



**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, May 25, 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 Henson.

**ROLL CALL**

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

**PUBLIC COMMENTS**

Mayor Cooper presented a commendation to Council Member Jimenez for Hayward resident Dick Sadler who was awarded a lifetime achievement award. He was unable to attend.

Bea Thornton, 816 Pinedale Court, commented regarding the lawsuit of CATS and HASPA who recently won in court against the 238 freeway.

Jason Moreno, 25200 Carlos Bee Boulevard, announced his candidacy for City Council in the upcoming election.

William Blundin, 1089 D Street, read from the City Charter regarding public comments and free speech.

Al Reynolds, 2547 Erskine Lane, spoke regarding the budget. He would like to see six landscapers for trimming and removing trees, and maintaining the street sweeping program year round.

John Gilbertson, 22907 Nevada Road, discussed First Amendment rights.

Roger Womack, 23676 Nevada Road, said he was censored in his speech last week. He then discussed his roofing problems from several years ago.

Ron Barklow, 1210 Tiegen Way, showed photographs of the tide gates in the south of 92 area, and criticized the biologist's report. He suggested that Council request removal of the wood used for propping open the tide gates. Testing can continue in September after the fowl-nesting season.

Mayor Cooper asked him for a letter from the Audubon Society regarding flood control.

Francisco Abrantes, 22915 Alice Street, spoke about a neighbor who sustained a broken leg. He said he called an ambulance and it took five minutes for the ambulance to show up. He thought this was outrageous.

Council Member Rodriguez spoke with regard to disagreeing in a rational, civil way. She added that, regarding the last election when no one ran, it is healthy to have competition.

Mayor Cooper mentioned an ABAG documentary film regarding the Bay Area housing problems to be on KTEH-TV which will feature City Manager Armas.

Council Member Hilson spoke in agreement with Council Member Rodriguez saying they are committed to service and respect. Council votes are the result of working for the best for all citizens in Hayward. He then mentioned that on Wednesday, May 26, Southgate School will be recognized for their recycling efforts and will receive an honorable mention from Waste Management.

### **CONSENT**

Items 5 and 6 were removed for discussion.

1. Approval of Fees to be Charged for Costs Incurred in 1998 for Administering the Residential and Mobilehome Rent Stabilization Ordinances

Staff report submitted by City Attorney O'Toole, dated May 25, 1999, was filed.

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

Resolution 99-084, "Resolution Amending Resolution No. 98-111, the Master Fee Resolution for Fiscal Year 1998-99, Relating to the City Attorney Department, Establishing Time for Payment of Rent Stabilization Annual Fees"

2. "B" Street Rehabilitation Project, Foothill Boulevard to Kelly Street: Approval of Addendum No. 1 and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated May 25, 1999, 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 99-085, "Resolution Approving Addendum No. 1 for the B Street Rehabilitation Project, Project No. 5186, and Award Contract to Gallagher & Burk, Inc."

3. Final Vesting Map Tract 6169 - Signature Properties (Subdivider) - Approve the Final Vesting Tract Map and Authorize the City Manager to Execute a Subdivision Agreement and to Accept Certain Streets into the City Street System  
Staff report submitted by Development Review Services Engineer Anastas, dated May 25, 1999, was filed.

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

Resolution 99-086, "Resolution Approving Final Map for Tract 6169, Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting Certain Streets into the City Street System"

4. Authorization for the City Manager to Accept a Federal Grant for Improvements at the Hayward Executive Airport and Execute all Implementing Documents

Staff report submitted by Airport Manager Shiner, dated May 25, 1999, was filed.

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

Resolution 99-087, "Resolution Authorization for the City Manager to Accept a Federal Grant for Improvements at the Hayward Executive Airport and Execute all Implementing Documents"

5. Authorization for the City Manager to Execute an Agreement for Emergency Water Services Between the City and the East Bay Municipal Utilities District

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 25, 1999, was filed.

Council Member Ward asked for further information regarding this issue. Director of Public Works Butler explained it is needed in case of emergencies to augment the present water supply.

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

Resolution 99-089, "Resolution Authorizing the City Manager to Execute an Agreement with East Bay Municipal Utilities District for Emergency Water Service"

6. Approval of Request by the East Bay Municipal Utilities District to Adjust Service Boundaries with the City of Hayward

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 25, 1999, was filed.

Director of Public Works Butler explained that adjustment of service boundaries with EBMUD. The expansion of Hayward means the City will serve water to these areas and EBMUD will de-annex.

Council Member Ward clarified that there would be no rate adjustment.

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

Resolution 99-090, "Resolution Consenting to Filing of a Change of Organization Application with the Alameda County Local Agency Formation Commission by the East Bay Municipal Utility District"

7. Acceptance of the Downtown Business Improvement Area Annual Report Fiscal Year 1999-00 and Setting Public Hearing for Annual Report for June 8, 1999

Staff report submitted by Redevelopment Director Bartlett, dated May 25, 1999, was filed.

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

Resolution 99-088, "Resolution Accepting Annual Report and Declaring Intention to Levy Annual Charges for the Downtown Hayward Business Improvement Area for the Fiscal Year 1999-00 and Providing for Notice of Hearing Thereon"



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**LEGISLATIVE BUSINESS**

**8. Approval of Funding for Community Promotions for FY 1999-2001**

Staff report submitted by Budget Administrator Rohrer, for May 25, 1999, was filed.

Finance Director Carter made the staff report, saying there are representatives here from various groups available to discuss their programs.

Council Member Henson asked about the more than \$8,000 difference and he was told this could be used at Council's discretion.

Mayor Cooper opened the public hearing at 8:50 p.m.

Jim DeMersman, director of Hayward Area Historical Society, 22701 Main Street, expressed thanks for past support. He said the future looks bright. The money from the Oliver Trust will be coming and will change the outlook and vision of the Society; without total support they would not be able to continue their programs of education and outreach.

In reply to Council Member Jimenez's inquiry as to when the funding from the Trust would be available, Mr. DeMersman said that it should be available during next year.

Laura Bejuk, 1251 Hawthorne, Alameda, was grateful for Council support of the Classical Philharmonic Orchestra for the schools. This year's concert was a huge success. The hall at Chabot was booked. She thanked the City for their support and said she would like to expand to take programs into the schools.

Marvin Smith, 6639 Banning Drive, Oakland, expressed appreciation for past consideration. He is the president of the Youth Orchestra of Southern Alameda County. He discussed how the students have distinguished themselves.

Ronnie Stewart, 408 - 13<sup>th</sup> Street, Oakland, thanked the Council Members for being visionaries and for their support for the Blues Festival. He said this shows the importance of Hayward in contributing to the history of Blues; this is another tool to bring together the business and economics in Hayward. This will be done on a global scale.

Maria Ochoa, Director of Sun Gallery, 1015 "E" Street, discussed programs and partnerships. The increase in interest in museums and culture is evident by the growth in interest our community as well as other areas. The partnerships with the gallery are great, particularly with the City and the Council. The Carpenters Union Local #713 is helping with renovations. PacBell is wiring the Gallery for information services.

Bill Crosby, President of the Board of Directors for the Sun Gallery, also spoke for them, and showed and talked about their web site. They will have search capabilities. He also acknowledged the web master, Howard Pugh, and thanked the City Council for their support.

Evelyn Cormier, 31020 Carroll Avenue, said thanks for supporting the Volunteer Recognition dinner and consideration of grant. This year will be particularly poignant because of John Pappas' passing away. Other expenses have increased over the years, thus the need for the grant.

Mayor Cooper closed the public hearing at 9:07 p.m.

Mayor Cooper asked to take money from the \$10,000 set aside for the planning of the Blues Festival to fulfill the funding for the Gallery for their capital acquisition.

