compliance with the California Environmental Quality Act and Approving the Tentative Map for Tract 7063 and Variance Request for Lots 60 and 61"

Resolution 99-128, "Resolution Summarily Vacating Excess Right-of-Way on a Portion of Orchard Avenue in Connection with Tentative Tract Map 7063"

5. General Plan Amendment/Zone Change 99-110-01; Vesting Tentative Map Tract 7124, Vacation of Excess Right-of-Way and Site Plan Review 99-130-03, Summerhill Huntwood Ltd. (Applicant), Summerhill Homes and Hayward Area Recreation & Park District (Owners) - The Site is Located Between Industrial Parkway and Olympic Avenue, East of Huntwood

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Staff report submitted by Principal Planner/Landscape Architect Woodbury, dated July 13, 1999, was filed.

Principal Planner/Landscape Architect Woodbury presented the staff recommendation, noting that the project is consistent with the City's goals and policies relating to open space, urban design and housing elements. This project will increase parks and recreation resources, promote compatible development patterns, tie neighborhoods together and provide home ownership opportunities in Hayward. She noted that representatives for the applicant and the Hayward Area Recreation and Park District, as well as other planning staff, were ready to respond to questions from the Council.

Council Member Hilson asked for clarification of the configuration of the project and the park improvements that will enhance the Tennyson-Alquire Park. He suggested that there is opportunity to add more structures and to accommodate more activities.

There were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:25 p.m.

Council Member Ward confirmed with HARD General Manager Asmussen that this was in coordination with the HARD Master Plan. Mr. Asmussen agreed that this was a positive move as it has more play area than most HARD parks. He noted that the park property was purchased about ten years ago. The opening of Mediterranean Avenue provides access to the park for the present residents as well as those moving into the new development.

Council Member Henson congratulated the developer for exceeding the statutory requirements and HARD for providing the park amenities, which reflect the diversity of this community.

Council Member Dowling congratulated the developer in creating a win-win situation.

Council Member Rodriguez reiterated previous concerns about the schools, but indicated that there are more schools in the area that help address the issue of impacts on schools. She was pleased with the idea of a park to enhance the neighborhood.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried by all present, to introduce and approve the following:

Ordinance 99-\_\_\_, "An Ordinance Amending Section 10-1.157 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located on Mediterranean Avenue Pursuant to Zone Change Application No. 98-110-01"

Resolution 99-129, "Resolution Approving Negative Declaration and Zone Change Application No. 98-110-01"

Resolution 99-130, "Resolution Approving General Plan Amendment Application No. 98-110-01, and Amending General



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**Plan Map in Connection with Zone Change Application"**

**Resolution 99-131, "Resolution Certifying that the Negative Declaration for the Vesting Tentative Map for Tract 7124 has been Completed in Compliance with the California Environmental Quality Act and Approving the Tentative Map for Tract 7124"**

**Resolution 99-132, "Resolution Summarily Vacating Excess Right-of-Way on a Portion of Silverstar Court in Tract Map 7124"**

**Resolution 99-133, "Resolution Approving Site Plan Review and Use Permit Application No. 99-130-03 of Summerhill Huntwood Ltd."**

**COUNCIL REPORTS**

There were no requests to speak.

**ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:35 p.m. in memory of Steven Rocky Villasana who passed away earlier this week. Mayor Cooper noted that he was called the "Mayor of Dixon Street" because he encouraged many disadvantaged young people and volunteered his time to serving this community. She noted that in 1997, Senator Boxer presented him the award of "Excellence in Education" for his interest in children and education. He also had been nominated for city volunteer awards. Services will be conducted at St. Clement's Catholic Church on Wednesday.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward

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