



**MINUTES OF THE SPECIAL CITY COUNCIL/  
REDEVELOPMENT  
MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 18, 2007, 8:00 p.m.**

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**MEETING**

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor Sweeney at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Rodriquez, Quirk, Halliday, Ward, Dowling,  
Henson  
MAYOR/Chair Sweeney  
Absent: COUNCIL/RA MEMBER None

**PUBLIC COMMENTS**

Paul Haavik spoke as an "intervener" related to the power plant proposals. He distributed a document entitled "Fireplace Retrofit Program for PM10 Mitigation" that Calpine is proposing will help reduce the particulate matter and emissions from the power plant. This document included information on the costs and burden to both the homeowner and the City related to fireplace replacements.

Krishneel Lall, residing at Calaroga Avenue, asked that the Council reverse its approval of the Calpine power plant and urged all power plants be kept out of Hayward.

Stephania T. Widger spoke on the fireplace retrofit program and spoke against the power plants in Hayward. She also expressed concern on the impacts of particulates. In expressing her concerns with staff at U.S. Senator Diane Feinstein's office on this regard, she was surprised that they were not aware of these projects in Hayward.

Pastor John Wichman spoke on behalf of the Westminster Hills Church. He thanked the Council for remembering Jeanne Michaels, wife of Greg Michaels, a longtime resident and former Pastor of this church, who was very touched by the City's gesture.

Jim Forsyth spoke in opposition to the power plants and commented that money should be spent on renewable energy efficiencies.

Kim Finn asked that the Council reconsider its vote on the Calpine power plant. She cited AB 32, a statewide emissions reduction bill, and pointed out that the possibility for the City to be sued by the State for polluting the air if the Calpine power plant is situated in Hayward.

Audrey LePell, CATS President, thanked the Council for allowing her to speak and thanked staff for their efforts to provide information that she had previously requested. She reiterated her comments against the power plant. She inquired about the modifications to the agreement since

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2001, asked for further information regarding Calpine, and recapped her request for a special meeting on this issue.

Mayor Sweeney asked the City Staff to respond to her comments at the conclusion of the Public Comments.

Linda Joseph commented on the Public Works construction project to improve the sidewalks on her street and using photos, asked that her driveway be improved as others are during this sidewalk improvement project.

Juanita Gutierrez, a resident of Occidental Road, asked that the Council use commons sense and reconsider its vote on the power plant.

Barbara Fields asked about the proposed fireplace retrofit program, the ownership of parcels and the reconsideration of the Council's vote to approve the Calpine project.

Jewell Spalding, residing in the Fairview District, read from a 2001 agenda report and asked that the Council consider the merits of this project, which she stated was not done.

Joanne Gardiner of Advantage Realty spoke on fireplace emissions and the fireplace retrofit program. As a real estate agent, she commented that failure to disclose the impacts of the power plant to home buyers will impact that industry. She asked for a negation of its former approval of the power plant.

Geir Jordahl, a lifelong resident in Hayward, spoke on the artistic side of Hayward and asked the Council to reconsider its decision so that Hayward can be the artistic heart of the Bay Area.

Pete Quevedo, a long-time resident of Hayward, stated that he has been sending emails informing the Council of nuclear plants.

Andy Wilson, a Greenbrier Lane resident, commented on the power plant. He stated that there are other airports reviewing this decision that may impact them. He reported that the west coast FAA is now communicating with the east coast FAA on the impacts to airplanes flying through this area. He also commented on hazardous materials spills in cities that have such plants.

Wendy Gray spoke in opposition to the power plant.

At the conclusion of the Public Comments, Mayor Sweeney asked that staff provide a response regarding the power plant inquiries.

Acting City Manager David reported that staff has been directed to provide a written report that will be extensive and will be provided in the near future.

Mayor Sweeney asked Acting City Attorney Conneely to respond to the question as to whether an approval can be reconsidered once it has been made.



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Acting City Attorney Conneely stipulated that the City's only real authority in the siting of an energy plant is to make a determination whether that site is consistent with the uses in the industrial district. The Council did make that determination in 2001. Pursuant to that several agreements have been executed with Calpine for the Russell City Energy Center (RCEC). The recent 2005 Cooperation Agreement with Calpine obligates the City to use all efforts to endorse this plant with the California Energy Commission.

Council Member Halliday thanked all who attended. It was her determination that the process was not one that allowed for the City to review the CEC's findings and spoke against that. She stated that the City has an obligation to honor past agreements and protect the legal interests of the City. She hoped that the discussions continue and that the steps forward are positive. She noted that there are going to be trade-offs and it will be necessary to give up "power" if we don't want power plants and it will be necessary to make changes in the way we live. Lastly, she noted that we have taken steps to make Hayward cleaner and greener.

Council Member Dowling clarified what a speaker previously commented regarding the ownership of parcels. He stated that the power plant was previously approved by the CEC. He described the first site and stated that due to the issue with the radio towers, the site was moved across the street where the area was annexed earlier in the year. The agreement that the speaker commented on was a tax sharing agreement with the County and was approved by the Alameda County Board of Supervisors.

Council Member Rodriguez commented favorably on the fervor and enthusiasm of Ernie Pacheco in collecting materials and information on energy solutions. She encouraged continued discussions on this issue to reach resolution.

### **CONSENT CALENDAR**

Mayor Sweeney asked that the minutes be held over for one week for corrections. He noted that the Chair of the Keep Hayward Clean and Green Task Force has requested to speak on Consent Item #4 and removed that for a separate vote. Council Member Dowling asked to speak on Consent Item #5.

1. Approval of Minutes of September 11, 2007 City Council Meeting
2. Resignations of Niyah Montoya and Keith Sikora from the Human Services Commission

Staff report submitted by City Clerk Reyes, dated September 18, 2007, was filed.

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

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Resolution 07-129, "Resolution Accepting the Resignation of Niyah Montoya and Keith Sikora from Human Services Commission"

3. 24909 Mohr Drive: Adopt Ordinance Amending Zoning Ordinance Related to Zone Change Application PL 2007-0340

Staff report submitted by City Clerk Reyes, dated September 18, 2007, was filed.

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

Ordinance 07-10, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Property Located at 24909 Mohr Drive from Single-Family Residential (RSB4) to Planned Development (PD) Pursuant to Zone Change Application No. PL 2007-0340"

4. Keep Hayward Clean and Green Task Force Budget Approval

Staff report submitted by Acting City Manager David, dated September 18, 2007, was filed.

Kindra Mendall, Chair of the KHCG Task Force, reported on its activities since it was established six months ago. She reported that there were four cleanups in the City including one in the downtown. She announced that the fourth Saturday of every month is a clean up day, except in November due to the Thanksgiving. She described the public events attended for outreach purposes. She commented on the letter writing campaign to inform property owners of the need to improve their properties, in particular rental properties. She noted that the task force took a position against the East shore Energy Center and will be writing letters on this. Also to be discussed and reviewed will be some of the City ordinances related to the task force. She responded to Council comments.

Council Member Halliday shared her experiences and commented favorably on the efforts of the task force.

Council Member Henson commended KHCG Chair Mendall and the efforts of the task force. As the festival announcer at the Zucchini Festival, he asked whether his announcements were helpful. Ms. Mendall stated that she was there for several hours and the response was positive. Their database is growing with over one hundred volunteers.

Mayor Sweeney thanked Ms. Mendall and the efforts of the task force.

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



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Resolution 07-131, "Resolution Authorizing Expenditures Against the Appropriation in the FY 2007-08 Budget for the Keep Hayward Clean and Green Task Force"

5. 2006/07 Sidewalk Rehabilitation and Wheelchair Ramps: Authorization to Increase Administrative Change Order Amount in the Amount of \$148,000

Staff report submitted by Deputy Director of Public Works Fakhrai, dated September 18, 2007, was filed.

Council Member Dowling asked Public Works Director to respond to his concerns related to impacts to the residents by the Rosas Brothers Construction Company. He reported that the current project in the Longwood area has caused a number of issues with the residents. He asked how staff manages such contracts.

Public Works Director Bauman appreciated the information and photos previously provided by Council Member Dowling. His staff has taken action to address those concerns. The contractor has corrected some of those concerns. In general this is a contractor that does good quality work. Staff is reviewing the staging and process of this contractor with the intention of improving this situation.

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

Resolution 07-132, "Resolution Approving a \$148,000 ACO Increase to the 2006/07 Sidewalk Rehabilitation and Wheelchair Ramps Project Construction Contract with Rosas Brothers Construction"

6. City Center Commercial Remodeling of Safeway: Conveyance of 1,154 Square Foot Parcel Associated with Lot Line Adjustment 07-07 and Grant of Emergency Access Easement to Adjoining Property Owner

Staff report submitted by Deputy Director of Public Works Fakhrai, dated September 18, 2007, was filed.

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

Resolution 07-130, "Resolution Authorizing Sale and Conveyance of a 1,154-Square-Foot Parcel and Grant of Emergency Access Easement to the City Center Commercial"

## LEGISLATIVE BUSINESS & INFORMATION ITEMS

### 7. Approval of a Loan for \$750,000 to Hayward-Pacific Associates for Seismic Retrofit of The Majestic Apartments

Staff report submitted by Housing Development Specialist Cortez, dated September 18, 2007, was filed.

Redevelopment Agency Director Bartlett presented the report and showed photos of the project and pointed out the improvements such as in the parking area that will need to occur. She responded to Council questions related to the tax-exempt bonds. She stated that a preliminary seismic analysis has been done by the buyers' engineer, as well as the bank. Both consultants have reviewed this project and identified the soft story concerns that will be addressed by the retrofit work.

Mayor/Chair Sweeney opened the public hearing at 9:19 p.m.

Alexis Georgian from Hayward Pacific Associates responded to Council questions. He reported that an independent consultant provided three reports related to the seismic review. He held discussions with the Building Official who provided the minimum guidelines that the City imposes and discussed the soft story improvements. He thanked Redevelopment Agency Director Bartlett and Housing Development Specialist Cortez for their excellent work during these past two months. He appreciated the staff report, but noted that there is private equity involved that totals over \$5.7 million as well as a \$700,000 investment from the owner. The City's bank loan of \$8 million is held by a deed of trust that provides 81 units for 55 years; thus no condominium conversions will occur.

Council/RA Member Henson stated that he was troubled with having "minimum standards." It was indicated that the improvements will be to the standards most reasonable and to take it any further would be to demolish the building entirely.

Mayor/Chair Sweeney closed the public hearing at 9:27 p.m.

Council/RA Member Dowling thanked both the Redevelopment Agency and City's housing staff for their efforts to put this project forward. He was glad to see this retrofit and in making affordable units, a project that most state and county agencies have not undertaken. Now that there is a good sense of what this costs, it can be used for future projects. Lastly, he stated that this is good use of Redevelopment funds.

Council/RA Member Ward echoed his colleague's comments. He asked whether there will be any temporary displacement of tenants. Redevelopment Agency Director Bartlett reported that there are currently five vacancies that could be used to relocate residents during the retrofit. In response to Council/RA Member Ward's question related to the availability of parking during the project, she indicated that there is parking elsewhere on the property. She listed other improvements that will include stairways, balconies, sidings, painting and lots of interior work.

Council/RA Member Quirk thanked Council/RA Member Dowling for his initiative on this project. He urged staff to consider the soft story improvement projects and consider a life-safety standard.



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

RA Resolution 07-19, "Resolution Authorizing Approval of a Loan for Seismic Retrofit of the Majestic Apartments"

RA Resolution 07-20, "Resolution Amending Resolution RA 07-16, As Amended, the Redevelopment Budget Resolution for Fiscal Year 2007-2008, Relating to an Appropriation of Funds from the Redevelopment Agency's Low and Moderate Income Housing Fund, Fund 452 for Seismic Retrofit of the Majestic Apartments"

## **COUNCIL REPORTS**

Council Member Halliday reported on her attendance at the annual meeting of the League of California Cities (LCC). As the voting delegate, she voted on four issues. She indicated that she voted in favor of the continuation of the LCC's grassroots work program that was instrumental in defeating Proposition 90. The League will be focusing on a healthy aging program for cities. She spoke on the effective implementation of AB38, a measure to consolidate the Governor's emergency services with homeland security to avoid confusion. The fourth vote that occurred was to promote legislation that will allow a three hundred foot limit between homes for group homes that cause problems in neighborhoods. Council Member Halliday also attended sessions on redevelopment regarding the court decision on eminent domain and the ability to regulate land use. There is similar legislation that appears to include the abolishment of rent control. This assembly bill is heavily supported by mobile home park owners as well as apartment owners. The LCC will be taking steps to address this by supporting a measure regarding the use of eminent domain. She also attended an excellent session that discussed programs supporting healthy kids. She favorably commented on a customer service presentation by the City Manager of Sacramento that utilizes technology to improve community services. Lastly, she indicated that there were other sessions on what cities are doing to address global warming, improve our environment and what cities are doing using alternative energy such as solar power.

Council Member Dowling also attended the annual meeting and attended a rather interesting session on transit oriented development, which featured Hayward's downtown residential project. Another session he attended was the community engagement project from Ventura that included interesting strategies to engage its diversity. He also attended sessions about AB32 and heard comments from the California Attorney General.

## **ADJOURNMENT**

Mayor/Chair Sweeney adjourned the meeting at 9:42 p.m.

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**APPROVED:**

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Michael Sweeney, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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