



**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, March 23, 2004, 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, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PUBLIC COMMENTS

Jason Moreno commented on the condition of the parking lot on D Street west of 2nd Street and pointed out graffiti as well.

Barbara Heringer-Swarr commented favorably on the proposed Cinema project but expressed her concerns related to parking. She encouraged a model to be made and available to the public.

CONSENT

Item 1 was removed at the request of a member of the public.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of March 16, 2004

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of March 16, 2004.

Barbara Heringer-Swarr reiterated her concerns regarding the \$37 to \$40 million proposed for the bond issue. She said she would like to see a distribution of the funds.

2. Baumberg Avenue Sidewalk, Industrial to Arf, Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated March 23, 2004, was filed.

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

Resolution 04-036, "Resolution Awarding Contract to FANFA, Inc. for the Baumberg Avenue New Sidewalk, Industrial to Arf Project, Project No. 5169"

Resolution 04-037, "Resolution Amending Resolution 03-094, as Amended, the Budget Resolution for Capital Projects For Fiscal Year 2003-2004, Relating to an Appropriation of Funds For the Baumberg Avenue New Sidewalk, Industrial to Arf Project, Project No. 5169"

3. Resignation of Banning Fenton from the Marks Historic Rehabilitation District Citizens Advisory Board

Staff report submitted by City Clerk Reyes, dated March 23, 2004, was filed.

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

Resolution 04-038, "Resolution Accepting Written Resignation of Banning Fenton as a Member of the Citizens Advisory Board for the Marks Historic Rehabilitation District of the City of Hayward"

HEARINGS

4. Administrative Use Permit/Site Plan Review No. PL-2002-0268 and an Exception to the Off-Street Parking Regulations – Crossway Church (Applicant) – Request to Allow a Church at 21353 and 21311 Foothill Boulevard in a General Commercial (CG) District, and to Allow Required Parking to be Shared Between Two Adjacent properties (*Continued from 11/25/03 and 01/27/04*)

Staff report submitted by Associate Planner Emura, dated March 23, 2004, was filed.

Principal Planner Patenaude made the staff report indicating that the Planning staff had agreed to approve the off-site parking which is in the County. Alameda County approved the parking for the life of the Use Permit. Since the parking is secured, staff is supportive of the project.

Council Member Ward stated that he had appealed this project and since staff had resolved the parking concerns withdrew his objections.

Council Member Hilson asked that Condition 9 be updated regarding the 7-day cleanup for graffiti and asked if the ordinance had been changed recently. It was noted that the clean-up time could be shortened to 3 days. There was consensus to modify the condition.



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Council Member Hilson also suggested lighting the address on the building and asked if there was an ordinance to comply that. When staff reported that there wasn't, he encouraged his colleagues to consider requiring this in the future.

Council Member Dowling asked about further landscaping.

Principal Planner Patenaude said an updated landscaping plan will be submitted for final approval.

Mayor Cooper asked whether the Council could require a condition requiring the lighting of the address.

Principal Planner Patenaude agreed that Council had that prerogative.

Mayor Cooper opened the public hearing at 8:19 p.m.

Pastor Min Ahn asked his congregation to stand and noted that there were also members in the overflow room. He indicated that current space is limited and the church congregation is growing. He stated the mission of the church is to reach out to people in need and give them meaning and peace in life.

Daniel Lee, a full time youth minister at Crossway Church, informed the Council of the various youth activities that he oversees.

Matt Francois, attorney, commented that this church is taking two buildings that are currently eyesores and creating an attractive building befitting the gateway to the City of Hayward.

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

Council Member Ward thanked all of the parties involved for developing a solution to the problems encountered.

Council Member Hilson also thanked the church administrators for a readable set of plans and a positive resolution to parking concerns.

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

Resolution 04-039, "Resolution Finding the Project Categorically Exempt From CEQA Review and Approving Administrative Use Permit/Site Plan Review No. PL-2002-0268"

Mayor Cooper called for a three-minute recess and reconvened the meeting at 8:34 p.m.

5. Amendments to the Mobilehome Space Rent Stabilization Ordinance

Staff report submitted by Assistant City Attorney Cambra, dated March 23, 2004, was filed.

Assistant City Attorney Cambra discussed the three proposed amendments and responded to Council questions related to the meet and confer amendment as well as the number of discussions conducted to resolve issues. He reiterated points related to the qualifications of the ordinance.

Mayor Cooper opened the public hearing at 8:38 p.m.

Bob Billmire introduced the President of the Mobilehome Owners Association, Kathryn P. Morris. He noted that the panel endorsed and recommended the proposal.

Jason Moreno stated that he has represented apartment renters and discussed the mediation process. He indicated the importance of having a pool of arbitrators. He commended the City Attorney's office for choosing fair arbitrators.

Mayor Cooper closed the public hearing at p.m.

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

Ordinance 04-__, "An Ordinance Amending Ordinance No. 89-057 C.S., as Amended, the Mobilehome Space Rent Stabilization Ordinance"

6. Amendment to the Municipal Code Regarding Retention and Disposal of Personal Property

Staff report submitted by Acting Captain McAllister, dated March 23, 2004, was filed.

City Manager Armas reported that this amendment to the ordinance would comply with recent changes to the law. He responded to questions that clarified that the property in question was not evidentiary property and that there are efforts to return found property.

Since there were no requests to speak, Mayor Cooper opened and closed the public hearing at 8:45 p.m.

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

Ordinance 04-__, "An Ordinance Amending Sections 2-5.20 and 2-5.21 of Chapter 2 Article 5 Relating to the Retention and Disposal of Personal Property"



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COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 8:46 p.m.

APPROVED:

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

ATTEST:

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