



MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 11, 2001, 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,
Rodriguez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Business Recognition Award

The December 2001 Business Recognition Award was presented to a new Hayward high-tech company called "White Pajama." They were founded in January of 2000 with only 13 employees and have grown to 65. The White Pajama service fully integrates with all of the communication channels people use to reach companies—whether by phone, email, or over the Web. White Pajama unifies customer contacts into one routing, queuing, and tracking system; ensuring customers receive the attention they deserve, regardless of how they choose to communicate. They are supporting the Hayward Emergency Shelter Program and are totally committed to customers. Ellen Pensky, Director of Marketing Communications accepted the award on behalf of Mansour Salame, President and CEO.

PUBLIC COMMENTS

Jim Drake asked if the Police department utilized drug-sniffing dogs. He also inquired on the rates to be charged by the proposed Calpine power plant owners.

Robert Lopez spoke on various topics including needs for youth and council salaries.

Jason Moreno commented on a proposal for a community sports medal program for youth.

Elsa Glines, chair of the Library Commission, updated the Council on the use of the Weekes Branch Library and noted that over 17,000 individuals used the facility this past September, which was an increase of 52% over the previous September. She thanked the Council for its support in the recently renovated branch library.

John Kyle commented on correspondence and discussions with Mayor Cooper.

JV McCarthy commented on the discussion held earlier related to the City's Draft General Plan.

Francisco Abrantes commented on Council salaries and the Mello Roos regulation related to housing.

DRAFT

Barbara Heringer-Swarr spoke on redevelopment with regard to eminent domain.

CONSENT

1. Approval of Minutes of the City Council Meeting of November 27, 2001

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the minutes of the City Council Meeting of November 27, 2001

2. Traffic Signal Installation at West Tennyson Road and Oliver Drive: Approval of Addendum and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated December 11, 2001, was filed.

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

Resolution 01-173, "Resolution Approving Addendum No. 1 for the Traffic Signal Installation on West Tennyson Road at Oliver Drive, Project 5747, and Awarding Contract to St. Francis Electric, Inc"

3. Police Station Communications Center and Entrance Remodel, Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated December 11, 2001, was filed.

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

Resolution 01-174, "Resolution Approving Plans and Specifications for the Police Station Entrance and Communications Center Modifications Project Nos. 6933 and 6934, and Call for Bids"

4. Pavement Rehabilitation Traffic Congestion Relief Program (TCRP) Funding: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated December 11, 2001, was filed.

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



MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 11, 2001, 8:00 p.m.

Resolution 01-175, "Resolution Approving Plans and Specifications for the Pavement Rehabilitation Traffic Congestion Relief Program (TCRP) Project, Project Nos. 5107, 5165, 6927 and 7147, and Call for Bids "

5. Airport Sound Wall, Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated December 11, 2001, was filed.

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

Resolution 01-176, "Resolution Approving Plans and Specifications for the Airport Sound Wall Project, Project No. 6827, and Call for Bids"

6. Approval of Amendment to Lease Agreement with Hayward Area Recreation and Park District for Skywest Golf Course

Staff report submitted by Director of Public Works Butler, dated December 11, 2001, was filed.

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

Resolution 01-177, "Resolution Authorizing the City Manager to Approve a Third Amendment to the Lease Between the City of Hayward and Hayward Area Recreation and Park District for the Skywest Golf Course"

7. Final Tract Map 7191 - Grand Place Hayward, LLC, a California Limited Liability Company (Subdivider) - Approve the Final Map and Authorize the City Manager to Execute a Subdivision Agreement

Staff report submitted by Assistant Planner Koonze, dated December 11, 2001, was filed.

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

DRAFT

Resolution 01-178, "Resolution Approving Final Map for Tract 7191 Grand Place Hayward, LLC (Subdivider) and Authorizing the City Manager to Execute a Subdivision Agreement"

HEARINGS

8. Appeal of Planning Commission's Denial of General Plan Amendment 01-110-02; Zone Change 01-190-05, Vesting Tentative Map Application 7320 - Ravi Nandwana, John Rassier & Sherman L. Balch for Ryland Homes (Applicant); John Rassier, et al, Balch Investment Group (Owner) - The Project Site is Located on the Northeast Corner of Industrial Parkway West and Stratford Road (*Continued from 11/13/01*)

Staff report submitted by Planning Manager Anderly, dated December 11, 2001, was filed.

Planning Manager Anderly made the presentation, noting the planned development housing in this proposed project is not diversified nor creative and not consistent with the City's Design Guidelines. She presented various options that might be considered to satisfy city policies.

