



**MINUTES OF MEETING OF THE CITY  
COUNCIL OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 18, 2001, 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 Mayor Cooper.

**ROLL CALL**

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

Mayor Cooper stated that when the Council met last Tuesday, many people were in shock as to what had occurred earlier in the day on the East Coast. The outrage of the attack came later and of course, there was a tremendous sadness to the innocent loss of life. She noted the shock, outrage and sadness that will now change some of the things that we do. She remarked on how the media immediately held an accusatory finger at those who were of Middle Eastern descent and was immediately concerned for Hayward. She noted that Hayward is the most diversified city in this county and the county is the most diversified in the State. She emphasized the axiom "innocent until proven guilty." She expressed concern for the dignity and respect of all Hayward residents, in particular those of Middle Eastern descent, and strongly urged that there be a continuance of tolerance in this community.

**PRESENTATION: Pride in Hayward Award**

Mayor Cooper awarded the monthly award to residents living in the Burbank neighborhood as follows: David Worthington and Alice Kasahara, Sebastian Sanchez and Zenaida Pina, Martin and Ines Avalos, Dorothy Anderson, and Jeffrey Sweet.

**PUBLIC COMMENTS**

Suzanne Cox enumerated concerns related to her neighborhood. She noted that there are four vacant houses on O'Neil that are being vandalized and used by homeless and may be a fire hazard. She lives on this street, which is in need of repair. She also enumerated a number of problems on the street and asked that Council seriously consider not overcrowding neighborhoods when approving new developments.

Jason Moreno commented on the tragic events of last week.

Robert Lopez commented on racism.

**DRAFT**

## CONSENT

1. Approval of Minutes of the City Council Meeting of September 11, 2001

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the City Council Meeting of September 11, 2001.

2. Resignation of Michael L. Comini from the Human Services Commission

Staff report submitted by City Clerk Reyes, dated September 18, 2001, was filed.

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

Resolution 01-134, "Resolution Accepting Written Resignation of Michael L. Comini as a Member of the Human Services Commission of the City of Hayward"

3. Traffic Signal Installation on West Tennyson Road at Oliver Drive: Reject All Bids and Authorization to Re-advertise

Staff report submitted by Deputy Director of Public Works Bauman, dated September 18, 2001, was filed.

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

Resolution 01-135, "Resolution Rejecting all Bids and Authorizing Re-Advertisement and Call for New Bids for Traffic Signal Installation at West Tennyson and Oliver Drive Project, Project No. 5747"

## HEARINGS

4. Appeal of Planning Commission's Denial of Modification of Use Permit 00-160-06 - Request to Amend the Conditions of Approval to Allow Vehicle Access from Smalley Avenue, Donald Boehm (Applicant/Owner)- The Property Is Located at 730 and 750 "A" Street, North Side, in the "CC-C" (Central City-Commercial) Subdistrict

Staff report submitted by Associate Planner Camire, dated September 18, 2001, was filed.



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Associate Planner Camire provided the staff report. She noted that the Planning Commission and City staff recommended denial of the appeal because of the increase of unnecessary commercial traffic on such a small street, and allowing access for customers only from Smalley Avenue would be rather difficult to enforce. She responded to questions related to the type of vehicles that might enter through the Smalley Avenue entrance as well as the impact of customers utilizing both businesses. She noted that modifications to the canopy as well as the rain gutters could alleviate some of the problems.

Council Member Jimenez asked questions related to the applicant's willingness to post signs, use of the Smalley Avenue street access and enforcement to prohibit trucks from entering.

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

Donald Boehm, the applicant, reiterated his request and noted that his business moved due to redevelopment. He responded to Council questions related to the use of the current back gate to Smalley Avenue, hours of operation and delivery service. He offered to close the gate on Saturday to satisfy the neighborhood concerns.

Council Member Jimenez inquired on the size of the letters for a "No Trucks" sign and whether the applicant would accept a trial period and enforce the signage.

Luwana Deyoung stated that she owns the apartment house on A Street as well as several businesses in Castro Valley and is familiar with parking issues. She said she has no objection to allowing traffic from the rear entrance. She said she was concerned about the enforcement by the applicant. She agreed with the suggestion to close the gate on Saturdays.

Bill Carroll lives in an apartment house on Smalley Avenue and commented on the traffic lights that were recently installed near the new Albertson's store. He said he misunderstood the notice he received.

Bill Baker owns a small office building on A Street and indicated that his parking lot allows access to and from Smalley Avenue. He said he would be in favor of passenger vehicles accessing, but not trucks. He felt that these property owners should be allowed the same rights of access as others enjoy.

Mayor Cooper closed the public hearing at 8:54 p.m.

Council Member Jimenez moved to approve the amendment to allow vehicle access onto Smalley Avenue with a sign to be posted with letters at least 6 inches high, and the owner to notify by letter all those who do business with him and use trucks. An additional condition would also prohibit Saturday access.

**DRAFT**

Council Member Ward said he would second the motion and asked staff if a condition of approval could provide signage for the prohibition of a particular size truck on Smalley Avenue. He asked for further clarification, as he saw this issue no different from any other neighborhood business as far as deliveries.

City Manager Armas said staff could draft the appropriate language. He suggested that the Council Members continue this matter so that staff could bring them new conditions of approval including the reconfiguration of the driveway exit so that the enforcement is not an issue.

Council Member Dowling said he would speak against the motion since the neighborhood is already impacted by the auto repair businesses along Smalley Avenue.

Council Member Hilson asked about the number of businesses in Hayward having only one access. He was told that it is not uncommon to find this. He noted that he could not find this business to be uniquely impacted due to access and that the suggested signage could not be enforced.

Council Member Henson felt that the signage would not be sufficient and enforcement would be difficult. He said he was not convinced that the proposed motion would be a solution to the problems that currently exist.

The applicant offered to install bars that would limit the height and size of the trucks accessing the driveway.

Associate Planner Camire expressed staff concerns that this sort of apparatus might prohibit emergency vehicles from entering or exiting the site.

Council Member Ward withdrew his second to the motion and used his Council prerogative to continue the item. He suggested that a reasonable agreement might be reached to satisfy most issues.

The item was continued until October 2, 2001.

5. Amendment of Benefit District 409-96, Garin Reservoir Water Benefit District to Allow for a Service Point Connection to Garin Regional Park – East Bay Regional Park District (Applicant/Owner)

Staff report submitted by Development Review Services Engineer Garcia, dated September 18, 2001, was filed.

Deputy Director of Public Works/Engineering Bauman made the staff report. He commented that this would modify the existing benefit district where the Garin Regional Park would receive water service. Because the Park is in the County, it requires a Utility Service Agreement. When the agreement was made in 1996, the Park was planning to get their water from the Treeview Reservoir. Since then, they determined that it would not be feasible; they are now requesting water from the Garin Reservoir. As a result, they need to participate in the Benefit District. This



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is a request to amend the Benefit District. He did not see a significant impact to the properties in the area.

Council Member Hilson asked about the calculations made regarding the allocation units established for the equivalency to residences.

Deputy Director of Public Works/Engineering Bauman said staff determined the amount from the maximum day's use. He noted that the District would probably only use the amount during the summer months.

Council Member Henson asked what the costs are based on. He asked about the impacts of the construction on nearby residents.

Deputy Director of Public Works/Engineering Bauman explained that they still have to construct the service line to their tank. He commented that EBRPD was concerned with water quality issues. He said that City crews will be constructing the meters, and the Park District will be digging the lines so there should be no impact on the residents in the area.

Mayor Cooper opened the public hearing at 9:22 p.m.

Audrey Som, representing East Bay Regional Park District, noted that the District also needed extra water for residents on their property, as well as water for visitors to the park.

Jim Bray, representing the Homeowners of Clearbrook area, asked from where does Garin Regional Park currently is get water and why they would need more.

Deputy Director of Public Works/Engineering Bauman explained that they are currently getting water from their own wells. Since they would like to do more landscape work, they need another source of water at peak times. They also prefer better quality water for residents and visitors to the Park. He then described the source of the water as coming from Hetch Hetchy which goes through the aqueducts on Hesperian and Mission. In order for this area to be developed, a pump station was necessary. He said there is plenty of water in the tank for all of the known homes and all of the service area. He added that the turnover in the tank would be a positive benefit for all the homeowners.

Mayor Cooper closed the public hearing at 9:26 p.m.

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

**DRAFT**

Resolution 01-136, "Resolution Amending Benefit District 409-96, Garin Reservoir Water Benefit District, and Approving the Method for Calculating the Fee Charged to the East Bay Regional Park District or any Other Non-Dwelling Unit Use"

AYES: Council Members Jimenez, Rodriquez, Ward,  
Dowling, Henson  
MAYOR Cooper

NOES: Council Member Hilson

ABSENT: None

ABSTAINED: None

## LEGISLATIVE BUSINESS

### 6. Ordinance Relating to Compensation for City Council Members

Staff report submitted by City Manager Armas, dated September 18, 2001, was filed.

Mayor Cooper opened the public hearing at 9:29 p.m.

Francisco Abrantes commented on his own work history and various compensations. He noted that if he did not like a particular job, he would just quit. He added that if the wage does not fit, it is better to quit.

Greg Sanborn spoke against the proposed raises in light of the current economy, and noted that the annual consumer price index increase adjustment received by Council Members is sufficient. He proposed an increase in the Mayor's compensation. He suggested that if Council approves this ordinance, he would lead a movement to enact term limits in Hayward.

Roy Gordon commented against the proposal and promised to initiate measures against allowing Council Members to increase their own salaries.

Robert Lopez spoke against the proposed salary increase. He commented regarding the recession, and spoke of the many services needed in the community.

George Godínez of Castro Valley spoke against the proposal.

Jason Moreno also spoke in opposition to the proposal.

Mayor Cooper closed the public hearing at 9:46 p.m.

Council Member Henson responded to critics, stating that he initiated the pay increase because it was time to take a look at the over-all compensation since the City has changed and Council Members do a vast number of things that may not have been done by previous councils. He



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noted the shift to regional planning. He commented on the compensation in other cities as well. He said Hayward is a very diverse City. The job is no longer a part-time position. He said he certainly supports the proposal.

Council Member Rodriquez expressed her thoughts. She felt that this was a substantial wage increase. She said the Council Members feel the increase is justified since the job requires more time and effort. The job of a political official has grown. She noted that the multiplicity of the tasks has increased. They are in the position of dealing with a very active environment and spending more time than just a part-time job would require. She noted that there needs to be a new consideration of what the role of the Council Member is. With consideration of the economic and political climate, she concluded that this is not the time to increase their salaries, and said she would not be supporting this legislation. Lastly, she added her great respect and admiration for the members of this Council.

Council Member Jimenez commented as senior member of this Council. He spoke against the motion, but emphasized that this is a most efficient, productive and dedicated Council. He said that in light of the cooling economy, he would not be supporting the motion.

Council Member Henson added that the City needs to try to attract people who do not have a financial encumbrance to run for Council.

Council Member Dowling said there is more to the job than is known. He had to ask for limited work hours, in order to serve the City of Hayward more fully. He said it is no accident that he is the only member of the Council who is under 40. He commented that more members who are divergent in age as well as ethnicity and gender are needed. He added that there should be the opportunity for others with young families to serve. Additionally, the economy in the Bay Area has changed as well. He also commented that members are generally supporting community efforts and fundraising events.

Council Member Hilson commented on his eight years experience as a Council Member and as a resident for 45 years. He has seen Hayward grow, discussed the changes, and noted that he is looking to the future. Providing quality leadership is the path to a bright and shining future. He reiterated his commitment towards managed growth. Raising the salary insures that there will be those leaders interested in serving this community who will be able to do so.

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

Introduce Ordinance 01-\_\_, "An Ordinance of the City Council of the City of Hayward Amending Section 2-1.10 of the Hayward Municipal Code Relating to Compensation for Members of the City Council "

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

### **COUNCIL REPORTS**

There were no Council Reports.

### **ADJOURNMENT**

Mayor Cooper announced that on Wednesday, a Community of Unity will be conducted at the Library Plaza beginning at 6 p.m. She then adjourned the meeting at 10:11 p.m. in memory of Harold Davidson.

Additionally, Council Member Rodriquez spoke eloquently in memory of Julia Ojeda, who died on August 28. She commented that they both served on various boards involving the Hispanic community. She suggested that a tree should be planted in her memory or proclamation be sent to her family.

Council Member Henson noted that David McCauley, a long-time City Hall guard, was in the hospital and Tai Vo, an Information Systems staff member, was seriously ill and wished them a speedy recovery.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward