



MINUTES OF SPECIAL MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 23, 2002, 8:00 p.m.

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Rodriguez.

ROLL CALL

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

PROCLAMATIONS: Presentation to Council Member Matt Jimenez

Mayor Cooper read a proclamation honoring Matt Jimenez on his commitment to the City of Hayward and his 80th birthday. August 6, 2002 will be Matthew "Matt" Jimenez Day. He responded with thanks to all of his colleagues as well as the City Manager and said he appreciated the recognition.

National Night Out

Mayor Cooper read a proclamation naming August 6, National Night Out, promoting police/community working together and awareness of crime prevention programs. Accepting for the program was Marlene Teal. She commented that block parties would be held throughout the City.

PRESENTATION: I-880/SR92 Citizens Advisory Committee

Mayor Cooper acknowledged the work of the Citizen's Advisory Committee for the past 12 years. She recognized Chair Ken Price and all of the members of the Committee. Mr. Price noted the improvement over the past years.

PUBLIC COMMENTS

City Manager Armas asked for a recommended two changes:
Item 6, a modification that special adjustments be capped at .5% for Unrepresented Management employees; and
Item 8, that the contracts of the City Manager and the City Attorney be removed, but that Council act on the contract for the City Clerk.

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Barbara Swarr showed a number of before and after pictures from various places throughout the City. She suggested making a flower garden out of some of the City-owned properties. She also suggested an Anti-Slumlord Ordinance.

Mayor Cooper asked her for a list of addresses of the properties.

Jason Moreno shared a grievance about Hayward City firefighters using City vehicles. He said this is a waste of resources.

Al Reynolds, spoke to his action on voting "Yes" on the 880-92 plan. He commented that Caltrans could do anything they want. However, this time they are getting the blessing of the City.

Ron Barklow discussed the weed abatement program and the number of lots that are overrun by weeds. He then commented on the Building Inspectors office and their lack of response to a house on his street that was burned. He then noted that an inspector parked in the "No Parking-Fire Lane" area.

Mayor Cooper asked for a list of violations and locations.

Beatrice Thornton commented on the Route 238 By-pass indicating that most people have their own agenda. She noted that 6 ½ acres would be taken from the soccer field at the Hayward High School. She then added that 40 acres were purchased for the freeway.

John Neath commented about the agenda. He suggested that Council comments and suggestions be made at the General meeting and not be made only at the Work Session.

John Gilbertson discussed the people's sovereignty. He stated that the people do give their public servants the right to have an answer.

CONSENT

Items 6, 8 and 10 were removed for further comment.

1. Approval of Minutes of the City Council Meeting of July 16, 2002

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 July 16, 2002.

2. Water System Vulnerability Assessment

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated July 23, 2002, was filed.

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



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Resolution 02-112, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Brown and Caldwell for Consulting Services for the Preparation of a Water System Vulnerability Assessment, Project No. 7165"

Resolution 02-113, "Resolution Amending Resolution 02-087, as Amended, the Budget Resolution for Capital Projects for Fiscal Year 2002-2003, Relating to an Appropriation of Funds for the Water System Vulnerability Assessment, Project No. 7165"

3. Adoption of Resolution Extending the Abandoned Vehicle Abatement Program

Staff report submitted by Traffic Bureau Sergeant Akacsos, dated July 23, 2002, was filed.

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

Resolution 02-114, "Resolution Authorizing the Extension of the Abandoned Vehicle Abatement Program Until May 2013"

4. Authorization for the City Manager to Execute a Professional Services Contract with ValueCAD for GIS Work

Staff report submitted by Deputy Director of Public Works/Engineering Bauman, dated July 23, 2002, was filed.

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

Resolution 02-115, "Resolution Authorizing the City Manager to Execute a Professional Service Agreement Between the City of Hayward and ValueCAD for Upgrade of the City's Land Base and Utility Maps, Project Nos. 6998, 7608 and 7121"

5. Adoption of Resolution Accepting Memorandum of Understanding with Hayward Association of Management Employees

Staff report submitted by Human Resources Director Perrin-Scales, dated July 23, 2002, was filed.

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

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Resolution 02-116, "Resolution Adopting Memorandum of Understanding Between the City of Hayward and the Hayward Association of Management Employees"

6. Adoption of Salaries and Benefits Resolution for Unrepresented Management Employees

Staff report submitted by Human Resources Director Perrin-Scales, dated July 23, 2002, was filed.

Susan McDonough, representing SEIU-790, spoke saying she expected and was confident that the City Council would enforce the ½ percent equity for the full 3-year term of the contract for all units.

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

Resolution 02-121, "Resolution Adopting a Revised Policy Pertaining to the Salaries and Benefits Resolution for the Unrepresented Management Group"

7. Adoption of Resolution Accepting Memorandum of Understanding with Hayward Police Management Unit

Staff report submitted by Human Resources Director Perrin-Scales, dated July 23, 2002, was filed.

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

Resolution 02-117, "Resolution Accepting Memorandum of Understanding Between the City of Hayward and the Hayward Police Management Unit"

8. Adoption of Salaries and Benefits Resolution for City Manager, City Attorney and City Clerk

Staff report submitted by Human Resources Director Perrin-Scales, dated July 23, 2002, was filed.

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

Resolution 02-120, "A Resolution of the City Council of the City of Hayward Relating to the Salaries and Benefits of the City Clerk"



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9. Approval of Memorandum of Understanding with SEIU 790 (Clerical, Confidential and Maintenance Units) (*continued from 7/16/02*)

Staff report submitted by Human Resources Director Perrin-Scales, dated July 23, 2002, was filed.

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

Resolution 02-118, "Resolution Accepting Memorandum of Understanding Between the City of Hayward and Service Employees International, Local 790 (Clerical and Confidential Unit and Maintenance Unit)"

10. Request from Council Member Hilson for Reimbursement from Special Travel Fund for City-Related Travel

Report submitted by Council Member Hilson, dated July 23, 2002, was filed.

Mayor Cooper asked whether the requests went first to Council before being drawn down. She suggested the special travel fund be discussed next year and divided among the members.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried by the following vote to approve the request for disbursement from Special Travel Fund for City Related Travel for Council Member Hilson, with direction to staff to look at the special travel fund and allotments at a future session.

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

LEGISLATIVE BUSINESS

11. Authorization to Enter into an Exclusive Negotiating Agreement with Sonic Development, LLC, Pertaining to its Honda Dealership at Mission Boulevard and Orchard Avenue

Staff report submitted by Redevelopment Director Bartlett, dated July 23, 2002, was filed.

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Redevelopment Director Bartlett made the staff report, July 2001. She noted that the Redevelopment Area was amended to include most of the properties along Mission Boulevard for auto row. The proposal was to cluster the dealerships and insure the viability of auto row. After this action, Sonic Automotive, which owns and operates Hayward Honda, began to develop a concept to expand their new and used car sales operation on adjacent properties. Sonic has negotiated with property owners to purchase or ground lease the three necessary properties on which they are currently looking to expand. There are three businesses located on the site. Sonic has given notice to terminate to at least one of these businesses. The two other businesses have not responded favorably to their proposal. In April, Sonic formally approached the Agency regarding assistance in acquiring these two leases. In June, the Agency released a Request for Proposal to all of the property owners in the area. Sonic was the only one to respond. She noted that Sonic would pay \$25,000 for Agency costs. She also noted that the Agency might be able to come back in December of this year with an agreement.

Council/RA Member Hilson asked about Sonic requesting the Agency with helping pursuing the leases. He asked whether Sonic is asking for the City of Hayward to use eminent domain to acquire the property.

City Manager/Executive Director Armas responded that Sonic is already in a position to proceed with the property but a matter of timing. They have convinced the property owners, however, the businesses may have separate timetables and that might be what they would like the City to consider.

Council/RA Member Ward asked whether this would be the first project in the new Mission Corridor Redevelopment Area and also about the taxes. He then asked about the liquor store on this site and a future location within the City, and if there were special conditions.

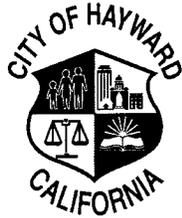
Redevelopment Director Bartlett responded that the sales tax goes to the City, while general accrual of property tax would go to the Redevelopment Agency.

City Manager/Executive Director Armas added that the City of Hayward would explore possible alternatives for the liquor store.

Council/RA Member Henson asked about the timing of the leases. He commented that his understanding was that the Agency had already entered into agreement with the property owners, but the leaseholders are different. He asked who would be responsible in the aftermath of any agreements.

City Manager/Executive Director Armas responded that a provision of the Redevelopment Act states that if a business were displaced as a result of redevelopment activity, as in this instance, the ultimate package would rest with Sonic Development. He noted that the Exclusive Development Agreement was for a period of six-months. He commented that Honda is a very successful product, but that Hayward has been unable to respond to the full market potential because of site constraints.

Mayor/Chair Cooper opened the public hearing at 9:08 p.m.



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Nagi Dubashi, Tanglewood Liquor Stores, said in the two years since they have been established, business has improved. He noted that Sonic is not even offering them enough to pay for their cooler. He said they came to the City to establish a business, with the option to buy the building, and to stay and be successful. He said he was sure that if it came to negotiation, there is a price for everything. If Sonic wants to negotiate something, they have to be reasonable. It has to be realistic. They are not planning on moving unless they are offered a fair price for their business.

Barbara Swarr discussed Redevelopment law and its 45-year lifespan, which, she maintains, is hard on the City. People are afraid to open businesses in the Redevelopment District. Businesses with large sales taxes are attractive. Sales tax rates should be more equitable. She commented that small businesses do need protection. She suggested a negotiating committee to provide with real assistance. The law creates an inequity between small and large business.

Mayor/Chair Cooper closed the public hearing at 9:15 p.m.

Council/RA Member Henson said he understood the comments from the speakers. However, this is merely entering into an ENA. He noted that there would be ample time to raise objections at a later date. He moved the proposal.

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

RA Resolution 02-10, "Resolution Authorizing the Executive Director to Execute an Exclusive Negotiation Agreement Between the Redevelopment Agency of the City of Hayward and Sonic Development, LLC for a Proposed Development at Mission Boulevard and Orchard Avenue"

12. Review of Route 238 Bypass Alternative

- a. Presentation of Alternative
- b. Consideration of Placing Ballot Measure on November 5 Election

Staff report submitted by City Manager Armas, dated July 23, 2002, was filed.

City Manager Armas gave the staff report. He noted that at an earlier workshop Council was apprised of the conclusion to the consensus project initiated by the Alameda County Transportation Authority to determine allowing it to move forward. He named the representatives to the groups. He added that Council was aware of ACTA's community meeting in June, from which was detailed a very thorough report. He showed various slides with descriptions of the proposals to widen Route 238. He noted that this is a concept plan. He then

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explained that the Council was also being asked to consider presenting a measure to the voters that would enable consideration of an alternative different from the by-pass in order to address traffic congestion as well as to preserve funding.

He then proceeded to review that measure as well. He noted that this material would be presented to the voters in the November election. He commented on one slight modification, at the observation of Council Member Dowling, which included clarifying for the voters that this is a consideration that would be different from the by-pass.

The measure before the voters would read: "Shall the General Plan of the City of Hayward be amended as provided in the initiative to enable the Hayward City Council to pursue implementation of a transportation project which would be an alternative to the Route 238 By-Pass and which qualifies for Measure B funding and other sources."

Council Member Hilson summarized that the widening from City Center north and from Harder south is within existing right-of-way, with no additional acquisition. He then discussed the five-corners grade separation and drawings that had been done previously. He admitted that the City might be starting from scratch at this point.

City Manager Armas indicated that, while there is some base-data that could be used, one of the elements that would have to be examined carefully in the technical studies is the exact configuration of the grade separation. He added that staff would propose to build on the information that was generated in 1990.

Council Member Hilson then asked whether staff believed there was enough right-of-way available at "B" and Foothill to make significant improvements, given the constraints of the switching center that is there. He then added that left turn lanes at the alphabet streets were necessary. He noted also that the property seems to be taken mostly from the east side.

City Manager Armas said that within the proposed additional lanes, staff believes there is enough land there to accomplish this. He discussed the intensity of uses on the east side as either very light or very dated. In contrast, many of the uses on the west side were much more intensive and much more involved, as a result might trigger much more substantial relocation costs.

Council Member Jimenez asked for more information regarding the loss of Measure "B" funding.

City Manager Armas indicated that the voters approved Measure "B" in the mid-80's. A substantial amount of money was earmarked for this project. He commented that the Alameda County Transportation Authority has indicated that if the money cannot be used in Hayward for the by-pass, it could be used in other parts of the county for other transportation programs. The concern is that the City of Hayward not lose these dollars given the fact that there are serious traffic problems in the City. He then indicated that the consensus group recognized that relying solely on the automobile is insufficient. There are complimentary activities which might be public transit, pedestrian and bicycle routes and the like and felt that those needed full thought as well. He noted that this was phrased purposely so that there would be no confusion that those



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alternatives were going to be financed from the same funding. He said the language was crafted to recognize that there were multiple points of view.

Council Member Ward asked about the correspondence dated October 8, 1997, by Mr. Billmire and the question of the implications of a different decision from that of the voters in a previous election.

City Manager Armas responded that Mr. Billmire raised a legitimate point. Any transportation project subject to an environmental review needs to address air quality. An evaluation of other assumptions by regional bodies relative to transportation solutions must also be taken into account. Regarding the dollars related to Measure "B" and their availability to any project adopted by the City of Hayward, he indicated that two broad steps might be involved. The ACTA Board needs to make a final determination on this concept, which they will consider at their meeting on August 1. In addition, assuming this has merit and appeal, there may be interest in formally modifying the expenditure plan to allow this to be inserted and become part of that plan.

Council Member Ward then asked about the Caltrans right-of-way properties within the City of Hayward, part of the voter approved project, and the Legislation in Sacramento which would give the City of Hayward first right of refusal on the property.

City Manager Armas said that Senator Figueroa's legislation would largely do two things, one, give the City the opportunity to look at owner/occupied units from the standpoint of affordability, as well as the possibility of aiding the City in meeting its affordable housing needs. He assumed there might be 300-400 units in the corridor. Beyond that, and more substantial, would be the vacant acreage available for re-use consideration. Were this legislation to be enacted, the dollars from this land could be for a transportation project agreed to by the community.

Council Member Henson asked the City Attorney whether the language does not imply that this is an exclusive alternative, negating the other alternative altogether.

City Attorney O'Toole responded that the language was more inclusive since it refers to "transportation projects." He said that would include this or other projects. The gist of what the ballot measure would do is to delete the reference to the 1987 Draft Environmental Impact Report Route and allow the City Council to make future changes to accommodate a project. It would not negate any alternative, but rather allow the Council the latitude to adopt their choice of alternatives.

Council Member Henson asked about the alternative in Section A, which implies that there can be changes as a result of further study. He then asked about the property, which might be needed as rights-of-way for any alternative, including St. Regis.

City Manager Armas responded that he would anticipate any number of changes to be made with more detailed information available. He said staff did not want this to be seen in a fixed position since there is not enough information. This is merely bringing forward an approach that might represent a solution to a long-lasting problem.

Council Member Dowling asked whether the consensus group discussed alternating lanes in the a.m. and p.m. rush-hour traffic. He said he thought reversible lanes should be explored.

City Manager Armas indicated that the report was not taken to that detail. Mostly their work was in providing the corridor where the means that addressing the problem could occur.

Mayor Cooper opened the public hearing at 9:49 p.m.

Bob Billmire discussed the statement to be submitted to the voters. He suggested that the statement to the voters say, "To pursue implementation of a transportation project which has been approved by the City Council and which represents an alternative to the Hayward 238-By-Pass." He said the subject of 12a, discusses concepts and alternatives. He argued that the alternative is, in its totality, a done deal. He referred to Measure "L" as having as its base, the Caltrans-238 environmental review. At least the citizens had an idea of that which they were voting for or against. He asked how could the citizens vote against what might occur tomorrow against what they know for certain today and yesterday. After all that is done, someone might say, "The voters were misled, because the alternative two years later was not at all what I had in mind when I voted." He commented that you have to put something in the minds of the voters at the time of the election to compare with Measure "L". He then discussed the Citizens for Alternative Transportation Solutions (CATS) proposal, which is similar to the current proposal. In its conclusion, the report indicated that based on the measure of effectiveness this proposal did not address three of the by-pass proposals, reduce accidents, accommodate future traffic demands, and relieve traffic on I-880. If there is enough of a similarity between this proposal and that alternative, maybe the negatives exist as well. He then named the various inadequacies sited in that document and again drew a parallel to the present proposal. He suggested that at this meeting the agenda item be merely discussed and nothing put on the ballot until more information is received.

Ron Barklow discussed the CATS proposal and the alterations that were made to it. He discussed the map lines on the latest map lines, which no longer include the lines for the Measure "B". He then suggested working together and going forward.

Alameda County Supervisor Gail Steel said thank-you to the Hayward Police Department for their work on the Vermont Plaza. She suggested the need to notice the many good things in Hayward. She explained that as a Supervisor, she sits on the Board of ACTA. She stressed that the big issue is loss of money, the \$110 million. She stated that she could not emphasize strongly enough to the City Council that they need to do whatever is necessary not to lose the money. There are many projects in the County who are aggressively vying for use of the funds, if the City of Hayward does not come together as a community. She then added her compliments to the consensus process. She commented on the division of the committee with 4 for the freeway and 4 against it. She commented that it was meeting of respect. She said that as a consensus, the committee was strong for the alternative. She emphasized that it was critically important that this



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issue goes on the ballot for agreement by the voters in Hayward to use the Measure B money in the City of Hayward for transportation needs.

Bill Quirk said he agreed that it is time to move forward. He added that he agreed with staff recommendations on 12 a. and 12 b.

Sherman Lewis said he also is looking forward to working with the City of Hayward to find a solution that will work for everyone. He agreed that it is important to put this on the ballot.

Barbara Swarr said she understood the need to keep the money in Hayward. However, she did not understand the need for 10 lanes in the downtown. She commented that it would be difficult to understand how this could be environmentally friendly. She then suggested making the area more pedestrian friendly by turning the buildings toward the west, eliminating the sidewalk on Foothill for use in the widening, having the service corridor on east side and business on the west side. She then mentioned bike lanes, and shuttles for off-site parking for Cal State. She emphasized that the more roads made available, the more traffic will come.

Sylvia Jackson said she needed to address the residents at St. Regis, most of whom are over 65-years of age. She emphasized that displacement of these residents would be critical. It could mean a termination of their lives. She asked for consideration of this information.

Robert Lopez reiterated history of the 238 By-Pass as both a ballot measure and a court case. He emphasized that the Council should be bringing the correct map and the Measure proposal to the voters. He emphasized that this proposal is not a solution to the problem.

Barbara Halliday said it seemed ironic that the City Council was considering both the 238 and 880 corridors on the same night. She thanked the Council Members for their leadership in these areas. She noted that leaders need to look at the problems and deal with facts with something that will work. She emphasized that this does deserve study. She said it sounds like the voters are giving the City flexibility for an alternative.

John Gilbertson emphasized that the problem is regional traffic not Hayward City street traffic. He emphasized that this is for the future. It is still along the earthquake fault. He suggested that the City of Hayward operate from principal. A by-pass is going around, not through.

John Neath said the details have been planned out. He maintained that it is still a pie in the sky with further EIR's. He said Measure L had no bearing on the alignment; it was merely to instruct the City Council to push it forward and not listen to the minority. Voters stated what they were voting for. He wondered whether this would invalidate the first vote. If the original freeway is not built, the money should not come to Hayward. He stated that this is not a good idea and the City Council should not vote tonight.

Al Reynolds discussed the east side of Mission Boulevard with the Japanese Gardens, and behind the swimming pool. He said with 238, the City of Hayward would not have all the truck traffic as 880-92. He said the road would have to be earthquake-proof.

Ed Mullens, speaking for the Chamber of Commerce, said he was a part of the consensus group. He said they maintain advocacy for positive effective solutions to traffic as part of their job. He said they have not taken a position on the ballot measure as of yet. As an individual, he stated that such an alternative like this, with continued litigation, there would be more road rage. He hoped that the people who have opposed the previous projects, would not oppose this as well.

Barbara Sacks said she liked the tunnel. She was impressed with the fact that the City Council is doing something. This is so important. Consensus means working together toward a conclusion everyone can live with. She said she would appreciate anything that will get this to happen. We have to work together.

Mayor Cooper closed the public hearing at 10:25 p.m.

Council Member Henson asked what kinds of encumbrances prevent that from going on the ballot.

City Manager Armas responded that the General Plan speaks to the 238-freeway, as described in the 1987 Draft Environmental Impact Report, so absent any change to that position, that would still be the policy reflected in the General Plan.

City Attorney O'Toole added that Measure "B" was a countywide ballot measure; Measure "L" was local to the City of Hayward. What the judge ruled on was the countywide measure, and the City does not have the ability to place a countywide ballot measure on an election ballot.

Council Member Henson said he was looking for consensus. He said he was delighted to see the consensus on this issue with such diverse groups and individuals. He also agreed that the money is equally important as well. He stated that he has one problem with this; it appeared to be harmless. He commented on the statement on the ballot, and noted the problem with consistency.

City Attorney O'Toole responded that it has become clear that there is an inconsistency between the Ordinance and the statement submitted to the voters. He then read his proposed changes, "Shall the General Plan of the City of Hayward be amended as provided in the Initiative to enable the Hayward City Council to pursue implementation of transportation projects which may include alternatives to the Route 238 and which would qualify for funding from Measure B and other sources."

Council Member Ward discussed the key issues in the litigation was the fact that the map in the ballot was not clear. He asked how is the public to know the location.

City Attorney O'Toole said that for a specific route to be on the ballot, the environmental work would have to be completed. He said this proposal would amend the General Plan to give the City Council the flexibility to consider all of the alternatives. All of which would be studied fully from an environmental perspective. He noted that the choice would not need to be placed on the



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ballot in the future since this measure would give the City Council the authority and directs them to make future amendments to accommodate the Route.

Council Member Ward said he felt they were being less clear with the voters. He maintained that new residents would not know what the measure was about. He suggested that more information be made available as to what the alternative was and further information must make clear what the affects might be to businesses in the City of Hayward.

City Manager Armas responded to several of the elements. He commented that in advance of the public meeting sponsored by ACTA, substantial notices were mailed to all of the affected areas along the corridor described earlier, making them aware that something like this was under consideration. He also noted that voters would get an impartial analysis, the full text of the Measure, and pro- and con- arguments that may be submitted. He noted that in the course of this effort, presumably individuals would be able to make an informed judgment.

Council Member Ward suggested having an informational and educational meeting prior to the election in November in order to let voters know precisely what the implications are.

City Manager Armas responded that this would certainly be an option available to the Council.

Council Member Dowling first addressed the issue of the ballot measure. He maintained that taking out the bold language, the voter would not know to what this refers. He commented that this is to authorize the Council to take action, and take the By-Pass out of the General Plan. This will give the Council the flexibility to say yes or no on transportation projects in the 238 Corridor. It would be nice, neat and tidy to have a full measure with EIR and effects. However, he said, that is a year or two down the road. He then moved that the Council approve the ballot title, and the revised statement of the measure as stated by the City Attorney as it will appear on the ballot, approve the text of the Ordinance, approve the impartial analysis as prepared by the City Attorney, adopt the attached resolution calling for a City of Hayward Special Municipal Election on November 5, 2002, to be consolidated with the State General Election, and request Alameda County Board of Supervisors to Authorize the County Clerk and Registrar of Voters to provide election services and canvas the results and appropriate necessary funds. Mayor Cooper then seconded the motion.

Council Member Dowling then added that he thinks the City will be doing voter education, although all the details might not be included.

Mayor Cooper added that it is not possible to have those kinds of details until the Council knows that this has been excluded from the General Plan. Mayor Cooper then stated that as far as she is concerned, the by-pass is dead. The judge has ruled that Measure "B" money cannot be used for the by-pass. The City of Hayward is not in a position to fund this on its own. She commented that it comes down to what, as a community, the people want to do. Since 1986, there has been a significant increase in population. Many people do not know the history of this issue. She

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maintained that putting on the ballot the past history of the project would just confuse the voters. She maintained that there have been open and public meetings. Traffic will not disappear. This provides the opportunity, not only for funding but to bring people together. She would like to add to the ballot measure the words, "which would qualify for funding." This was accepted.

Council Member Dowling then added his thanks to consensus group, saying this will be more positive for the City than the By-Pass would have been.

Council Member Henson asked for the ballot wording to include "alternatives", rather than just one "alternative". This was agreed to. He included an opportunity to articulate to the voters exactly what is being done regarding putting this measure on the ballot.

Council Member Rodriguez said that alternatives might be a concern. She commented that this would open up a lot of questions. She then noted that it is important that what this generates be included. She said the City must be prepared to give explanations to the people who ask and added that it is the best thing to do at this point. As to the alternative suggested, she warned that with St. Regis, it is vital to realize the sensitivity of their position and to be very careful. She appreciated that the Council was moving forward with something.

Council Member Jimenez wondered what percentage of the voters understands that transportation means traffic.

City Manager Armas reiterated that if the Council were to agree to put this on the ballot, and if the voters were to ratify it, what it would do is say, the elected body could pursue a variety of measures to address the traffic problem in our community. As it reads today, Measure "L" speaks to a singular solution.

City Attorney O'Toole then readdressed the question to be put on the ballot for the voter's approval. He noted that the full text of the measure to be submitted to the voters would begin, "In order to relieve traffic congestion in the City of Hayward..."

It was moved by Council Member Dowling, seconded by Mayor Cooper, and carried by the following roll call vote to approve the following:

Resolution 02-119, "Resolution Calling for a Special Municipal Election in the City of Hayward for the Purpose of Submitting to the Voters a Measure Relating to the Route 238 Bypass Alternative: Setting Forth Statement of the Measure to be Voted Upon; Fixing the Date and Manner of Holding the Election; Providing for Notice of Election; and Requesting the Board of Supervisors of Alameda County to Provide for Election Services"



MINUTES OF SPECIAL MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 23, 2002, 8:00 p.m.

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

City Manager Armas then asked for Council direction on rebuttals and arguments in support of the measure.

Council Member Dowling recommended that Mayor Cooper work with staff and members of the community on preparing the ballot arguments in support of the measure, and that there be no rebuttals allowed. This was approved unanimously.

13. Adoption of Ordinance Approving Zone Change from RH-SD2 to CG-SD2 – Property is located at 704-748 Berry Avenue

Staff report submitted by City Clerk Reyes, dated July 23, 2002, was filed.

Mayor Cooper opened and closed the public hearing at 10:55 p.m., with no input from the public.

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

Ordinance 02-10, “An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from RH-SD2 (High-Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) Pursuant to Zone Change Application No. 2002-0223”

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

COUNCIL REPORTS

There were no Council reports.

DRAFT

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:59 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Connie G. Macias, Deputy City Clerk, City of Hayward
Acting Secretary, Redevelopment Agency