



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD,
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 12, 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 Dowling.

ROLL CALL

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

PRESENTATION: Pride in Hayward Award

The Mayor presented the following home owners with the Pride in Hayward Award: Stephen and Anna Hlavenka of the Mt. Eden Neighborhood; Ruben and Catherine Hausauer of Hayward Highlands; William & Frances Cooper of the Upper "B" Street area; Leonardo Ramos and Perla Etal of the Winton Grove Neighborhood; and James and Sharon Masingale of the Glen Eden area.

PUBLIC COMMENTS

Jason Moreno, 22500 Carlos Bee Boulevard, commented that a special meeting held last October was held in secret by City administration in its effort to prevent the public from attending.

Frank Goulart, 22248 Main Street, announced that the Neighborhood Alliance conducts meetings on the third Saturday of every month from 2 p.m. to 4 p.m. and invited all to attend. The purpose of these meetings is to try to assist people in understanding the City's budget process. This Saturday the topic will be how the budget works. In the future the capital improvement budget, parliamentary procedure and budget input will be discussed.

CONSENT

1. Approval of Minutes of the Meeting of the City Council of January 5, 1999.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried to approve the Minutes of the Meeting of the City Council of January 5, 1999.

2. Emergency Water Supply Well Drilling at Old Well No. 9 Site - Approval of Negative Declaration, Approval of Plans and Specifications and Call for Bids

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Staff report submitted by Deputy Director of Public Works Bauman, dated January 12, 1999, was filed.

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

Resolution 99-004, "Resolution Approving the Negative Declaration for the Emergency Water Well Drilling at Old Well No. 9 Site, Project No. 7110, Approving Plans and Specifications and Call for Bids"

2. Seismic Retrofit of the Winton Avenue Overpass and the Orchard Avenue Underpass: Approval of Addendum 1 and 2, and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated January 12, 1998, was filed.

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

Resolution 99-005, "Resolution Approving Addenda 1 and 2 to the Plans and Specifications and Awarding Contract to RGW Construction Inc., for the Seismic Retrofit of the Winton Avenue Overpass and the Orchard Avenue Underpass Project, Project No. 5175"

HEARINGS

4. Zone Change No. 98-190-01, Vesting Tentative Map Tract 6996, and Site Plan Review No. 98-190-16 and Variance to Wall Height - Citation Homes (Applicant), Sakai Family (Owners) - Request to Development Approximately 14.92 Acres with 106 Single-Family Homes on 4,000 Square-Foot Minimum Lots - Project is Located at 27621 Whitman Street

Staff report submitted by Landscape Architect/Senior Planner Woodbury, for January 12, 1999, was filed.

Landscape Architect/Senior Planner Woodbury made the presentation and staff recommendation. She showed the project entry and three different plans with varied elevations. She identified the adjacent schools and developments. She responded to the Council questions regarding the Planning Commission recommendation, the traffic conditions, maintenance of the landscaping, and the responsibility of the homeowners association.

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Council Member Jimenez noted that the Planning Commission, the neighborhood task force and the neighboring homeowners association were in favor of this project.

Council Member Hilson asked that a maintenance and replacement clause be included in the Conditions of Approval.

Mayor Cooper opened the public hearing at 8:13 p.m.

Betty Curry, President of the Briarwood Homeowners Association, spoke in favor of the project and the continuation of the fence along Huntwood.

Jason Moreno, 25200 Carlos Bee Boulevard, asked the Council Members to declare whether they had received political contributions from the Sakai family.

John Hughes, SCS Development, 404 Saratoga Avenue, Santa Clara, project director, reported that Citation Homes has voluntarily agreed with the school district to pay \$2.30, rather than \$1.97, a square foot required in consideration of the potential 26 additional students that this project will generate. He also responded to questions from Council Members.

Robert Sakai, 26429 Chatham Court, addressed the comment that was made by a previous speaker relating to political contributions. He noted that the project is owned by his father, aunt and uncle, and indicated that his family has been in Hayward for a long time and has contributed to many causes including candidates for Council.

Mayor Cooper closed the public hearing at 8:29 p.m.

Council Member Henson asked whether the homes on Whitman could be monitored for safety in parking on the street.

City Manager Armas said the Homeowners Association would be made aware of the potential problem and asked to watch out for any safety concerns in that vacinate.

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

Ordinance No. 99-__, "An Ordinance Amending Section 10-1.147 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 27621 Whitman Street, Pursuant to Zone Change Application 98-190-01"

Resolution 99-006, "Resolution Certifying Mitigated Negative Declaration and Approving Zone Change Application 98-190-01,

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Site Plan Review/Variance Application No. 98-130-16, and
Certifying and Approving the Vesting Tentative Map for Tract
6996"

5. Zone Change Application No. 98-190-08 - Harvinder Dhaliwal for HSD Associates, Inc. (Applicant), HSD Associates, Inc. (Owner) - Request to Modify a Planned Development to Allow Construction of a Self-Serve Station and Mini-Mart to Replace a Self-Serve Station at 30151 Industrial Parkway SW

Staff report submitted by Associate Planner Camire, for January 12, 1999, was filed.

Associate Planner Camire made the project presentation describing the site plan for the project. She noted that fueling of trucks longer than 28 feet will not be serviced or allowed. She noted that the applicant had been working with staff on the design of the building. She responded to Council questions relating to diesel fuel availability and the blue stripe on the building.

Council Member Hilson discussed the height of the canopy as well as security problems, which might be incurred. He was told the police department had made several suggested conditions for safety.

Mayor Cooper opened the public hearing at 8:43 p.m.

Harvinder Dhaliwal, HSD Associates, applicant, was provided ten minutes. He spoke on the requirements of Chevron corporate color scheme and the bold blue stripe. He discussed the issue of the stripe with Council and the canopy design. He said the canopy height is based on Chevron standards. He then answered questions from Council Members particularly involving the blue strip on the building.

Council Member Hilson asked about the light fixtures and what the need is for 16½ feet in height for the canopy. Discussion ensued and the applicant indicated that his lighting specifications were different from the Union City Chevron station. He preferred better quality fixtures.

Council Member Rodriguez asked about the problems relating to police issues. The applicant has agreed to relocate public telephones.

Darren Funkhouser, 36 Elmwood Drive, San Ramon, Chevron territory manager, stressed the importance of the full blue fascia. Both the brand image and brand recognition is important for business and for competition and visual identification. He provided samples of other Chevron stations. Lastly he emphasized that the blue fascia is an integral part of the overall identify and is required in Chevron's architecture. He asked for consideration to use blue fascia at this facility. He indicated that the Chevron station at Southland is similar to this model. He noted that this location is not at a corner as is the Union City Chevron. It is critical that the colors be used because it is mid-block.



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Mayor Cooper closed the public hearing at 9:03 p.m.

Council Member Henson asked Deputy Police Chief Trimble whether there is a potential for misdeeds and police issues relating to lighting at this site. Deputy Police Chief Trimble said that the mini-mart would attract more people and the potential for more problems. He would support more lighting in the area.

City Manager Armas pointed out a condition of approval that includes a lighting plan that must meet our Security Ordinance.

Council Member Ward asked that corporate sponsors realize differences between various communities. He agreed with some points and concurred with Council Member Hilson. However, it is imperative that companies acknowledge community architectural styles.

Council Member Dowling noted that this Council and the Planning Commission have tried to raise the standard for the City and agreed with staff recommendations.

Council Member Ward moved, seconded by Council Member Jimenez, to approve the staff recommendation and to allow the applicant to display the Chevron corporate bold blue stripe along the canopy and along the fascia of the building.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried by the following roll call vote, to introduce and approve the following and to allow the applicant to display the corporate color on the canopy and along the fascia of the building:

Ordinance No. 99-__, "An Ordinance Amending Section 10-1.167 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 30151 Industrial Parkway SW, Pursuant to Zone Change Application 98-190-08"

Resolution 99-107, "Resolution Approving Zone Change Application No. 98-190-08"

AYES: Council Members Jimenez, Rodriquez, Ward,
Henson

MAYOR Cooper

NOES: Council Members Hilson and Dowling

ABSENT: None

ABSTAINED: None

Staff report submitted by Sergeant Lowe, for January 12, 1998, was filed.

Deputy Police Chief Trimble made the staff presentation, noting the public meeting and notification process that were conducted. He explained the survey made within the area. Both he and Sergeant Lowe responded to questions. He said there has been no opposition to the increase.

Council Member Ward asked about the rates in the unincorporated areas. Deputy Police Chief Trimble indicated that the rate in the unincorporated area was at the higher rate as well.

Mayor Cooper opened and closed the public hearing at 9:15 p.m. There was no one requesting to speak on this item.

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

Resolution 99-008, "Resolution Approving Rate Schedule for Taxicabs"

LEGISLATIVE BUSINESS

7. Resolution Granting the City's Consent to the Proposed Merger of AT&T Corporation and Tele-Communications, Inc.

Staff report submitted by Administrative Analyst II Melendez dated January 12, 1999, was filed.

Administrative Analyst II Melendez provided negotiating information involved with the proposed merger and responded to questions. AT&T, which will be the parent company, has assured that they will carry out the obligations of the conditions of the Franchise Agreement. There have been several discussions between CTI and the City on services that might be made available to Chabot College and City customers as well. The Council Technology Applications Committee met and adopted a unanimous recommendation to forward the request for approval.

Mayor Cooper opened and closed the public hearing at 9:23 p.m.

Council Members Hilson and Henson emphasized that there was discussion at the CTC level, but the Telecommunications Act of 1966 limits cities only to looking at the financial ability of the company to purchase the franchise. What is lacking is whether there is the will of entities such as AT&T to act in the best interests of the community.

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



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Resolution 99-009, "Resolution Approving the Proposed Merger
Between AT&T and the Cable Communications Franchise Holder
San Leandro Cable Television Inc."

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the Council Meeting at 9:26 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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