Council Member Ward moved, seconded by Council Member Hilson, the staff proposal with Mayor Cooper's amendment.

Council Member Dowling asked for a friendly amendment to include full funding for the Volunteer dinner in 2000-2001.

Council Member Ward said he fully supports the dinner, but would prefer flexibility for the future with those dollars.

City Manager Armas noted that the dinner committee has a \$1,500 fund balance.

Council Member Henson asked for a clarification of the motion regarding taking seed money from the planning of the Blues Festival and would agree if it were filled back in the following year.

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

Resolution 99-091, "Resolution Approving Community Promotions Program and Approving Community Promotion Activity Allocations for Fiscal Year 1999-00"

9. Bailey Ranch Development Grading Plan - Tract 6169

Staff report submitted by Deputy Director of Public Works Bauman, dated May 25, 1999, was filed.

Public Works Director Butler made the report regarding the separate grading plan. He said it was an informational item only and does not require any Council action at this time. The City is prepared to issue the permit this week. He noted that neighbors seemed satisfied with the presentation made at a May 19 meeting. The first phase of the project will be 56 home sites and will include in-fill from the site. He also outlined the hours of operation, which will be daylight regular work hours, 9 a.m. to 5 p.m.



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Council Member Henson asked about environmental concerns, particularly the trapping and relocation of the California Whip Snake. He then asked about the location of the 335 acres of open space.

Public Works Director Butler said that six snakes had been trapped and relocated. The 335 acres surround the development, below and around the residential area.

Council Member Hilson asked various questions about the amount of fill and grading on the site. Public Works Director Butler responded in detail.

In response to Council Member Rodriguez's question regarding the Carden property, Mr. Butler stated that Mr. Carden still owns the property which abutts the Hayward 2000 property.

Council Member Ward asked about the homes on the east of Skyline Drive, which slid several years ago due to rain, and how was this going to be prevented. He also questioned the noise issue.

Public Works Director Butler said most of those houses had improper drainage. To prevent a similar problem, they will have an expert onsite who will ensure adequate water drainage. To mitigate the noise, staff will ensure that earthmovers are properly muffled and work only during daylight hours.

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

Mark Stice, Signature Properties, 4670 Willow Road, discussed the trappings of the whip snakes in the area and where they put them. He indicated they had been moved to the surrounding open space. There will also be 18-acres of private open space for the homeowners. The development of a slope management plan is one of the Conditions of Approval which will help the homeowners to monitor the slope stabilization. There will be an on-site parking superintendent to ensure that all parking is off Hayward Boulevard and on the property itself.

D. J. Evans, 361 Bristol Boulevard, San Leandro, stated that the real problems in flooding are in both garages and back yards. She wondered if certain trees might help mitigate drainage problems.

Mayor Cooper closed the public hearing at 9:37 p.m.

No action was needed or taken.

## **COUNCIL REPORTS**

Council Member Henson reported that he recently testified before a Congressional Judiciary Subcommittee in Washington, D.C. for COPPS Block Grant. There is a need for the money for local communities and various congressional members expressed support. The President's 21<sup>st</sup>

Century Policing Initiative leaves gaps for cities. Without this funding there will be a deficit of perhaps 10 to 15 percent for local government.

Council Member Hilson just returned from Denver for the Technology Committee for National League of Cities. He reported that the best of the technology is still very limited and universal access is necessary. A high return is fine but it is needed everywhere. In Denver, for example, there is a fiber pipeline to the Internet for high rises and businesses and not service to the smaller companies and residences. He said the League is interested in fair and equal access. This should be a community service project. While there they also toured the Five Points Media Center, where classes are held and students learn all phases of media. They also toured the Denver Traffic Control Center where they saw the latest technology in cameras for intersections, which have become much more sophisticated.

## **ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:46 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

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Connie Macias, Deputy City Clerk, City of Hayward