Council Member Dowling expressed concerns regarding noise and the decibel levels in other neighborhoods near major arterials.

Council Member Ward asked for information related to having an industrial use rather than residential use. It was noted that businesses in the industrial area are often times businesses rather than the old-smokestack-types of industry.

Council Member Henson asked for the differences between this proposal and Stratford Village I homes in the area.

Planning Manager Anderly noted that the basic differences are that they are standard single family homes and the proposed homes are smaller lots. She explained that no funding is available for an extra ramp off the 880. Flood zone issues related to required fill. There is an assessment district for the pumping station.

Council Member Henson asked for clarification on the impact to schools. It was noted that students would be walking in unpaved areas, as some of the streets have no sidewalks.

It was affirmed that the Planning Commission voted 4 to 3 against the project.

Mayor Cooper opened the public hearing at 9:02 p.m.

Mark Retherford described the proposed project, using slides. He described the homes to be strong traditional clapboard type, the streetscape and the size of the homes. He also described the retail proposal.



MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 11, 2001, 8:00 p.m.

Sherman Balch made reference to the City's General Plan in support of his project.

Council Member Dowling asked about the previous use permit for research and development. He noted that financing was difficult due to the conditions of approval placed by the City.

Scott Raty, representing the Hayward Chamber of Commerce, spoke in support of the residential proposal saying it would complement industry in that area. He felt that the trend has already been set in Hayward. He also spoke on behalf of the Balch family.

Ed Mullins spoke in favor of the project, noting poor freeway access, limited visibility and other restrictions on this property for industrial uses.

The following spoke in favor of the project:

Yolande Schaffer Etta Kohl
Hobart Gay
Vince Black
Pete Rose
Jason Moreno
Gil Zaballos
Jones You
John Rassier
Vincent Zing
Tom Sanborn
JV McCarthy
Francisco Abrantes
Arnell Nastor
Fred Saxe
Wotteidi Kammeyer
Bob Miller
Eileen Relos
Bruce de Garmeaux
David Forgie
Joanne Dean
Wanda Pierce
Elizabeth Fuller
Joe Catalano
Millie Chan
Zetto Ravekes
Virginia Bailey

DRAFT

Delia Alambat, resident to the Stratford Village, noted that she collected over 75 signatures in favor of this project and submitted them to the City Clerk.

Paul Smith commented on the commercial end of this project, noting the depth of the site. The major drawback to big box retailers on this property is the access from the freeway and visibility. He also commented that the site could not support a supermarket grocery store due to the population base.

Council Member Henson commented on the conditions ten years ago as compared to the current conditions.

Ramon Xavier noted that the current site is an eyesore and the proposal would improve the neighborhood. He supported the project.

Anthony Varni, attorney for the developer, emphasized that this project would not be a detriment to this community. He noted that the developer is volunteering a ninety-foot strip of parkway to pull the wall back 75-feet and landscape the entire area so that the wall would not be on the street. No concessions are requested for noise levels. He noted that direction should be towards land use. Lastly, he stated that Stratford Village I works. The children in this neighborhood walk to their schools; the neighbors shop at nearby stores and the neighborhood continues. He spoke on behalf of Mr. Balch and Mr. Rassier and asked for Council support in favor of this project.

Mayor Cooper closed the public hearing at 10:28 p.m.

Council Member Dowling moved, seconded by Council Member Jimenez, to reverse the Planning Commission decision and approve the General Plan amendment to change the zoning designation from industrial corridor to low-medium density residential, to approve the zone change amending the zoning district from industrial to planned development and that the tentative map be held off so that staff can meet with the developer to discuss some the staff concerns, in particular the park acreage.

Council Member Dowling commented that he was not involved with Stratford Village I, but was a member of the Board of Zoning Adjustments at that time. He recalled hearing about the project. He said it was important to continue that neighborhood as it has been a successful one. He felt that the restrictions that were placed on this industrial site were rather restricted. He cited examples of commercial types of businesses such as Home Depot or research and development businesses and issues and problems that would arise for the current neighborhood, such as noise and delivery issues. He cited the South of 92 development and its isolation from schools and shopping. He commented on the new variety of housing types, with lower costs than Stratford Village I. He noted that this is a nice step up from a condominium. He did not see the houses as boxy. He agreed with staff regarding the park acreage and felt that this was necessary.



MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 11, 2001, 8:00 p.m.

Council Member Henson asked staff to respond to the critical issue of land use with regard to the Council and Planning Commission decision twelve years ago.

City Manager Armas said there was a fair amount of debate at that time. However, the Council made a conscious decision to go to residential at this site. He commented that losing this site to residential might mean forgoing opportunities for research and development businesses where we may be in a competitive advantage. It is important to be aware that there may be an opportunity to develop that site as businesses consider moving to Hayward.

Council Member Hilson suggested that the developers have the opportunity to complete the project with the additional commercial retail phase. Council approved Stratford Village I a number of years ago on the basis of completing the project with commercial development. He felt that the proposed homes were small and not a good design considering a house with over 2,000 square feet on a 3,000 square foot lot with special little green space. He felt that information should be provided at the time of purchase regarding the proposed commercial activity.

Council Member Rodriguez appreciated the turnout of residents from the neighborhood. She stated that this hearing is not about Mr. Balch, a highly respected individual. She commented on the proposed buffer zone and noted that there will always be noise and was concerned when the first development occurred years ago. She had expressed concerns against noise when a neighborhood is placed adjacent to industrial. She commented on a variety of businesses that could occur in this neighborhood such as a plant nursery. The next portion would be a small shopping area. She supports the staff and the Planning Commission recommendations and emphasized her concern for the quality of life in Hayward.

Mayor Cooper noted that she was a member of the City Council when Stratford Village I was approved. The City was suffering an economic downturn. Although Stratford Village I is a lovely design and Georgian Manor is premier mobile home complex, she commented that Rassier is an excellent landlord. She commended Mr. Balch on his generosity. She said she has urged the developers to seek out commercial developers. She recalled the success of the Pepsi development. Council has an obligation to Hayward citizens to continue to develop a viable community with jobs.

Prior to the Council vote, Mayor Cooper instructed the Council that a 'yes' vote would be to deny the Planning Commission vote, which would approve the project and a 'no' vote would be to uphold the Planning Commission decision and deny the project.

It was moved by Council Member Dowling, seconded by Council Member Jimenez, and failed by the following vote to reverse the Planning Commission decision and approve the General Plan amendment to change the zoning designation from industrial corridor to low-medium density

DRAFT

residential, to approve the zone change amending the zoning district from industrial to planned development and that the tentative map be held off so that staff can meet with the developer to discuss some the staff concerns, in particular the park acreage:

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

Sherman Balch announced that he formally requests withdrawal on the next hearing item.

9. General Plan Amendment 01-110-04; Zone Change 01-190-07, Site Plan Review 01-130-24 - Ramon J. and Danilo J. Catbagan (Applicants) and Sherman L. Balch (Owner) - The Project Site is Located on the West Side of Stratford Road between Industrial Parkway West and Pacheco Way (*Continued from 11/13/01*)

Staff report submitted by Planning Manager Anderly, dated December 11, 2001, was filed.

Mayor Cooper called for a five-minute recess and reconvened at 10:56 p.m.

LEGISLATIVE BUSINESS

10. Adopt Ordinance Related to Zone Change No. 2001-0135 & Tentative Tract Map - The Project is Located at 308 Valle Vista Avenue.

Staff report submitted by City Clerk Reyes, dated December 11, 2001, was filed.

With no speakers, Mayor Cooper opened and closed the public hearing at 10:57 p.m.

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

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

Ordinance 01-15, "An Ordinance Amending the Zoning District



MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 11, 2001, 8:00 p.m.

Map of Chapter 10, Article 1 of The Hayward Municipal Code by
Rezoning Certain Territory Located on Valle Vista Avenue
Pursuant to Zone Change Application No. 2001-0135”

11. Adopt Ordinance Related to Planned Development No. 01-120-02 and Tentative Map Tract
7262 - The Property is Located at 25958 Gading Road

Staff report submitted by City Clerk Reyes, dated December 11,
2001, was filed.

With no speakers, Mayor Cooper opened and closed the public hearing at 10:59 p.m.

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

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

Ordinance 01-16, “An Ordinance Amending the Zoning District
Map of Chapter 10, Article 1 of The Hayward Municipal Code by
Rezoning Certain Territory Located on Gading Road Pursuant to
Zone Change Application No. 01-120-02”

COUNCIL REPORTS

Council Member Henson gave a brief report on the conference National League of Cities in
Atlanta. He described his visit to the Emergency Operations Center in Atlanta, Georgia, its GIS
technology, funded by the International Olympic Committee. He noted that the current project is
to update and revise a pamphlet entitled: “Local Officials Guide To Terrorism.”

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:06 p.m.

APPROVED:

DRAFT

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward