



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 21, 2004, 8:00 p.m.**

MEETING

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

ROLL CALL

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

PRESENTATION: Pride in Hayward Award

The September Pride in Hayward Award Recipients were from two neighborhoods. From the Tennyson Alquire Neighborhood were Michael Mejia, Remelita Calara, Larry Miller and Beverly Warren, and Medardo and Susan Lansangan. From the Glen Eden neighborhood were Dihn Tran and Sang Nguyen. Mayor Cooper thanked each of these residents for the care they take of their homes and their pride in the City of Hayward. She urged neighbors to nominate homes that deserve this honor.

PUBLIC COMMENTS

Francisco Abrantes showed a copy of a page from the real estate atlas and spoke about a project that has impacted his property.

John Wichman spoke as a representative of the South Hayward Parish and commended the Council for creating partnerships with community activists, agencies and churches to improve neighborhoods. He commended Council for spearheading the tattoo removal program. Although he has not always agreed with Council actions, he appreciated the efforts made to include him in the various forums. He did not believe in the recall effort.

John Sands did not agree with conducting a recall knowing that in less than a year, a municipal election will occur. He volunteers at the Hayward Police Resource Center and serves in the Ambassador Program for the downtown. His experience with the Police Department, the CSOs and neighborhood alert, has made him quite familiar with community policing in Hayward. He recognized the Police Department as higher than mediocre as was stated during a prior meeting.

Ben Bruno made statements favoring the recall.

Harry Bruno spoke on the Hayward Police Department investigative report recently reviewed by the City Council and commented on several of its documents.

Al Reynolds spoke on his involvement with this recall and past experience with a former council member.

Barbara Heringer-Swarr promoted the progressive video series being shown at Chabot College and commented on a recent redevelopment seminar that she attended.

Betty DeForest, a 52-year resident of Hayward, described her experience in various aspects including the political process. She commended the Council on accomplishments that have made positive changes for Hayward residents. Ms. DeForest commented on the cost of a recall election which could amount to \$120,000. As an Executive Director, she reported that the City provided \$15,000 to the non-profit that was used to feed 8,000 needy people. She urged residents to consider this.

CONSENT

1. Approval of Minutes of the City Council Meeting of September 7, 2004

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried, with Council Member Quirk absent, to approve the minutes of the City Council Meeting of September 7, 2004.

2. Authorization to Submit Pavement Rehabilitation Project Application to MTC for Next Cycle Federal Funding

Staff report submitted by Deputy Director of Public Works Bauman, dated September 21, 2004, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried, with Council Member Quirk absent, to adopt the following:

Resolution 04-138, "Resolution Authorizing the Filing of an Application for Federal Surface Transportation Program Funding for Local Street and Road Rehabilitation and Committing the Necessary Non-Federal Match for the Project and Stating the Assurance of the City of Hayward to Complete the Project"

HEARINGS

3. Adoption of Resolution of Intent to Reimburse Expenditures from the Proceeds of Mortgage Revenue Bonds Financing the Purchase and Rehabilitation of the Josephine Lum Lodge

Staff report submitted by Issuer's Representative Ann Bauman, dated September 21, 2004, was filed.

Issuer's Representative Bauman made the presentation. She introduced the Eden Housing Executive Director, Linda Mandolini and they responded to questions from Council.

There were no requests to speak. Mayor Cooper opened and closed the public hearing at 8:51 p.m.



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

Resolution 04-139, “Resolution of the City Council of the City of Hayward Declaring Intention to Reimburse Expenditures from the Proceeds of Tax-Exempt Obligations and Directing Certain Actions”

4. Text Amendment (PL-2004-0314) – Request to Amend the Municipal Code by Establishing Provisions in Accordance with the State’s Surface Mining and Reclamation Act (SMARA), and Request to Amend the Zoning Ordinance by Establishing Provisions Related to Asphalt and Concrete Batch Plants

Staff report submitted by Associate Planner Rizk, AICP, dated September 21, 2004, was filed.

Associate Planner Rizk made the staff presentation, noting that the proposed ordinances must be adopted in order for the City to be the lead agency for the La Vista Quarry if the annexation is approved. He responded to Council questions related to its zoning designation and the annexation process relative to the La Vista Quarry permit extension.

Council Member Dowling asked about the timing in terms of the permit and the proposed Mission-Garin annexation process.

Associate Planner Rizk reported that there is a Draft EIR and the public review period begins on October 19, and it will be on a future meeting for Council review with staff assessment so that there is a formal City response. In talking to Alameda County staff, the processing of the quarry permit will be completed by the end of the year. He stated that the process must be approved by LAFCO; and the annexation and finalizing of the official documents will occur after the County processes the permit. City staff has requested that the County allow the staff to review the conditions of approval for the extension of the permit.

In response to Council Member Henson’s question about the EIR, City Manager stated that the current La Vista quarry use permit expires in 2008. Currently, the minerals are mined above ground. After some analysis by the quarry there are substantial subterranean minerals that the quarry wants to mine. With this in mind, the City suggested a full EIR and the applicant accepted.

It was noted that there are minor differences in the proposed ordinance from those in neighboring cities. Planner Rizk stated that this ordinance will allow the City the authority to conduct annual inspections to be in compliance, review reclamation plans, review financial assurances to guarantee that reclamation will occur, conduct enforcement duties and report results as part of an annual report to the State. With this monitoring, the City is able to respond to its residents.

Council Member Halliday asked about the Planning Commission report related to the SMARA ordinance. It was clarified that a plant that meets the conditions of the SMARA ordinance does not need a permit, but if it does not meet those conditions would need to request a permit. The Negative Declaration applies to the action taken to introduce this ordinance.

It was noted that the exceptions listed are similar to the State requirement and are required in order for the City to be the lead agency. This is basically a SMARA regulation to provide the City this jurisdiction.

There was discussion as to the rezoning of the adjacent parcels that have an agricultural zoning designation due to the proximity of the earthquake fault and sloped areas, as well as how many residential designations have single-family zoning near Mission Boulevard. It was noted that quarries are allowed in the agricultural districts and rezoning would not be in jeopardy if the permit is extended.

Council Member Henson asked about the potential incompatible land uses and asked if there were other measures beyond SMARA that could minimize impacts to surrounding areas. He also asked what technology is being used in the operation of the quarry.

Bob McCarrick, Dumbarton Quarry Associates, the current operator of the quarry reported that technology is being used as enhancements to dust suppression, noise reduction and in line safety administration as well as to improve emissions systems.

In response to Council Member Jimenez's question related to the timeframe to annex the quarry, it was noted that discussions are slow.

Mayor Cooper opened the public hearing at 9:21 p.m.

Sam Tavake is a property owner and lives just above the quarry and was concerned that his property, zoned agricultural, could be impacted as he currently has animals on his property. He stated that the quarry operator and owners have been good neighbors and would like to continue this relationship as it moves forward to extend its permit. He was concerned when he received the large volume that was the EIR.

City Manager Armas suggested he visit the Planning staff and appreciated his comments.

Mayor Cooper closed the public hearing at 9:23 p.m.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried, with Council Member Quirk absent, to adopt the following resolution and introduce the following ordinances:

Resolution 04-140, "Resolution Adopting the Negative Declaration and approving Text Amendment Application No. PL 2004-0314, Establishing Provisions Related to California's Surface and Mining Reclamation Act"



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Ordinance No. ____, “An Ordinance Adding Article 18 to Chapter 10 of the Hayward Municipal Code, Establishing Provisions for Surface Mining and Reclamation”

Ordinance No. ____, “An Ordinance Amending Sections 10-1.2020(b)(3) and 10-1.3510 of Article 1 of Chapter 10 of the Hayward Municipal Code, Establishing Provisions for Batch Plants”

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:25 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward