



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 6, 2000, 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

The Business Recognition Award for the month of June was presented to Cholestech Corporation, located at 3347 Investment Boulevard. Cholestech Corporation was founded in 1988 to produce a compact cholesterol testing unit called the Cholestech LDX System that could be used outside the hospital. Originally located in Hayward on Diablo Avenue, Cholestech moved to their present 49,000 square foot facility in 1990. Approximately 160 people work in the Hayward facility. An additional 20 people work in their testing facility in Louisiana. The company plans to double their space in Hayward in the near future. The Award was presented to Cholestech Corporation in recognition of its contribution to the vitality and economic well-being of our community, for establishing its business in Hayward and developing important products for health management. Warren Pinckert II, President and CEO, accepted the award and announced that his firm will offer free screening service for the citizens of Hayward at a future date.

PUBLIC COMMENTS

Glenn Kirby, 30520 Hoylake Street, discussed sidewalk replacements.

Francisco Abrantes, 22815 Alice Street, spoke regarding the lack of playgrounds for our school children because of the use of portables for classrooms.

Frank Goulart, 22248 Main Street, spoke on the efforts to preserve Judge Harder's home by moving it to a property on Eastman.

Jason Moreno, 25200 Carlos Bee Boulevard, spoke on local campaigning.

BOARDS AND COMMISSIONS

1. Appointments to Youth Commission/Administer Oath of Office

DRAFT

Staff report submitted by City Clerk Reyes, dated June 6, 2000, was filed.

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

Resolution 00-068, "Resolution Appointing and Re-appointing Members to the Youth Commission"

CONSENT

Item 3 was removed for discussion.

2. Approval of Minutes of the City Council meeting of May 23, 2000

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to approve the Minutes of the City Council meeting of May 23, 2000.

3. Downtown Business Improvement Area Annual Report and Proposed Budget for Fiscal Year 2000-2001 and Setting Public Hearing for June 20, 2000

Mr. Moreno said he submitted a speaker's card to ask questions on other agenda items and did not wish to speak on this item.

Staff report submitted by Project Manager Ptucha, dated June 6, 2000, was filed.

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

Resolution 00-074, "Resolution Accepting Annual Report and Declaring Intention to Levy Annual Charges for the Downtown Hayward Business Improvement Area for the Fiscal Year 2000-01 and Providing for Notice of Hearing Thereon"

4. Slurry Seal, Pavement Repair and Rehabilitation 2000/01: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated June 6, 2000, was filed.

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



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Resolution 00-069 "Resolution Approving Plans and Specifications for Pavement Rehabilitation Street Overlay 2000/01, Deep Lift Street Patching 2000/01, Pavement Rehabilitation 2000/01, City Parking Lot Pavement Repair 1999/2000, and Pavement Repairs at Various Reservoir Sites, Project Nos. 5119, 5115, 5164, 5743 and 7009, and Call for Bids"

Resolution 00-070, "Resolution Approving Plans and Specifications for Pavement Rehabilitation Slurry Seal 2000/01, Project No. 5118 and Call for Bids"

5. Rehabilitation of Taxiways "A," "B," and "F" Pavements and Signage at Hayward Executive Airport: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated June 6, 2000, was filed.

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

Resolution 00-071, "Resolution Approving Plans and Specifications for Rehabilitation of Taxiways "A," "B," and "F" Pavement, Project Nos. 6811, 6812, and 6817, and Runway and Taxiway Signage, Project No. 6810, at the Hayward Executive Airport, and Call for Bids"

6. Final Tract Map 7099 - Standard Pacific Corporation (Subdivider) - Approve the Final Map and Authorize the City Manager to Execute a Subdivision Agreement and Accept Improvements Upon Completion

Staff report submitted by Development Review Services Engineer Garcia, dated June 6, 2000, was filed.

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

Resolution 00-072, "Resolution Approving Final Map for Tract 7099, Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting Certain Streets into the City Street System"

7. Utility Service Agreement 00-1 - Jayne I. Smith Trustee of the Edmonds Family Living Trust (Applicant/Owner) - Authorize the City Manger to Execute a Utility Service Agreement for Sanitary Sewer Service at 24764 Mohr Drive

Staff report submitted by Development Review Services Engineer Garcia, dated June 6, 2000, was filed.

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

Resolution 00-073, "Resolution Authorizing the City Manager to Apply to LAFCo for Approval of a Utility Service Agreement (USA 00-1) to Provide Sewer Services to Property Located at 24764 Mohr Drive; and Further Authorizing the City Manager to Execute Such Agreement, as well as an Agreement for Completion of Public Street Improvements"

Regarding item number 6, Jason Moreno asked to see the map. Mayor Cooper indicated that the action being taken at this meeting simply finalizes action previously taken at a public hearing.

Regarding item number 7, Jason Moreno asked if City funds were being used toward the project and he was informed that expenses are entirely paid by the property owner.

HEARINGS

8. Hearing on Report and Assessment for Unpaid Rental Residential Inspection Fees

Staff report submitted by Senior Housing Inspector Bragg, for June 6, 2000, was filed.

Senior Housing Inspector Bragg noted that two properties were taken off the list since the fees were paid prior to this hearing.

Mayor Cooper opened the public hearing at 8:37 p.m.

Teresa Nazareth, 21550 Foothill Boulevard (#96460), noted that she had moved her business location and mail from the City was not received. Staff inspection occurred on January 1999 and she was billed \$100 for that inspection. She expressed confusion in the correspondence.

Clarence Cline, 1397 Heather Lane, Salem, Oregon (#100874), asked that a complete report of the Ordinances be included with the list of violations. He was joined at the podium with co-owners Dan Tankersley, 25353 Tarman, and Dick Gabel, 4725 Rollinghills, Castro Valley.



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Michael Saddik, 555 Crestlake, Drive, San Francisco, 94132 (#95563), reported that after the first inspection, which he paid, the home was vandalized and a police report was filed. The property was then re-inspected. However, staff had no indication of a reporting of that incident.

Mayor Cooper closed the public hearing at 9:09 p.m.

Council Member Henson asked what the process is regarding vandalized property.

Council Member Ward moved to reaffirm the staff report. Council Member Dowling seconded the motion.

Council Member Ward expressed concern that there was no accountability in the letters of what code numbers were violated in the citations.

Council stressed the importance of communicating to property owners what is expected for compliance and providing a clear explanation of charges.

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

Resolution 00-075, "Resolution Confirming the Report and Assessment of Overdue Residential Rental Inspection Fees for Calendar Year 1999"

9. Hearing on Report and Assessment for Unpaid Community Preservation Fees

Staff report submitted by Senior Community Preservation Inspector Mork, dated June 6, 1999, was filed.

Mayor Cooper opened the public hearing at 9:28 p.m.

Ivan Kmit, 127 Hermes Court (#97863), asked for an adjustment on the automobiles on his property. He indicated that the towed car was not his, although he was billed for it. He indicated he asked for further time because of his physical disability. He said staff refused to give him further time.

Senior Community Preservation Inspector Mork said the property was abated under court order, following which thirty-five tons of debris was removed. He indicated the end of the abatement brought the property up to minimum compliance with the code.

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Scott Jordan, 38770 Moore, Fremont, was cited for a car parked in an unpaved area next to his driveway on his rental property. He expressed dismay regarding the communications problems between the police and the Community Preservation Office. He also suggested that tenants should be held responsible as well as homeowners since the owners are limited in what actions they can take with regard to renters.

John Szpara, 24449 Margaret Drive, asked that the fee be reconsidered as he has a building permit for remodeling and has had this home since 1998. He indicated that he has been going through a number of problems with contractors since the renovation began.

Council Member Jimenez recommended taking away one inspection fine from this appellant since the homeowner will be contributing more to the tax base with his newly remodeled home. There was no confirmation of that recommendation.

Council stressed the need for homeowners to take the responsibility of maintaining their homes as well as maintaining the neighborhood. There was concern expressed for the safety of small children in the neighborhoods when debris is left in front yards.

Council Member Dowling asked staff members whether citizens are informed about removal of debris when applying for a building permit. He was told this information is given to applicants at the time of application.

Mayor Cooper closed the public hearing at 9:55 p.m.

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

Resolution 99-076, "Resolution Confirming the Report, as Revised of the Enforcement Officer for Public Nuisance Abatement from Certain Properties in the City of Hayward in Connection with the Community Preservation Program for 1999"

10. Hearing on Report and Assessment for Unpaid Weed Abatement Fees

Staff report submitted by Senior Community Preservation Inspector Mork, dated June 6, 1999, was filed.

Mayor Cooper opened the public hearing at 9:58 p.m.

Karan Singhi, (#95884) 2018 Sarasota Lane, spoke against the weed abatement that was done by the City's contractor. He said he is a recent owner and believed that the City cleared the area previously and just assumed it should be done again. He commented that he was not notified due to changes in his place of residence. He reported that the building was remodeled and that he now resides there.



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Sharron Taylor, 16180 Marcella Street, San Leandro, felt that the \$200 was excessive for her small property and the amount of weed removal was rather minimal. She also noted that the inspection was done immediately after a heavy rain. She added that, immediately after receiving the notice, she clipped the weeds herself.

Council Member Henson asked if staff made considerations and adjustments to dates for compliance. Staff indicated that there is a period of 15 days for compliance after the owner is notified. Staff has made adjustments in certain cases for illness, deaths in the family, as well as other extenuating circumstances.

John McCarthy, 932 B Street, commented on the consistent disregard for due process and an accumulation of revenue by this Council.

Mayor Cooper closed the public hearing at 10:14 p.m.

Council Member Dowling indicated that this weed abatement only included leaves and overgrown bushes, unlike others that includes household debris. In viewing the photos on this property, he commented that many homes in Hayward would be in similar condition. In response to his question, staff indicated that the City incurred an expense of \$638 for weed abatement by the City's contractor and the remaining \$300 were administrative costs.

It was moved by Council Member Dowling, seconded by Council Member Rodriguez, and failed by the following roll call vote to reduce the \$938 charges for Karan Singhi (#95884) to \$638:

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

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried by all present, to approve the staff recommendation and to adopt the following:

Resolution 99-077, "Resolution Confirming the Report of the Enforcement Officer for Weed, Rubbish, and Litter Abatement from Certain Properties in the City of Hayward in Connection with the Weed Abatement Program for 1999"

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned at 10:16 p.m. in memory of her neighbor and friend, Luis Del Rio Ponce, III, who was killed in an automobile accident. The 21-year old leaves his parents and a child under the age of one year.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward