



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers, 777 B Street, Hayward, CA 94541
Tuesday, May 11, 2004, 8:00 p.m.**

MEETING

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

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Quirk, Halliday,
Ward, Dowling, Henson
MAYOR Cooper

Absent: None

PRESENTATION: Pride in Hayward Award

The May 2004 Pride in Hayward Award was presented to residents of the Glen Eden and Tennyson-Alquire neighborhoods. From the Glen Eden neighborhood, the following residents were recognized: Milagros Gines, and Chito and Mary Blanco. From Tennyson-Alquire, the following residents were recognized: Emil and Toni Estolano, Clara Bradd, and Jason Wong. In presenting the award, the Mayor thanked each of them for taking pride in their homes and in the City of Hayward.

PROCLAMATION: May 14 as "Domestic Violence Awareness Day"

Mayor Cooper presented the proclamation designating May 14 as Domestic Violence Awareness Day. She encouraged awareness of the seriousness of the crime and support of shelters providing service to the victims of this crime. The proclamation was presented to SAVE Director Rodney Clark, who thanked the Council for this award, as well as staff for all the support throughout the years to provide these services. It has really been helpful and Hayward, as a city, is an example of what a city can provide.

PUBLIC COMMENTS

John Kyle commented on a letter he sent to the Council two years ago regarding the stipends received by Council Members from other agencies and asked for a list.

Bill Dillon asked for assistance related to the rental of an airport hangar.

Mayor Cooper asked that staff investigate this situation.

Leonard Rose noted that he owns horses and there is a narrow road that now has a structure and a plastic fence that are encroaching the access to a horse trail in that area. Just before another construction site a concrete sidewalk and a dirt horse trail have been concreted over and the dirt trail has been removed and therefore the horses can no longer use the trail. This was not part of the Bailey

Ridge Plan, but horse access was. He asked for an explanation for the paving, the temporary fencing and on the access road for horses.

Jason Moreno commented on a Hayward Traffic Code violation, the fine of \$100 and the possibility of voiding it.

Barbara Heringer-Swarr commented on the expenditure of funds related to particular decisions in the Police Department. She also announced that there will be a video series that includes political and globalization films, shown at Chabot College.

Linda Northcott, a homeowner in Hayward Highlands since 1983, expressed her concerns that trail access is limited and trails must be unpaved for running and riding horses.

Bea Linn lives in Fairview and commented that as development is occurring they are losing safe riding spaces. The horse trails have been paved over and safe bridle paths for horses have been limited. In the construction of Bailey Ranch, a bridle path was to be included giving access to Garin Park. It existed for one summer, but has since been paved over. She asked that the situation be rectified.

Mayor Cooper noted that a Blue Rock representative was in attendance at the meeting.

CONSENT

1. Approval of Minutes of the City Council Meeting of May 4, 2004

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to approve, the minutes of the City Council Meeting of April 27, 2004.

HEARINGS

2. Approval of FY 2004-05 Social Services Funding Recommendations

Staff report submitted by Social Services Planning Manager Korth, dated May 11, 2004, was filed.

Social Services Planning Manager Korth presented the staff report stating that 29 applications were received, totaling \$671,597. Staff is recommending that 23 projects be funded, and the Human Services Commission (HSC) is recommending 25 projects for funding, they are included in Exhibit A-1. There are 14 recommendations in which the HSC differed from staff and that information is included in Exhibit B. He noted that there are members of the HSC present to answer any questions.

Council Member Halliday pointed out that under Community Alliance for Special Education, staff recommendation was \$9,600 and the HSC recommendation was \$12,000, a difference of \$2,400, and she asked for clarification. Mr. Korth stated that the bulleted items were HSC comments. He added that there was a mistake on page 8, and the amount should read \$12,000.

Council Member Henson thanked and commended Mr. Korth and the Commission for their work. He asked for additional clarification regarding his request for follow-up information on the Family



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Violence Law Center and Lincoln Child Center's Kinship Support Program, and the number of people served. Mr. Korth stated that the program supports about 52 people; it is made up of various individuals, children as well as adults.

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

Karen Pico, Executive Director of Parental Stress Service, urged approval of the recommendation by staff for funding the program at the \$22,000 level. She noted that they have had a contract with the City for over 22 years and have maintained an office in the City for over 20 years, and they have been a long-time partner with the City for providing some really unique services to the families here. She noted that the funds have been reduced from \$25,000 five years ago to \$22,000. The Commission has recommended reducing funds to 50% and she stated that program would have a very difficult time maintaining the level of services that this community needs. They are presently serving 109 Hayward families. Parental Stress Service is a collaborative partner with Lincoln Child Center's Kinship Program providing services in another contract with them.

Council Member Ward asked about the differences between the new program being proposed for funding, i.e., Child Assault Prevention, and what is the difference between this new program and the existing program. Mr. Korth responded that at the time of the funding hearings, the agency staff members with more experience were unavailable to attend and make a presentation, and instead sent staff members who were unable to respond to the Commission's questions. The Commission felt that the agency was not prepared and therefore they recommended \$10,000. Subsequent to that time, the more experienced agency representative came and responded, and staff then decided that the \$22,000 was merited.

In response to Council Member Ward regarding the differences between the programs and other funding sources, Ms. Pico replied that both programs are needed. The Child Assault Program provides education to children in schools about self-protection. Parental Stress serves victims and families who have already suffered abuse and help to resolve the trauma. Other funding sources include, Alameda County, the cities of Oakland and Fremont, and local donors. If this funding was not available, the at-risk families might not be served.

In response to Council Member Henson's regarding the agency working with the Hayward Police Department Youth and Family Services Bureau, Ms. Pico replied that the Bureau does referrals to them for their expertise.

Council Member Dowling asked Ms. Pico to elaborate on how this agency brings other funding to the area. Ms. Pico noted that a broader level of service can be provided by matching funds with the different entities, for example from Alameda County Social Services. The program is currently serving 109 clients being served in the Hayward office.

Council Member Halliday asked about other funding sources for the Child Assault Prevention (CAP) Program. Ms. Pico replied that she was not familiar with the funding sources for CAP but that she had

worked with them over the years and it is an excellent program. The schools are not prepared to handle the type of service that CAP provides. They get a number of children who have been identified as probable victims of abuse right then and there, the child feels free to disclose that something has happened to them. It is hoped that a child would go to their teacher, but it does not really happen. CAP performs excellent presentation and that triggers the ability of the child to come forward.

Mariellen Faria, HSC Chair, stated that she was here to ask Council to accept the HSC recommendations. The funding amount of \$350,000 has been in place in excess of 10 years with no increases for inflation. She added that the Commission did their best considering the needs of the community and proposals that were presented. In regards to other services that coincide with the services provided by these agencies, there is collaboration. For example, the Police Department makes referrals to the SAVE/COPs program as well as the Salvation Army. All of these agencies are very worthwhile providing essential services to the City.

Julie McKillop spoke as President of Spectrum Community Services in Hayward. She introduced Angelica Arrospide, Program Coordinator for the Fall Risk Reduction Program, who was available to answer specific questions. Spectrum provides a broad array of community services, most of which target the lower-income seniors in the Southern Alameda County area, primarily in Hayward. She was appealing the amount of the allocation of the fall-risk reduction program for seniors. They were initially recommended for \$15,000, and then that was reduced to \$10,000, and finally \$0, after staff evaluation. Facing the same problems as other non-profit agencies regarding reduction of funding, she stated that they have been able to mitigate the cuts with staff reduction and administrative assistance from other not-for-profits located here in Alameda County. She noted the major benefits of the program.

Ms. McKillop stated that falls are a leading cause of deaths from injury among the elderly, there is also a subsequent loss of mobility, independence and general health, which leads to feelings of helplessness and hopelessness, reducing the will to live. The program provides group exercise participation, modification of the home environment, and education for relatives and caregivers. Participation reduces the sense of isolation and increases feelings of self-reliance and being in control of their environment. Analysis indicates that they have been able to reduce falls by 85%, and an increase of 87% in stamina and balance. The statistics verify the efficacy of the program. She added that she was unaware of any other agency that specifically targets this group and achieves such results. She respectfully requested that Council reconsider the staff recommendations for the funding of the program and instead accept the HSC recommendation.

In response to questions from Council Member Henson, Ms. Arrospide stated that the program was initially started as an in-home program and then a lump sum of funding was awarded through Eden Township which allowed them to do outreach through group settings. That is no longer a funding source. It is projected during the next year that they would serve about 100 to 120 individuals in the exercise program and more would be provided educational materials that have been developed regarding home safety. Some of the programs offered by Spectrum may have overlapping services, like Meals on Wheels, but there are no other fall-risk reduction exercise programs. They have small amounts of funding from other sources, some are pending. The total amount needed for the current budget is \$62,000. Previous budgets have been \$100,000 -110,000 and that has reduced by \$40,000-50,000.



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In response to Council Member Dowling regarding other safety programs in the County, Mr. Korth stated that Senior Injury Program (SIP) exists, providing various programs all geared towards safety and injury prevention. There are about six other organizations in Hayward that are a part of this effort, but they do not provide the exact same program that is proposed by Spectrum. The other programs may be facing cutbacks from the County. Ms. Arrospeide stated that she participates as a board member of SIP and that the other programs concentrate on fact gathering, developing statistics and data on falls, and organizing prevention presentations at community centers, but not the exercise program. She reaches out to seniors at community centers, recreations centers at low-income apartments where seniors come together.

Council Member Halliday asked about referrals. Ms. Arrospeide stated that there is community outreach, information in the newspaper, and calls made to Spectrum requesting the service.

Mayor Cooper closed the public hearing at 9:00 p.m.

Council Member Quirk thanked and commended HSC and staff. He noted his preference would be for the HSC recommendations as he would like to honor the hard work and time and that has been spent by the Commissioners on making these decisions. He moved that Council adopt the recommendations made by the Human Services Commission. The motion died for a lack of a second.

Council Member Dowling thanked the members of the Commission as well as staff for their efforts. He hoped that staff and the Commission could resolve the differences in the smaller amounts and leave the larger amounts to Council to determine. He felt that staff knowledge and the work provided by the Commission in the decision making process is equal. Council Member Dowling moved that the \$350,000 funding be made as per staff recommendations. He stated that there were several important programs that are vital, for example, the Family Violence Law Center that works closely with the Police Department, Human Outreach is the only program that provides care for men who are homeless, and the Parental Stress Service Program. This would mean that CAP and Spectrum would not be funded, and he wished there could be sufficient money to fund them as well. He added that if his motion passes, that he would like staff to work closely with Spectrum during the next year to make sure that this agency has a program that both staff and the Commission could support for recommendation and that he would like more money to go to the needs of seniors. Council Member Ward seconded the motion with a slight amendment.

Council Member Ward stated that he did not agree with the explanation that the Parental Stress presentation was inadequate and therefore the recommended funding was for \$10,000. It is an insufficient reason to not fund them at the previously recommended level. Parental Stress has been in existence for a number of years and has provided excellent services to the community. He added that every other program has been recommended for the same level of funding as in previous years. He recommended that Parental Stress be funded at \$20,000 and that CAP not be funded at this time, but be considered at some time in the future as funds become available.

City Manager Armas clarified the motion, that the gross amount stays the same at \$350,000, which means an adjustment would have to be made to the other programs. Staff had recommended zero funds for CAP and the Commission recommended \$10,000. Parental Stress was recommended for \$10,000 already. Taking the \$10,000 from CAP and adding it to the amount recommended for Parental Stress would bring them closer to the level previously funded.

Council Member Ward provided background regarding the Social Services funding process. Prior to 1985 or 1986, the funds were received from Washington, D.C., in the revenue sharing program. Once that program ended, Council decided that local government had a responsibility to fund the needed social services for people who live and work in Hayward. The amount of \$350,000 was established at that time for funding these services. The need for services has increased, and new programs have been identified since then, including child care, but the amount of money available has not increased. It is important to find new and creative ways to fund these services in our community beyond the amount of \$350,000. He commended the Commission and acknowledged the difficulty of the work, and added that the next year will even be more difficult.

Council Member Henson stated that he felt that Spectrum should be funded, and that the representatives for Spectrum provided information that they are 85% successful in reducing the risk to seniors, and senior programs are at risk across the board. There are more programs for children than for seniors.

Council Member Halliday offered another substitute motion, and stated she would like to see CAP funded, taking a little bit from Parental Stress and Family Violence Law Center to provide funding of \$5,000. Additionally, she suggested that Spectrum be funded \$5,000, rather than \$10,000, taking some of the funds recommended for the Human Outreach Agency.

Mayor Cooper stated that she was generally supportive of staff recommendations. Regarding CAP, she stated that the CAP team goes out to talk to young people. While that it is noteworthy, the services do not reach all of the schools and all ages. She suggested that the Youth Enrichment Program be funded at the \$24,000 level, rather than the staff recommendation of \$19,050, because they really do a good job making sure that kids are protected from the time they leave school to the time when parents get home. It is important to provide a safety net for young people where they can learn and play, and not be out unsupervised and become prey to the predators. She added that she is very supportive of the Human Outreach Agency, the only one of its kind to provide shelter to homeless men. The funds will provide for a part-time person at night to help them continue to do their work.

Mayor Cooper stated that she was concerned with International Institute of the East Bay, stating that they used to have an office in Hayward, but people who need their services now have to go to Oakland. The people who most need their services are not able to access transportation for various reasons. The recommendation of \$5,000 is not significant. However, she added that if they want more in the future, she felt that they would need to return to Hayward. Regarding Spectrum, she stated that she appreciated the problems related to falling, but felt that there are other agencies that provide similar services, and it is important for seniors to get out and interact with other seniors and exercise. She felt comfortable with the staff recommendation for \$0 for Spectrum. She stated that rather than try to take from one agency to give to another at this point, that she would support going with staff recommendations per the substitute motion made by Council Member Dowling.



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Council Member Quirk asked for further clarification about the Spectrum exercise program, and if the program is mainly for people who cannot leave their homes and the number of those who have been identified as needing this service. Ms. Arrospide stated that initially the program served people at home, but since funding is no longer available for that purpose, they mainly serve low-income, frail, seniors in group settings, educating and providing exercise programs.

In response to questions from Council Member Henson, Mr. Korth provided additional information regarding the staffing at the Human Outreach Agency.

In response to questions from Council Member Halliday regarding the difference between the recommendations by the Commission and staff for the Family Violence Law Center, Mr. Korth stated that the primary difference would be on loss of staff, or part-time rather than full-time employees, and consequently loss of services provided.

It was moved by Council Member Dowling, seconded by Council Member Ward, and carried by the following roll call vote to accept the recommendations by staff and adopting the following resolution:

Resolution 04-068, "Resolution Approving Social Services Funding for Fiscal Year 2004-05"

AYES: Council Members Jimenez, Ward, Dowling
MAYOR Cooper
NOES: Council Members Quirk, Halliday and Henson
ABSENT: None
ABSTAINED: None

3. Approval of Annual Plan for Community Development Block Grant Funding for Fiscal Year 2004-2005

Staff report submitted by Neighborhood and Economic Development Director Bauman, dated May 11, 2004, was filed.

Neighborhood and Economic Development Director Bauman presented the staff report, noting the recommendations. She informed the Council that the Community Development Block Grant funding on the federal level is a bipartisan program and will continue to operate.

Neighborhood and Economic Development Director Bauman stated that the Hayward Boys and Girls Club is a target it is eligible for the expenditure level of this.

Council commended the Citizens Advisory Commission, the chair and staff for this excellent report.

Council Member Ward asked for a clarification on additional revenue from loans that were being paid off and how that would affect anticipated revenue in subsequent years. He also asked whether funding for the Boys and Girls Club as a community center is consistent with previous actions, noting the Fuller Avenue center. He asked that staff review the differences in the recommendations by staff as compared to what the commission is recommending.

Neighborhood and Economic Development Director Bauman indicated that there have been many refinancings in the past five years due to the low interest rates. Program income comes primarily from housing rehabilitation loans, which are paid off at time of sale or through refinancing. Prior to those five years, the average program income was between \$500,000 and \$600,000 annually, whereas currently it is between \$800,000 and one million dollars. She stated that with interest rates rising, the average annual income may revert to the lower range. Ms. Bauman reported that the Eden Youth Center was also funded. She noted that the Chair of the Commission would be responding on those differences, but did note that in regard to the Salvation Army, the Commission wanted to see the basic essential work. The commission wanted to utilize the remaining \$40,000 to encourage more small business lending in the downtown, furthering the downtown expansion.

Neighborhood and Economic Development Director Bauman, in response to Council Member Henson's question about Proposal #7, stated that the Hayward Area Recreation Parks District and the Sunset athletic facility reported that this particular funding is for a one-time only funding. In addition, funding applications for this project have been submitted to Alameda County as well as to a major league baseball to replace fields.

Staff clarified that this action is not to consider acquisition of the 913 B Street property, which is not seismically retrofitted, but is to allocate funds for the purpose of improving, rehabilitating and seismically upgrading it for resale. Staff has not been successful in dealing with the owners.

Council Member Dowling commended Ms. Bauman for her hard work with the City and congratulated her on her retirement. He asked how long a resident has to wait for minor home repair. It generally is about a year wait, unless there is a health and safety issue, and then emergency measures are taken.

Mayor Cooper opened the public hearing at 9:47 p.m.

Robert Imazumi, Chairperson of the Citizens Advisory Commission (CAC), commented on the funding recommendations and felt that the recommendations have addressed the greatest needs. He pointed out that the Hayward Boys and Girls Club would be granted an excess of \$170,000 to assist with the facility that serves a wide range of this community's children. He acknowledged the wisdom and passion of the Council to make this facility available through this emergency allotment. Full funding has been recommended for senior citizen programs through the housing rehabilitation loan program and the minor home repair program. There is greater than requested funding for Proposal #21 for the small business revolving loan plan for the revitalization of the downtown. The Commission recommendation also includes full funding for the purchase of the B Street property for the rehabilitation of this property. Decisions were made with difficulty that not all agencies could be funded. He urged approval of the CAC recommendations.

Council Member Henson commended the CAC and noted that several members of the Council had also served on this commission. He asked for an explanation of the \$40,000 difference from the City recommendation and the Salvation Army proposal.



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Mr. Imazumi stated that the recommendation is lower and covers the safety issues as wiring and building code requirements for the Salvation Army.

Council Member Henson asked if efforts were made to try to incorporate agencies to work together to provide services to as many Hayward residents as possible. Mr. Imazumi cited an example of collaboration between FESCO and WINGS.

Council Member Quirk thanked and commended CAC for all its work. He inquired on the Salvation Army proposal and asked about the \$40,000 difference. It was noted that CAC determination was based on the thought that Salvation Army has access to funding by a wide variety of resources.

Council Member Jimenez reported and declared that he would not be voting on this issue as he was the founder of the Boys and Girls Club.

Council Member Ward asked about the B Street property and it was confirmed that the property will be re-sold to make additional revenues for the program.

Mayor Cooper opened the public hearing at 9:57 p.m.

Gina Antonini, spoke on behalf of the owner, Alva Antonini of 913 B Street. She reported that her family was not aware of the CDBG funding that is being set aside and her family was never notified. She had further issues with the amount allocated. She asked whether an appraisal was performed without the owner's knowledge. She was also concerned that the owners were not included in any discussions to determine a fair price. She reported that staff did make an appointment to speak with the owner on May 12, but did not mention that it would be part of this evening's agenda.

Council Member Ward asked if staff could respond with explanation.

Community and Economic Development Director Ehrental stated that she spoke with Ms. Antonini to make an appointment, but did not speak with her about the allocation.

In response to Council Member Ward's question, City Manager Armas stated that property owners are generally concerned with their investment. State law stipulates the process to determine the appropriate the value of the property by utilizing an appraiser, who will professionally determine the value of the property. The agency would convey that amount to the owner and there is discussion to settle the final amount. A description of this process will be conveyed in a letter from the City to the owner.

Mayor Cooper closed the public hearing at 10:02 p.m.

Council Member Ward thanked the CAC and the Chairperson and moved, seconded by Council Member Henson, to support the CAC recommendation.

Council Member Halliday made a substitute motion to move the staff recommendation, seconded by Council Member Quirk. She appreciated and thanked Ms. Bauman and noted that she is a very knowledgeable professional and does her job well. She felt that the Salvation Army proposal makes sense to provide a private area for counseling.

Council Member Henson spoke in support of the original motion and agreed with Council Member Ward to have more funds returning. Lastly, he commended Ms. Bauman.

Mayor Cooper asked for clarification on the Human Outreach Agency funding. Staff noted that due to a change in executive directors, some funding was lost.

Council Member Dowling stated that he would be supporting Council Member Ward's motion. He asked that staff review the Housing Rehabilitation Loan program and the minor home repair program so that the waiting is not as long.

Council Member Quirk stated that he would be supporting the substitute motion as he was concerned, knowing the difficulty in raising funds, that the Salvation Army might not be able to raise the difference.

Council Member Ward reported that there was a luncheon held last Friday and stated that he was confident that the Salvation Army has reached its goals of \$200,000.

Council Member Halliday, upon hearing this information, withdrew her motion. She stated that she was not slighting the Commission in making the substitute. Lastly, she noted that there was no representative present at either the work session or at this meeting.

Council Member Quirk withdrew his second to this substitute motion.

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

Resolution 04-069, "Resolution Approving the Annual Plan and Authorizing an Application for Federal Assistance Under the Community Development Block Grant Program for Fiscal Year 2004-2005"



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

LEGISLATIVE BUSINESS

4. Grading Permit for Blue Rock Country Club

Staff report submitted by Deputy Director of Public Works Bauman, dated May 11, 2004, was filed.

Deputy Director of Public Works Bauman presented a brief staff report. He described the phasing that will be done for the mass grading. Tonight's action is to approve the first phase of this grading plan. The projected amount of cut and fill is five million cubic yards. Using slides, he depicted the various phases that will be completed over two summers. The area cited for the elementary school in the area entitled Village A, will be completed this summer in order to fulfill the requirements for the funding and meet the 2006 school calendar. He noted that the tank site and driving range will also be completed this summer. He stated that there will be some blasting of the hard sandstone, but it will be about 15 % into 20% of the total and outlined the areas to be blasted. A separate blasting permit will be granted in accordance with the conditions of approval. He stated that there will be a community meeting in early June to share this information. He also noted that heavy equipment will not be allowed on the premises until May 26 due to the tracking of the endangered species. He responded to Council questions related to the school site and its funding.

Mayor Cooper opened the public hearing at 10:10 p.m.

City Manager Armas clarified that he has conferred with both the school superintendent and the developer, Mr. Miller, and stated that the school district needs to have the facility approximately six months before its opening; thus the completion date must be by March 2006.

City Attorney O'Toole confirmed Council Member Henson's statement that all federal, state and local requirements have been fulfilled including the EIR of 1991, a Supplemental of 1998, and an Addendum in 2002. He recommended that the action include that a finding be included in the resolution of approval to declare that there are no changed circumstances or other factors that would require any further additional review.

In response to Council Member Dowling's questions, Deputy Director of Public Works Bauman reported that there is one minor improvement the landscape architect has required and that is that the

developer move the location of the tank to save a number of trees. Everything still follows the tentative map grading plan. He also confirmed that no fill will leave the project, but will be moved within the development site.

Council Member Halliday asked what the current status is of the Carden property and how staff intends to publicize the information.

Deputy Director of Public Works Bauman stated that there is no one living on the Carden property. With regard to noticing, there will be public information notices distributed for those living in the general vicinity and the Highland hills and interested parties.

Council Member Jimenez expressed concern for the June 18th deadline for the state education funding. City Manager Armas responded that the developer and the school district are insuring that the funding is not placed at risk. He expressed his concerns for children over another environmental issue.

Mayor Cooper closed the public hearing at 10:29 p.m.

Kathryn Harris, a horse owner in the community and a resident of Clover Road, urged the Council to follow through with the Blue Rock plan and have public access to Garin Park Lane to the Bailey Ridge trail. The trails still need improvements, including having a five foot wide dirt trail run along the east side of Fairview Avenue from the city limit sign to the access street of Garin Park Lane. Equestrians are opposed to sidewalks and a safety issue for horses.

John Kyle commented on his past remarks related to schools and expressed his opinion in that regard.

Council Member Quirk asked if a representative of Blue Rock could address the concern of Kathryn Harris related to the dirt trail for horse riding access.

Steve Miller, President and CEO of the Blue Rock development, the 1998 conditions of approval anticipated the need for public access from Fairview to the Garin Park. There is an equestrian staging area incorporated as part of the parking area for the new elementary school and the trail along Fairview is anticipated for equestrian use as well as the access to Garin Park Lane. During the construction of the development there will be no access. This development will deliver 3 ½ miles of equestrian trail to have access to 1,000 acres of open space currently not available.

Council Member Halliday reported that she opposed this project on the Planning Commission level, but the City gave its approval in 1998, and staff has fulfilled the requirements as Council has proposed. She expressed concerns that environmentalists continue to attempt to stop development and could jeopardize the state funding for the school.

It was moved by Council Member Jimenez, seconded by Council Members Ward and Henson, and unanimously carried to adopt the following including the finding that declares that there are no changed circumstances or other factors that would require any further additional review and that the EIR of 1991, the Supplemental of 1998, and the Addendum of 2002 are environmentally sufficient.

Resolution 04-070, "Resolution Authorizing the City Engineer to Issue a Grading Permit to Hayward 1900, Inc., and to the Roman Catholic



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Dioceses of Oakland for Phase I Grading Related to Tract 5354, Blue Rock Country Club”

5. Direction to City Delegate to League General Assembly

Staff report submitted by City Manager Armas, dated May 11, 2004, was filed.

City Manager Armas presented the staff report and noted that an additional statement from the League of California Cities describing its proposed agreement with the Governor was distributed. It describes the constitutional amendment on the November ballot that will include the initiative proposals, but that cities, counties and special districts will be impacted for the next two years. The Board of Directors has recommended its approval. He stated that Council Member Dowling will be attending the League of California Cities General Assembly in Sacramento on May 13. The purpose of this discussion is to provide direction to Council Member Dowling regarding casting a vote on the initiative and possible amendments.

Council discussion ensued. Property tax shifts have occurred since Pete Wilson was governor and the city has lost over \$50 million. Cities will lose over \$350 million in the next two years. In Hayward, the loss is about \$2 million. There is no guarantee that this will be on the November ballot as it must be approved by the Legislature and the legislation has not been prepared yet. There was also discussion whether the Governor has emergency powers on this particular constitutional amendment that could reverse the action that has already occurred. It was noted that if the League initiative continued the Governor would be compelled to oppose. Sales tax and the Vehicle License Fee were also discussed. There are benefits, but there are still concerns, but there was consensus to go forward. Legislative leaders are open to this agreement.

Council Member Dowling thanked the City Manager for placing this on the agenda and is willing to attend on behalf of the Council. In the future, any city takeaways will need to be approved by a vote of the electorate.

Mayor Cooper opened and closed the public hearing at 10:52 p.m.

It was moved by Council Member Dowling, seconded by Council Member Ward, and unanimously carried moved to approve that he represent and vote on behalf of the Council at the special League of California Cities meeting in Sacramento.

COUNCIL REPORTS

There were no staff reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:54 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward