



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 28, 2006, 8:00 p.m.**

---

**MEETING**

The Meeting of the City Council 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 Quirk, Jimenez, Halliday, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: COUNCIL MEMBERS None

**PUBLIC COMMENTS**

Ed Bogue announced the Hayward Municipal Candidates Forum that will occur on May 3, 2006, at 7 p.m., at the Alameda County Building located at 951 Turner Court. He invited all to attend.

Juanita Gutierrez, representing Eden Gardens Homeowners Association, asked that the Council reconsider installing speed bumps at Adrian and Cryer Streets since 11 new homes will be built in that neighborhood. She also suggested the intersections be painted with yellow stripes at all the crosswalks.

Gary Wang commented on a human rights concern related to the religious practice of Falun Gong.

Samuel Zhang also spoke on the concern of genocide in China of Falun Gong practitioners.

Jasmin Estrada, representing SEIU Child Care providers, asked the Council to join in the fight against the Governor's proposed cuts in child care funding. They requested letters be sent to our legislators.

Council Member Quirk stated that he has spoken with Assembly Members Klehs and Torrico and State Senator Figueroa, who indicated their concerns against these cuts.

Mayor Cooper informed the SEIU representatives that a Council letter on this concern will be sent.

Stephania Widger, a long-time resident, spoke on impeachment of the President and asked that this subject be placed on a future agenda. She urged the Council to seriously consider supporting this message of impeachment.

Mayor Cooper responded that she understood her concerns, but this Council does not get involved with politics as whole, but each member may consider this topic of concern as individuals.

## CONSENT

Council Member Ward asked City Attorney O'Toole whether he could vote on those particular items that were discussed at a meeting where he was absent. It was affirmed that he could vote on the items.

1. Approval of the Minutes of the City Council Meeting of March 14, 2006

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of March 14, 2006.

2. Adoption of an Ordinance Reclassifying the Property Located at 22958 Saklan Road Pursuant to Zone Change Application PL 2005-0620

Staff report submitted by City Clerk Reyes, dated March 28, 2006, was filed.

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

Ordinance 06-06, "An Ordinance Reclassifying the Property Located at 22958 Saklan Road Pursuant to Zone Change Application PL 2005-0620"

Juanita Gutierrez, past Chair Person for the Mt. Eden Task Force, thanked the Council for the stop sign at Eden Avenue and West Street. She said that she welcomes the new housing.

3. Water Pollution Control Facility Improvement Project Phase I State Revolving Fund Loan: Authorization for the City Manager to Execute Revised Loan Agreement

Staff report submitted by Deputy Director of Public Works Ameri, dated March 28, 2006, was filed.

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

Resolution 06-025, "Resolution Authorizing the City Manager to Execute a Loan Agreement with the State Water Resources Control Board for a State Revolving Fund Loan, in the Amount of Approximately \$54,550,000 to Construct the Water Pollution Control Facility Improvements Phase I Project, Project No. 7518"

4. Measure B and Gas Tax Pavement Rehabilitation 2005-06: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated March 28, 2006, was filed.



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 28, 2006, 8:00 p.m.**

---

Council Member Dowling asked for further information related to districts in the City for street improvements.

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

Resolution 06-026, "Resolution Approving Plans and Specifications for the Measure B and Gas Tax Pavement Rehabilitation 2005-06 Projects, Project Nos. 5122 and 5173"

5. Approval of Lease Financing to Procure Computer Equipment

Staff report submitted by Technology Services Director Priest, dated March 28, 2006, was filed.

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

Resolution 06-027, "Resolution Authorizing Execution of Equipment Lease/Purchase Agreement and other Documents Necessary to Procure Computer Equipment"

**HEARING**

6. Zone Change Application No. PL-2005-0301 PD – Request to Amend the Rezoning Designation from Medium Density Residential (RM) to Planned Development (PD) and Approve the Associated Preliminary Development Plan; Tentative Map Tract Application No. PL-2005-0303 TTM 7657 - Request to Subdivide an Approximately 12.5-Acre Site to Create 149 Single-Family Lots and Related Streets – Dutra Enterprises, Inc., KB Home of South Bay, Inc., and Michael and Margaret Giosso (Owners)/KB Home of South Bay, Inc. (Applicant) - Project is Generally Located between Saklan Road, Eden Avenue, Middle Lane and West Street

Staff report submitted by Senior Planner Rizk, dated March 28, 2006, was filed

Senior Planner Rizk made the report noting that the annexation approval is pending finalization of the tax issue between the City and Alameda County.

Council Member Henson asked for further description of the infrastructure improvements that will occur. He asked about the traffic level of service at the intersection of Winton Avenue and Hesperian. It was noted that only the frontage area of the development will have underground utilities.

Council Member Halliday reiterated the avigation easement notification. She spoke on the noise mitigations conditions and expressed her concern. She also suggested the preservation of larger and valuable specimen trees. She then asked why the streets are not public streets and it was noted that some of the streets lack sufficient right of way to qualify as a standard public street.

Mayor Jimenez commented on the delay of the annexation.

Council Member Quirk thanked the developer for bringing this forward. He stated that he met with the developer to discuss this proposal. He asked when the industrial assessment district might be done.

Council Member Ward asked about the replacement trees and their value. He was told that an assessed value for each tree has been determined so that an equivalent value tree is replaced.

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

Juanita Gutierrez enumerated her concerns related to traffic impacts and felt that her concerns are not being addressed. She suggested several left turn lanes be added to various streets in the area. She noted the number of portable buildings at the schools and wondered how many more children could be accommodated.

Derek Farmer, KB Homes, introduced the development team that was present. He stated his appreciation for the City Manager and staff for their efforts to make this a successful project.

Donald Ruthroff, Senior Architect for the project presented a DVD simulation of the project.

Council Member Ward commended the architectural work and the presentation that was provided.

Council Member Halliday asked about adding a brick or stone element to the bottom of the exteriors. She also asked about the expansion of the park, the property to be acquired, and its current status. She noted that there is no space in the development for green space or tot lots.

City Manager Armas noted that within the last week, there have been discussions with the property owner. He said there seems to be some room for further discussion regarding the sale of the property. He added that the Mt. Eden plan proposed expansion of the Greenwood Park. He also recommended for a future discussion Council consideration of concerns that arose from recent developments related to affordable housing, parking, streets and recreational space.

Mr. Farmer agreed that the current owner may be amenable to selling the property for further park development. Approval of the project would lend impetus to convincing the owner to sell the land for park expansion.

Council Member Quirk asked about the in-fill parcels needed to complete the project. He was told discussion is continuing to allow for them to become part of the greater development.

Senior Planner Rizk noted that according to district standards, Eden Gardens Elementary School is below capacity. He noted that State law limits cities regarding the requirement for school mitigation.



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 28, 2006, 8:00 p.m.**

---

This project will generate additional students. The school district indicated that they would be able to accommodate them and did not have concerns with this project.

Public Works Director Bauman said traffic levels of service are fairly decent. Transportation staff has analyzed the intersection for protected left turns. He noted that the results do not meet the standard for need.

Council Member Henson discussed internal circulation in the project.

Mayor Cooper closed the public hearing at 9:39 p.m.

Council Member Henson moved the recommendation as proposed, noting that this development brings some vibrancy to this area of the City. He was pleased that this adds to the affordable housing stock and was hopeful for the extension of the park. He was still concerned that students could not be bussed to the middle school and urged the school district to pursue this. Council Member Jimenez moved to second the motion. Council Member Halliday urged preservation of the trees or the replacement of the valuable ones that will be removed.

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

Intro Ordinance 06-\_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2005-0301 PD Relating to Property in the Mt. Eden Annexation Area”

Resolution 06-028, “Resolution Adopting Mitigated Negative Declaration and Conditionally Approving Zone Change Application PL 2005-0301 PD and Vesting Tentative Tract Map PL 2005-0303 TTM 7657 and the Inclusionary Housing Plan”

## **COUNCIL REPORTS**

There were no Council Reports.

## **ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:45 p.m.

## **APPROVED:**

**DRAFT**

---

Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

---

Angelina Reyes, City Clerk, City of Hayward