



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 17, 2003, 8:00 p.m.**

MEETING

The Special Joint 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 Hilson.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBER Ward

PUBLIC COMMENTS

Jason Moreno announced that Dr. Jay Totter, HUSD Interim Superintendent would be attending an upcoming Neighborhood Alliance meeting. He also noted the band concerts in the Park.

Barbara Swarr commented on the proposed project for Site 4. She noted that, once again, there would be neither play nor recreation facilities. She also commented on the in-lieu fees and the proposal to locate a play area in the Library Park. She discussed the number of downtown units, which have not paid in-lieu fees, and whether this is fair. There are 702 units on five blocks.

Mayor Cooper made a presentation to City Clerk Angelina Reyes for earning the Master Municipal Clerk designation.

CONSENT

1. Approval of Minutes of the City Council Meeting of June 10, 2003

It was moved by Council Member Jimenez, seconded by Council Member Dowling, and carried, with Council Member Ward absent, to approve the minutes of the City Council Meeting of June 10, 2003.

HEARINGS

2. Appeal of Planning Commission Approval of Tentative Parcel Map 8137 to Subdivide a Parcel into Four Residential Parcels and to Allow a Variance for the Reduction of Average Lot Widths - Khalid Mayar (Owner), Gloria Khalil et al (Appellant) - The Property is Located at 29354 Lassen Street

DRAFT

Staff report submitted by Development Review Engineer Gaber, dated June 17, 2003, was filed.

Development Review Engineer Gaber submitted the staff recommendation explaining that the determination of connecting Chance Street has been on the maps since the late 1980's when the area was developed. He said in reviewing the background information, the previously developed subdivisions anticipated the extension of Chance Street through this parcel with an alignment to be constructed. He noted that no provision was made in either subdivision for a cul-de-sac or a turn-around since it was always intended for the street to go through. Staff recommended that the City Council deny the appeal.

Council Member Henson discussed the safety of children and noted that there are three parks in close proximity to the Chance Street neighborhood. He commented that the lot size is 50-feet, whereas these are 45-feet.

Development Review Engineer Gaber agreed. The Neighborhood Task Force addressed this and recommended that this type of street be connected.

Mayor Cooper opened the public hearing at 8:23 p.m.

David Ruffin, architect for the project, thanked staff and the Planning Commission for their support. He responded to Council questions. The existing sound wall wraps around the property and has for sometime.

Council Member Jimenez expressed concern that any accident with a train might hold the City of Hayward liable.

City Attorney O'Toole noted that anyone can sue the City of Hayward, however with the requirement of a sound wall or barrier, the City of Hayward has been held harmless in the past in such situations.

Gloria Khalil, appellant, asked for a compromise to have a barrier at the end of the street for the safety of children. A personal concern is the property values on the streets. The railroad track does have an effect. Sealing the area as a cul-de-sac has increased the property values. She noted that the neighborhood is very concerned for their investments. She said the neighbors would like to compromise by having a barrier, which would cut down on racing cars. She spoke highly of the developer. She shared various photos of other barriers throughout the City, which could alleviate the traffic and neighborhood concerns.

Mostafa Khalil also discussed barriers within the City of Hayward and showed photos of places within the City of Hayward, including a barrier, a circle, a moveable gate or a dead end mark. He commented on the parks in the neighborhood and the crime in them. He asked that a compromise be considered in this case so that the developer will get his subdivision and the neighbors will have safety for their children and maintenance of property values.



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Christina Perez reported that she had submitted a petition signed by her neighbors against the opening of Chance Street. She questioned the petition signed by neighbors who were in favor of the extension. She wondered how the signatures were obtained and said she was told a City employee had been soliciting signatures and wondered why one would be involved in the issue. She asked for a copy of that petition. She noted that the Fire Department has only been on their street five times at the most. She thought the Council was more interested in response time than it was in the safety of the neighbors in the area. She said they were misled by the developer who assured them the street would never be opened.

Mayor Cooper closed the public hearing at 8:40 p.m.

Council Member Dowling asked staff to respond to the request for a 'barrier.'

Public Works Director Butler responded that normally there would be a cul-de-sac. With "a hammerhead" type of turn-around there would be property taken from the present development. The problem with the barrier is that it would not provide sufficient turn around for large emergency vehicles.

Chief Arfsten pointed out that the department's issue is typically staging the equipment in preparation of departing from Chance Street to other districts should there be other emergencies. He said it was always assumed the street would go through. If it does not, the Fire Department would require a turn-around.

Council Member Dowling asked whether this street would be eligible for speed humps and also how staff was provided the petition in support of the development and opening up the street.

Public Works Director Butler said they can apply and it looks as though the street might be eligible.

Development Review Engineer Gaber said the applicant at the Planning Commission meeting provided the petition by neighbors supporting the street extension, referring to the question by Ms. Perez.

Council Member Henson said he did not believe this development would harm the property values in the neighborhood.

Council Member Dowling then made the motion to deny the appeal.

Council Member Hilson agreed that he was sympathetic to the neighbors but was not sufficiently convinced that it would harm their property values. Looking at the street alignment, he was convinced that it was always the intention for this to be connected. The neighborhood was fortunate that Chance Street is an interior street so they are not going to see the increase in traffic as other neighborhoods might.

DRAFT

Council Member Rodriquez commented on other streets in the area and suggested speed humps would be a good idea. She said that this is an unfortunate situation. However, she encouraged homeowners from both sides of Chance Street to get together.

Council Member Jimenez discussed the description of a cul-de-sac and asked staff to define it.

Public Works Director Butler responded that there would be no requirement for a cul-de-sac, were the street to go through, only if it did not.

Mayor Cooper emphasized that property values in Hayward are going up, not down. Housing in California is hot so that is not a concern for her. She noted that with backyards and three nearby parks, children playing in the streets are not appropriate in this area.

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

Resolution 03-090, "Resolution Denying Appeal and Approving Tentative Map for Tract 8137 and Allowing the Variance for the Reduction of the Average Lot Widths"

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

LEGISLATIVE BUSINESS

3. Approval and Appropriation of the Operating and Capital Budgets for the Fiscal Year 2003-2004; Approval and Appropriation of the 2003-2004 Redevelopment Agency Budget; Approval of the 2003-04 Master Fee Schedule; Approval of the 2003-2004 Capital Improvement Program; and the 2003-04 Gann Appropriation Limit

Staff report submitted by City Manager/Executive Director Armas, dated June 17, 2003, was filed.

City Manager/Executive Director Armas noted that the Council has received several presentations of the budget. He commented that the State has yet to act on its own budget so circumstances could change the projected outlook for the City of Hayward. He added that were the State to start taking money away from the cities, staff would come back to Council for further direction.

Council/RA Member Hilson commented about what is going on in Sacramento and how each day the budget crisis is worsened.



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Council/RA Member Henson said that the City of Hayward is being punished for saving for a rainy day. He asked whether any on-going projects would be at risk such as the 880/92-freeway improvement project. He also asked about the Redevelopment funding.

City Manager/Executive Director Armas responded that a project of that magnitude has a separate funding. What might be at risk are the revenues from the State on which the City relies. He indicated that the \$250 million dollar take-away from the Redevelopment Agency was almost the amount of interest, which the State of California will have to pay on borrowed money.

Mayor/Chair Cooper opened and closed the public hearing at 9:03 p.m. with no further public comments.

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Rodriquez, and unanimously carried, with Council/RA Member Ward absent, to adopt the following:

Resolution 03-091, "Resolution Approving the Budget of the City of Hayward for Fiscal Year 2003-2004; Adopting Appropriations for Fiscal Year 2003-2004"

RA Resolution 03-11, "Resolution Approving the Budget of the Redevelopment Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2003-2004"

Resolution 03-092, "Resolution Adopting a Revised Master Fee Schedule Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 02-085 and All Amendments Thereto"

Resolution 03-093, "Resolution Establishing the Appropriation Limit for Fiscal Year 2003-2004"

Resolution 03-094, "Resolution Approving a Spending Plan for Capital Projects for Fiscal Years 2003-2004 through 2007-08"

4. Adoption of Inclusionary Housing Ordinance

Staff report submitted by City Clerk Reyes, dated June 17, 2003, was filed.

There was no further staff report, nor Council discussion on this item.

Mayor Cooper opened and closed the public hearing at 9:05 p.m.

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and carried by the following roll call with Council Member Ward absent to adopt the Ordinance:

Ordinance No. 03-09, "An Ordinance Adding Article 17 to Chapter 10 of the Hayward Municipal Code Relating to Inclusionary Housing"

AYES: Council Members Jimenez, Hilson, Rodriquez, Henson

NOES: Council Member Dowling
MAYOR Cooper

ABSENT: Council Member Ward

ABSTAINED: None

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:06 p.m.

APPROVED:

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

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency