



**MINUTES OF THE SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC  
FINANCING AUTHORITY OF THE CITY OF HAYWARD**  
City Council Chambers, 777 B Street, Hayward, CA 94541  
Tuesday, May 23, 2006, 8:00 p.m.

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**MEETING**

The Special Joint City Council/Redevelopment Agency/Hayward Public Financing Authority Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA/HPFA Member Jimenez

**ROLL CALL**

Present: COUNCIL/RA/HPFA MEMBERS Jimenez, Quirk,  
Halliday, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: None

**PUBLIC COMMENTS**

Neil Shumate spoke on his experience in obtaining permit approvals for a sewer connection and construction of a manhole on his street that is located outside the city limits.

Mayor Cooper directed the City Manager to report to Council on the situation.

Edith Duca of Arbutus Court spoke regarding the special sewer district formation in her area. She outlined her experience with the Castle Homes Homeowners Association, Unit 2.

Zachary Stanford related his experience regarding the Homeowners Association created by Mr. Jardin in 2004. He supported Mr. Shumate's benefit district.

Tom Evans also supported Mr. Shumate's benefit district. He questioned the actions of the City and Council in this matter.

Mayor Cooper commented that this is not a City Council issue and a staff report would be provided to them all.

Joan Shumate asked for continuation of the sewer district. She noted other benefit districts in her neighborhood. She again referred to a letter by Mr. Jardin claiming representation of the group of homeowners of Castle Homes.

Mayor Cooper and City Manager Armas reported that they would investigate this situation.

Ralph Sherrow discussed the train noise on Harder Road.

Mayor Cooper explained that the City of Hayward has very little control over the railroad. City Manager Armas said he would try to get more information to Mr. Sherrow regarding where he should direct his comments.

Ken Everett stated that he is the contractor who installed the manhole on Picea Court.

## CONSENT

Consent items 5, 11, and 12 were removed for further discussion and separate vote.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Hayward Public Financing Authority Meeting of May 16, 2006

It was moved by Council/RA/HPFA Member Ward, seconded by Council/RA/HPFA Member Dowling, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency/Hayward Public Financing Authority Meeting of May 16, 2006.

2. Fire Station No. 2 SCBA Workshop Conversion and Fire Station No. 6 Women's Bathroom Addition: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 23, 2006, was filed.

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

Resolution 06-057, "Resolution Approving Plans and Specifications for the Fire Station No. 2 SCBA Workshop Conversion and Fire Station No. 6 Women's Bathroom Addition Projects, Project Nos. 6945 and 6946, and Call for Bids"

3. Final Map Tract 7563 – Olson 737 – Hayward 5, LLC (Subdivider) – Approval of Final Map, Authorize the City Manager to Execute a Subdivision Agreement and Accept, Upon Completion of Improvements, Certain Streets into the City Street System

Staff report submitted by Development Review Services Engineer Anastas, dated May 23, 2006, was filed.

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

Resolution 06-058, "Resolution Approving Final Map for Tract 7563 Authorizing the City Manager to Execute an Inclusionary Housing and Subdivision Agreement and Accepting Certain Streets into the City Street System"

4. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 11 – Preliminarily Approve the Engineer's Report, and Adopt a Resolution of Intention, and Set July 18, 2006 as the Public Hearing Date



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Staff report submitted by Development Review Services Engineer Anastas, dated May 23, 2006, was filed.

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

Resolution 06-059, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Form Landscape and Lighting District Zone 10, to Annex Property into Zone 3 and to Levy Assessments for Fiscal Year 2006-2007, and Setting July 18, 2006, as the Public Hearing Date Concerning Consolidated Landscaping and Lighting District No. 96-1, Zones 1-11"

5. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Preliminarily Approve the Engineer's Report, Adopt a Resolution of Intention, and Set July 18, 2006, as the Public Hearing Date

Staff report submitted by Development Review Services Engineer Anastas, dated May 23, 2006, was filed.

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

Resolution 06-065, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2006-2007, and Setting July 18, 2006, as the Public Hearing Date Concerning Maintenance District No. 1- Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane (MD No. 1)"

Council Member Halliday suggested that there were insufficient funds for this pump station and there would be a vote among the homeowners of Stratford Village. She asked about the process for this measure.

6. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond - Preliminarily Approve the Engineer's Report, Adopt a Resolution of Intention, and Set July 18, 2006, as the Public Hearing Date

Staff report submitted by Development Review Services Engineer Anastas, dated May 23, 2006, was filed.

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

Resolution 06-060, “Resolution Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2006-07, and Setting July 18, 2006, as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer (MD No. 2)”

7. Utility Service Agreement 05-01 – Jose Garcia (Applicant/Owner) – Authorize the City Manager to Execute a Utility Service Agreement for Water Service at 3993 Star Ridge Road

Staff report submitted by Development Review Services Engineer Anastas, dated May 23, 2006, was filed.

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

Resolution 06-061, “Resolution Authorizing the City Manager to Apply to LAFCO for Approval of Utility Service Agreements (USA 05-01) to Provide Water and Sewer Service to Property Located on Star Ridge Road (East Avenue) and Further Authorizing the City Manager to Execute Such Agreements, As Well As Agreements for Completion of Public Street Improvements”

8. Downtown Business Improvement Area Annual Report/Proposed Budget for FY 2006-07, and Set Public Hearing for June 20, 2006

Staff report submitted by Redevelopment Director Bartlett, dated May 23, 2006, was filed.

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

Resolution 06-062, “Resolution Accepting Annual Report and Declaring Intention to Levy Annual Charges for the Downtown Hayward Business Improvement Area for the Fiscal Year 2006-07 and Providing for Notice of Hearing Thereon”

9. Authorization to Submit an Application for a Used Oil Recycling Block Grant from the California Integrated Waste Management Board

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 23, 2006, was filed.

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



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Resolution 06-063, "Resolution Authorizing the Application for Grant Funds from the Used Oil Recycling Fund under the California Oil Recycling Enhancement Act and Participation in a Cooperative Project"

10. Utility Service Agreement 06-01 – Albert and Constance Jordan (Applicants/Owners) – Authorize the City Manager to Execute Utility Service Agreements for Water and Sewer Service at 2661 Depot Road

Staff report submitted by Development Review Services Engineer Anastas, dated May 23, 2006, was filed.

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

Resolution 06-064, "Resolution Authorizing the City Manager to Apply to LACFO for Approval of Utility Service Agreements (USA 06-01) to Provide Water and Sewer Service to Property Located at 2661 Depot Road and Further Authorizing the City Manager to Execute Such Agreements, As Well As Agreements for Completion of Public Street Improvements"

11. Appropriation of Low and Moderate Income Housing Funds for Sara Conner Court

Staff report submitted by Neighborhood and Economic Development Manager Patton, dated May 23, 2006, was filed.

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

RA Resolution 06-12, "Resolution Amending Resolution No. RA 05-12, the Budget Resolution for the Redevelopment Agency of the City of Hayward for Fiscal Year 2005-2006, Relating to an Appropriation of Funds for Sara Conner Court"

Resolution 06-066, "Resolution Authorizing the City Manager to Negotiate and Execute the Necessary Documents to Return Funds to the City of Hayward's CDBG Line of Credit"

Council Member Quirk asked whether the refund to the CDBG budget had been reflected in the

previously acted on disbursements. It was noted that it would reflect in the next budget cycle.

## 12. FY 2006-07 Annual Paratransit Plan and Gap Fund Application

Staff report submitted by Social Services Planning Manager Korth, dated May 23, 2006, was filed.

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

Resolution 06-067, “Resolution Authorizing the City Manager to Submit a Paratransit Plan and Application for Measure B Gap Funds for FY 2006-07 to the Alameda County Transportation Improvement Authority, and Negotiate and Execute All Documents Related to and in Support of These Activities”

Council Member Halliday asked for further explanation of the same day Paratransit Program.

Neighborhood Economic Development Manager Patton explained that the City has been running a similar program for two years but limited to prescheduled medical appointments and shopping rides for the elderly. This proposal would simplify the administration to make it available the same day. She noted that the contractor simplifies the program and makes the program more responsive.

Council Member Henson asked about the usage of vans and smaller buses and whether this is the direction the program is going.

Neighborhood Economic Development Manager Patton commented that the program is geared toward the needs of the clientele. She noted that the efficiency of the program should also be greater as well.

## **LEGISLATIVE BUSINESS**

### 13. Approval of First Amendment to Cooperation and Option Agreement with Russell City Energy Center – LLC

Staff report submitted by City Manager Armas, dated May 23, 2006, was filed.

City Manager Armas made the report and responded to questions from the Council related to zoning consistencies and the proposed swap of properties between the City of Hayward and Calpine. The lands in the County Redevelopment Area would be annexed into the City of Hayward. He discussed the visual impacts that have diminished with the new site and relocation to a smaller parcel. He noted that Calpine will rely on much of the recycled water from the treatment plant. He also commented on the electricity market as well as the restructure of the company. The agreement reached in October still stands with these amendments. He confirmed that PG&E would be a customer of the Russell City Energy Center-LLC and owns the transmission lines that are currently



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available. The plant will be more efficiently located but the output will be comparable. The California Energy Commission is seeking an amendment for this relocation that would amend the license to construct the Energy Center. The amendment exchanges the Reynolds' property for a 5-acre site from the City and also would backfill the loss in property tax revenue lost because of the redevelopment circumstance. He added that further studies on the effect of the plant on nearby properties will also be studied.

With no requests to speak, Mayor Cooper closed the public hearing at 8:49 p.m.

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

Resolution 06-068, "Resolution Authorizing the City Manager to Execute the First Amendment to the Agreement with Russell City Energy Center-LLC"

14. Approval of Business Terms of Franchise Agreement for Solid Waste and Recycling Services

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 23, 2006, was filed.

Director of Public Works Bauman made the report, highlighting the terms of the agreement. The term of the new Franchise Agreement will be June 1, 2007 through 2014 with three one-year extension options. Residential service enhancements will include continued curbside collection of garbage and recyclables, the use of 64-gallon wheeled recycling carts allowing for commingling of currently acceptable recycled materials rather than two bins, curbside pick up of household batteries, collection of Christmas trees from multi-family dwellings of more than 25 units, free compost available at an annual weekend event, and the City has an option beginning in 2009 through 2010 to implement food waste recycling with no cost to residents.

Services and rates continue to be negotiated. He pointed out that staff is recommending that a requirement of alternative fuel vehicles using liquefied or compressed natural gas, which is a positive step of improving the environment. Because the vehicles need to be ordered 12 months in advance, he said it is critical for this part of the agreement to be approved. He noted that the City rates would still be competitive with other jurisdictions in the area.

Public Works Director Bauman shared a rate comparison table with comparisons from neighboring agencies. He urged approval of the proposed business terms of the franchise agreement. He noted that even those cities going out for bid had a similar rate increase after a 7 to 10-year contract.

Council Member Henson asked whether the current agreement contains side yard service and why the agreement will not be effective until 2007. He urged the use of alternative fuel vehicles. He

asked about the bio-solids proposal and staff reported that this rate payer program continues with the same tonnage. He noted the offset for City street sweeping to clean up after the waste service.

Council Member Ward asked for a clarification regarding the pick-up of other items with those not usually allowed. Staff responded that in the past the bulky items were just left and not picked up. The new agreement will charge the homeowner for the extended pick-up. The compost would be provided by Waste Management. He asked about the potential add-on cost. City Manager Armas commented that these are the negotiated terms and it is a risk to Waste Management. He also asked about the street sweeping fee and was told it would be 2.5 % of their total revenue. He noted that recent pick-ups have been relatively clean in his neighborhood.

Council Member Halliday asked about the sizes of the carts. She was told there are presently reduced rates for smaller carts. She also asked about batteries and the discount provided to the drug stores. Staff responded that presently consumers can put used hypodermic needles in mailers. Waste Management has worked out arrangements for discounted mailers. Council Member Halliday also asked about disposal of electronic devices and was told the City has an annual drive for these items. She noted that staff did a good job of negotiating this contract.

Council Member Quirk expressed his support for the rate and appreciated the staff for their efforts in negotiating these terms. He encouraged battery recycling and asked for further information about their disposal. He was told any heavy duty bag could be used. He recommended some awareness to the public in this agreement.

Council Member Dowling asked about the recycling service available to the multi-family residences. He was told when they come back for the final contract approval, all the rates would be listed. Council Member Dowling then asked about recycling services for businesses. Public Works Director Bauman indicated that they can now do recycling. Staff is now trying to structure a program for everyone where everyone shares in the cost. Council Member Dowling suggested that the City make sure that at least the public agencies are recycling. He encouraged staff to look at more actual use of multi-family recycling.

Council Member Jimenez asked for further information on the rate increase for commercial and roll-off rates. He was told they are not finalized at this point. He explained that this is to confirm the business terms of the contract.

Council Member Quirk suggested that the business recycle issues are more complex than residential recycling. He said he hoped that those agencies and committees would think of ways to encourage commercial recycling. Staff commented that they would have to look to those circumstances and what would work in Hayward.

Mayor Cooper opened the public hearing at 9:28 p.m.

Arthur Boone, the environmental member of the Alameda County Recycling Board, commented that because of State law, regulating commercial recycling is limited. He emphasized that with residential food debris material recycling, there may be no need for a weekly pick-up of dry trash. He suggested keeping this an option for future contracts. He also discussed Waste Management taking their garbage out of the County. He noted that they have recently stopped doing this but he



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said he hoped the City of Hayward would be aware of this.

David Tucker, representing Waste Management and a member of the negotiating team, thanked staff for their support and vote of confidence in negotiations. He described a sharps container and its purchase for proper disposal of sharp elements. He discussed the e-waste collection and recycling and the increase public education for multi-family residential. As to the compost, it comes from a plant near Modesto. He noted it is also available at the Davis Street Plant and Garden Center.

James Dublin, Area Vice President for Waste Management, clarified that currently no Alameda County waste is transported to the Redwood Landfill in Marin County. He added that according to the agreement with the City, they will follow the direction of the City's preference for landfill of choice.

Mayor Cooper closed the public hearing at 9:40 p.m.

Council Member Dowling expressed hope that staff is working with any new developments to include recycling plans.

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

Resolution 06-069, "Resolution Approving the Business Terms in the Franchise Agreement with Waste Management of Alameda County (WMAC)"

## **COUNCIL REPORTS**

Council Member Dowling asked the City Clerk to report on the upcoming election results. City Clerk Reyes reported that the results would probably not be available until noon of June 7<sup>th</sup>. She encouraged anyone interested to volunteer to work the polls and noted that voting machines would be available for early voting at City Hall the week before the election.

Council Member Quirk commented on the smart growth developed for the Fruitvale BART Station development. He noted the planning around the South Hayward BART station should be much more successful than Fruitvale. It reinforced the good advice being given by staff.

## **ADJOURNMENT**

Mayor/Chair Cooper adjourned the meeting at 9:46 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency/Public Financing Authority

**ATTEST:**

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Angelina Reyes City Clerk, City of Hayward  
Secretary, Redevelopment Agency/Public Financing Authority