



**MINUTES OF THE SPECIAL JOINT MEETING
OF THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 27, 1999, 8:00 p.m.**

MEETING

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

ROLL CALL

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

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, discussed challenging the status quo.

John Kyle, 22638 Teakwood Street, told of a candidate's opportunism of the Home Depot project as a cause and discussed the Church involvement with Home Depot.

Nubar Deombeleg, 18136 Redwood Road, Castro Valley, talked about the Home Depot project and his objection to it.

Hugh Logan, 1085 Via Coralla, spoke of his opposition to the Home Depot project.

J.V. McCarthy, 732 B Street, #2, looked at the airport land use, the consultant reports, and what he described as a disregard for qualified people in the decision making process.

William Blundin, 1089 D Street, described a recent meeting with the City Manager. He explained his complaints against the City Police and particular officers. He then showed a map delineating the area of a storage shed on Rainbow Court, which is occupied as a home.

Mayor Cooper asked Mr. Armas to respond regarding the conditions at this location.

BOARDS AND COMMISSIONS

1. Appointments and Reappointments to Various Boards, Committees, and Commissions/Administer Oaths of Office

Staff report submitted by City Clerk Reyes, dated July 27, 1999, was filed.

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

Resolution 99-138, "Resolution Confirming the Appointment and Reappointment of Members to Advisory Boards, Commissions, and Committees"

CONSENT

Item 7 was removed for further discussion.

2. Approval of Minutes of the Meeting of the City Council of July 20, 1999

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to approve the Minutes of the City Council of July 20, 1999.

3. ~~Slurry Seal, Pavement Repair and~~ Rehabilitation 1999/2000: Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated July 27, 1999, was filed.

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

Resolution 99-139, "Resolution Awarding Schedule A Contract (Pavement Slurry Seal) to Bond, Blacktop, Inc., for Project No. 51213 and the Schedule B Contract (Pavement Repair and Rehabilitation) to Gallagher & Burk, Inc., for Project Nos. 5112, 5187, 5742, 5743 and 7638"

4. Harder Road Grade Separation Project: Authorization for Increase in Additional Professional Services

Staff report submitted by Deputy Director of Public Works Bauman, dated July 27, 1999, was filed.

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

99-140, "Resolution Authorizing an Increase in Additional Services in the Agreement for Professional Services with Martin & Kane, Inc. for the Harder Road Grade Separation Project, Project No. 5195"

5. Mission Boulevard Street Lighting: Approval of Plans and Specifications and Call for Bids



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Staff report submitted by Deputy Director of Public Works
Bauman, dated July 27, 1999, was filed.

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

99-141, " Resolution Approving Plans and Specifications for the
Mission Boulevard Street Lighting Project, Project No. 5143 and
Call for Bids"

Deputy City Clerk Macias administered the oath of office to all of the newly appointed members.

6. Soto Road Bicycle Lane - Harder Road to Winton Avenue: Appropriation of Funds

Staff report submitted by Deputy Director of Public Works
Bauman, dated July 27, 1999, was filed.

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

99-142, "Resolution Amending Resolution 99-110, as Amended,
the Budget Resolution for Capital Projects for Fiscal Year 1999-
2000, Relating to an Appropriation of Funds for the Soto Road
Bicycle Lane Project, Project No. 6923"

7. Authorization for the City Manager to Execute an Agreement for Professional Design
Services for Relocating the 24-Inch Aqueduct at Niles Canyon

Staff report submitted by Deputy Director of Public Works Ameri,
dated July 27, 1999, was filed.

Council Member Jimenez questioned the cost of the relocation of the water aqueduct and why the
City has to bear the brunt of the cost.

Public Works Director Butler explained that the City pays because they are subordinate to
CalTrans in this instance. He added that the County Transportation Agency is paying the cost of
the transportation. There is nothing on the horizon for relocating the main water line for the
City.

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

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Resolution 99-143, "Resolution Authorizing the City Manager to Execute and Agreement Between the City of Hayward and Harris & Associates for Professional Services to Relocate the 24-Inch Aqueduct at Niles Canyon Project, No. 7154"

8. Authorization for the City Manager to Execute a First Amendment to the Lease Between the City of Hayward and Hayward Airport Associates No. 6 and to Take Related Actions

Staff report submitted by Airport Manager Shiner, dated July 27, 1999, was filed.

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

Resolution 99-144, "Resolution Authorizing the City Manager to Execute First Amendment to the Lease with Hayward Airport Associates No. 6 and to Take Related Actions"

HEARINGS

9. Site Plan Review and Variance Application No. 99-130-07 A) Related to the Construction of 77 Townhomes – The Olson Company, Inc. (Applicant), Redevelopment Agency of the City of Hayward (Owner), B) Authorization to Enter Into a Disposition and Development Agreement with the Olson Company, Inc. - Property Located in the Vicinity of C and Watkins

Staff report submitted by Assistant City Manager Anderson, dated July 27, 1999, was filed.

City Manager Armas explained the position of the Redevelopment Agency and the proposal.

Assistant City Manager Anderson referenced the staff report and introduced the main planner for the project, Cathy Woodbury. He explained that the RFP was submitted in November and an exclusive agreement was contracted with the Olson Company in March of this year.

Principal Planner/Landscape Architect Woodbury presented the site plan review and the details of the plans for the townhomes. She also indicated that the color scheme will be compatible to City Hall. A view corridor toward City Hall on Atherton has been developed as well. She said staff has asked for incorporation of further architectural details on the backs of the buildings. They have suggested that at the corner of Watkins and C Streets, a water feature might be added. She said the Planning Commission had found the proposal to be consistent with the Program EIR and the *Core Area Plan* and recommended it to the Council for approval.

Assistant City Manager Anderson discussed the Development Agreement and the payment for the



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land at fair market value, 90 days from close of escrow. He suggested that the City will share in the profits of the proposal.

Council Member Hilson said this was not his preferred project for this location but it looks nice. The variances requested seem to be in a reasonable range. He suggested that the walls of the building be pushed in and out a bit more for a more varied articulation.

Assistant City Manager Anderson said they are aware of this and are reworking those items.

Council Member Hilson added that a water element would be a major addition to the project. He then suggested that scrap materials are recycled to the fullest extent.

City Manager Armas described two access openings for residents into the project, one at the rotunda and one at the BART station.

Council Member Henson asked what security measures are being taken.

Assistant City Manager Anderson said wrought iron fencing would surround the perimeter of the property with a masonry wall at the BART station.

Principal Planner/Landscape Architect Woodbury added that the lighting for the project would continue the same theme as at C and B Streets with decorative lampposts around the perimeter. She added that staff was still working out the details with the developer on the interior lighting for the project. She said that trees and shrubs will soften the building.

Council Member Jimenez, asked about the completion time for the Atherton Place townhomes.

He was told that those were phased in, whereas with the 36-month time frame on this project, it does not allow for much phasing.

City Manager Armas added that during the Atherton project, the housing market was not as healthy as it is today. Some of these units will be occupied before the project is completely finished.

Council Member Ward commended staff for the development selling at or above market rate. He asked for further information on the City sharing in the profits. He was told that the developer would recoup their costs plus eight percent and further profit will be shared with City. He added that with the importance of the corner of Watkins and C, box specimen trees should be placed for maturity in one-year rather than 25-years.

Principal Planner/Landscape Architect Woodbury said that could be incorporated in the Conditions of Approval.

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Mayor/Chair Cooper opened the public hearing at 8:58 p.m.

Jason Moreno, 25200 Carlos Bee Boulevard, asked about emergency vehicle access to the project.

Assistant City Manager Anderson explained there would be two access points into the project.

Mayor/Chair Cooper closed the public hearing at 8:59 p.m.

Council Member Ward asked for a friendly amendment to attachment C, number 10, that Council have a final say on the colors for the project.

Council Member Dowling said he thought it looked like a great project and moved for approval of the item.

Council Member Henson added that staff did a great job but one view corridor looks like a straight line. He would like to see more of a break in some manner. He added he would support the motion but would hope the developer would look more carefully at breaking up the corridor.

Mayor Cooper asked for more specific details regarding graffiti removal. She suggested that the City try any leverage to get BART to clean up its act.

Assistant City Manager Anderson said the Homeowners Association will address graffiti in a timely manner.

City Manager Armas added that BART has this station on its list for rehabilitation.

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Jimenez, and unanimously carried by all present, to approve the following:

Resolution 99-145, "Resolution Approving Site Plan Review and Variance Application No. 99-130-07 of the Olson Company for Development of Redevelopment Site Two, Location Adjacent to City Hall at Watkins and "C" Street and East of the Downtown Hayward BART Station"

RA 99-04, "Resolution Authorizing the Executive Director of the Redevelopment Agency to Execute a Disposition and Development Agreement with the Olson Company for Development of Redevelopment Site Two"

10. Amendments to the Municipal Code, Including the Zoning Ordinance, as it Pertains to Residential, Commercial and Industrial Districts



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Staff report submitted by Planning Manager Anderly, dated July 27, 1999, was filed.

Planning Manager Anderly gave the staff report and added that the plan was recommended by Planning Commission. The new Ordinance would impose design standards for the Industrial District along with redefining the educational facilities in Industrial District. She pointed out various other changes in the Industrial District as well as Central City-Plaza (CC-P) uses, which would no longer include religious institutions. She further defined livestock and animal regulations. She added that the Planning Commission made it clear that the permit will continue with the land as long as there is one animal on the site. She also explained the streamlining of City services, with administrative permits granted without going to the Planning Commission. The Ordinance also requires a full use permit for check cashing stores. She then answered questions from members.

Council Member Hilson asked for further clarification of the floor area ratio.

Planning Manager Anderly suggested design guidelines for offsets in the backs. She added they would not be gaining floor area ratio but would provide further opportunity for front and rear yard setbacks and more variety in 4,000 square-foot lots.

Council Member Ward asked for further information on the livestock and animal regulations and suggested it be further clarified to make it absolutely clear. He then asked about the live/work provision.

Planning Manager Anderly said that, since the Planning Commission did not have the opportunity to address this issue, it was being held in abeyance.

Council Member Dowling asked whether a second floor could still be used for non-profit organizations with the change suggested.

Planning Manager Anderly said there is no distinction between non-profit offices and profit offices. She then added that non-profit organizations might not be allowed under the definitions.

The Council took a five-minute break at 9:57 p.m., and reconvened at 10:03 p.m., at which time Mayor Cooper opened the public hearing.

Dr. Richard Tanon, 4141 Deep Creek Road, pastor of a local church, objected to the condition eliminating churches in the CC-P area. He said this is not in keeping with American tradition. Religions contribute to the residents of Hayward. He encouraged Council to reconsider very carefully this ban since it could possibly expand to other areas in the City.

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Andy Olan, 14725 Van Avenue, San Leandro, discussed the churches in the CC-P area and whether it was legal for the City to evict them.

Mayor Cooper asked the City Attorney for further information.

City Attorney O'Toole said this was at the Council's discretion. Churches were currently prohibited in that area without a use permit and are permitted only on the second floor.

Wes Dias, 1661 Mono Avenue, San Leandro, asked whether this would be a change from the second floor and how many churches would be affected.

Mayor Cooper explained that, at present, there are no churches in that area.

Rogelio Hernandez, San Leandro, churches, asked whether this is the only area affected at this time. In the future, if the City decides to reconsider, there are a lot of people who would be very interested and to whom it would be very important.

Mayor Cooper responded that at this time, only the redevelopment area is affected.

City Manager Armas said the City stepped back from a previous proposal for a larger area and looked only at the Central City area. He added that if there is any proposal of a larger area, this process will be followed and there will be public hearings and input at that time.

Alex Ruiz, Hayward, said this nation was founded under God and it is the churches, which are keeping the nation together.

Jason Moreno, 25200 Carlos Bee Boulevard, asked Council not to support setting a precedent for churches and organizations. He added that the Salvation Army had difficulties in locating downtown.

Damaris Castillo, 2923 Birdsall Avenue, Oakland, also opposed the elimination of churches in this region. It was his belief that churches provide citizens with solutions.

David Williams, 625 Berry Avenue, a member of the Temple, said he hoped and prayed for Council not to pass the ordinance. It would be a travesty.

John Kyle, 22638 Teakwood Street, referred to his letter, exhibit G-3, and further explained his position on Floor Area Ratio.

Lou Maiwald, 2550 Hillcrest Avenue, representing the Old Highlands homeowners, discussed the livestock and animal regulations. He said it was confusing at Planning Commission but since then Planning Manager Anderly took the time to sit down and discuss the rules with him and answered all of his questions. He agreed and he was satisfied with them. He further explained how they applied to him and his neighbors, for example, grandfathered property would not require a permit. Permits would be necessary for new or increased animal acquisitions. He



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particularly appreciated the one livestock rule, which meant that, if grandfathered, the original maximum will be allowed. He also asked for further clarification on substituting animal breeds in the process.

Community Development Director Ehrental explained that as long as you do not exceed the amount of land required for this, you would be able to do so.

City Manager Armas said that previously the square footage was applied, but now the square footage is the defining variable.

Linda Brandenburg, 627 Dean Street, asked Council to support the changes for providing childcare services in the Central City-Plaza district.

Howard Beckman, 1261 Via Dolorosa, San Lorenzo, said his community is equally affected by building on Airport property and land use development. He suggested that CEQA requires that a negative declaration must be supported by initial study and the guidelines require more information.

Hugh Logan, 1085 Via Coralla, San Lorenzo, discussed traffic congestion in the Hesperian area and the effect the zone change will have on St. Joachim's since 880-Hesperian is a heavily used corridor. He asked that this section be separated out from the whole ordinance.

The Public Hearing Closed at 10:42 p.m.

Mayor Cooper asked whether the amendments could be taken separately. She was informed that they could be.

Council Member Ward discussed the changes. He said their purpose was to identify with long term use of the community. The Industrial changes are good. However, the Central City and airport uses are a concern. He was pleased with Mr. Maiwald's statement and with this encouragement that he would support the livestock changes. He liked the streamlining approach to City services and was supportive of childcare in commercial offices district. He then moved to approve the negative declaration and recommended approval of the ordinances with the exception of no modifications regarding churches under the Central City District, nothing would change, the City would maintain what was there.

Council Member Dowling seconded the motion.

Mayor Cooper asked that the Industrial Zoning define educational facilities as vocational trade schools since the intent is use for trades in the Industrial area. Trade schools acknowledge that Industrial area is changing.

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Council Member Henson commented he would agree to retain the present zoning for religions since religious people do spend money as well. He also agreed with childcare in the office area and the incorporation of Floor Area Ratio standards and alternatives. He said the airport terminal commercial use is bothersome. Although it should be open to expansion, not all retail is incompatible. He added that he would support that zone change. He was okay with the livestock proposal but wanted to add an amendment in the check-cashing business for needing a conditional use permit. He also wanted payday loan facilities to be controlled by conditional use permit.

Council Member Ward indicated that staff would be coming back separately with live/work space rules and wondered if the pay-day loan facilities as well as check-cashing facilities could be included.

Council Member Henson agreed. He then said he was also concerned regarding check-cashing facilities. He said he was in favor of expanding airport retail uses.

Council Member Rodriquez thanked everyone for coming to the meeting and making good and fair comments. She appreciated the language clarification of regarding livestock and airport uses.

Mayor Cooper explained that they were voting to approve the Negative Declaration, and to leave the exception for religious facilities in the CC-P area as it stands, change the educational facilities in the Industrial area to vocational trade schools, with the live/work facilities to come back later along with payday loan establishments.

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

Introduce Ordinance 99-__, "An Ordinance of the City of Hayward Providing for the Use of Land, Establishing Zoning Districts, and Regulating the Use of Land and Buildings Thereon, and Repealing All Ordinances in Conflict Herewith. Article 1, Chapter 10 of the Municipal Code"

Introduce Ordinance 99-__, "An Ordinance Amending Chapter 10, Article 3 of the Hayward Municipal Code, the Real Estate Subdivision Regulations, in Connection with Authority for Final Map Approval"

11. Appeal of Revocation of Use Permit No. 98-83 and Use Permit No. 91-75, Arthur D. & Beverly Bridges Trust and Vargas Enterprises, Inc. (Owners) - The Site is Located at 25751-25789 Dollar Street, Approximately 550 Feet North of Harder Road, in a General Commercial (CG) Mission Corridor Special Design Overlay District (SD-2)
(Continued from 7/20/99)

Staff report submitted by Associate Planner Camire, dated July 27, 1999, was filed.



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Planning Manager Anderly gave an overview of Council Member Jimenez' Council prerogative to hold the issue over from last week and how the business was monitored during the week. She said it is not clear whether all the tenants understood or are clear as to what the various conditions are.

Mr. Garrison, one of the co-executors for the Trust said they have posted the property for fire lanes and private property parking subject to towing. They are now working on definitive rules. There seems to be a lack of understanding with tenants of how serious this is. People continue to park in the firelane. He said he would continue to be available to work with staff and write the rules into the leases. During the weekend he spent time to look for alternatives to place tenants if their appeal was denied. He said he was surprised to realize how vast the car repair business is in the City. He added that there were still issues to be resolved, such as parking at the ends of the buildings or behind the screened areas so they are not visible. He proposed to the staff that, if the parking and storage of autos is not corrected, they will terminate their leases. For the first time they will issue a warning, for the second, they will terminate the lease.

Council Member Henson asked whether the Trust would be willing to have a person there on site.

Mr. Garrison agreed to an on-site person, already they are designating one of the tenants selected as a monitor. They are also interviewing businesses that would be responsible for monitoring the property.

Council Member Dowling said that during an on-site visit, he did not experience any problems.. However, there was no parking available for the customers of the six businesses.

Mr. Garrison said they would designate some parking for the businesses and their employees.

Council Member Hilson said those corrections are what the City has been looking for. It is not the intent of the City to put people out of business. However, the fire lanes are there for a purpose. It is very serious and important that these remain open. With someone on hand to monitor, it can be a better place for everyone.

Mr. Garrison said he would guarantee to maintain the site in its current state. He was trying to impress on the tenants that the failure of one company could lead to all of them failing.

Mayor Cooper opened the public hearing at 11:25 p.m.

Tariq Mehdavi, 4357 Santee Road, Fremont, Trust Auto, described and showed various license plates and the paperwork belonging to the cars that were discussed as abandoned or not licensed.

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Amin Mehdavi, 3310 San Carlos, Union City, said the area has improved and is relatively clean.

Mayor Cooper emphasized the need to discuss with the trustee keeping the fire lanes free from parking. The fire trucks need room to maneuver back and forth. If the fire lane is not kept clear the trustee will be cited.

Victor Smayra, 34203 Torrington Place, Fremont, represented one of the shops, said he did not appreciate being cited to move the car on his lot. He was detailing a car on the site. He maintained that it was out of their hands as to where customers park for a few minutes. Most of the cars have keys in them. He said he does not understand the issue. There is no storage of cars at the site.

Planning Manager Anderly was asked to define storage and responded by saying, keeping a vehicle up to a week before repairs are made is storage of a vehicle. There should not be a great need for long term storage. The sign, "No Parking," is written on the lane itself.

Council Member Hilson asked Mr. Smayra whether he is not able to maintain the restriction of customer parking in the open lane. He said they should respect the fire lanes. One of the problems may be the storage of vehicles. It should be severely limited since this is short-term repair and not long-term storage.

Mr. Smayra said he could not control customers and where they park.

Terek Abouremelell, 1655 Liberty Street, San Leandro, said they do both major and minor repair on the site. With some cars, it may take weeks to get parts, particularly the newer cars; customers may not be able to pay for or pick the car up in a timely manner. On the street, all the parking is taken by the dealerships in the early morning. When a tow truck comes by with a car, it has to get inside the area to drop it off.

Council Member Rodriguez said these are problems the tenants need to resolve. But the tenants need to understand there is no parking in the fire lane.

Mayor Cooper suggested designation of visitor parking and reiterated that the City does not want to put anyone out of business.

Mayor Cooper closed the public hearing at 11:48 p.m.

Mayor Cooper said she would like the Trustees to come back in six months for review. There is no parking in the fire lane. The use permit was pulled in June so all of the businesses there are presently operating illegally.

Council Member Dowling said that Mr. Garrison initially stated that the trustees were not aware of the problems. Perhaps the Trustees might look at whether they can operate all of their varied properties. They may need to sell some of them if they cannot keep track of what is going on at



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the various sites. There is no parking in the fire lane. They need to tell that to their customers. If they can tell a customer that they cannot have their car without payment, they can also tell them to move a vehicle that is illegally parked.

Council Member Hilson sought to clarify again that the matter would be coming back to Council for review and the tenants need to understand how serious a matter this is.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried, that the decision of the Planning Commission be reversed and that Use Permits 78-83 and 91-75 be reinstated with the following additional conditions: 1) The owner shall designate an on-site manager to assure enforcement of all of the conditions of the use permit and retain an independent manager to visit the site on a daily basis to assure compliance; 2) The owner shall develop a parking plan for the site that will assure that there are adequate visitor parking spaces for each business; 3) Staff shall monitor the performance of the owner to assure that the conditions of the use permit are complied with and report to the City Council on the owner's progress in six months; and, 4) Applicant shall be required to reimburse the City for the costs incurred for monitoring and reporting back to the Council.

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:57 p.m.

APPROVED:

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

ATTEST:

Connie Macias, Deputy City Clerk, City of Hayward
Acting Secretary, Redevelopment Agency

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