



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT
MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 23, 2007, 8:00 p.m.**

MEETING

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

ROLL CALL

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

PROCLAMATION Make a Difference Day

Mayor Sweeney presented Kindra Mendall, Chair of Keep Hayward Clean and Green Task Force with a proclamation declaring Saturday, October 27, 2007, as Make a Difference Day. Ms. Mendall enumerated the various activities of the 25 task force members that she chairs. She thanked all the volunteers who have participated in making a difference for Hayward and displayed a list of Saturdays dedicated to cleaning up Hayward. She announced that this Saturday beginning at 8:30 a.m., there will be a clean-up on Hesperian and West A Street, near the new Target Store. She invited all who are interested in making a difference to meet at Kennedy Park.

PUBLIC COMMENTS

Doug Ligibel spoke on reducing crime in the downtown. He spoke on recent incidents in the BART vicinity. In regards to the previous work session, he thanked Mayor Sweeney for his leadership and Council Members Henson and Dowling for their input on how best to address the issues in the downtown. Mayor Sweeney asked that in the future staff notify home owners associations in the downtown about such meetings.

Audrey LePell stated that she was the Chair of CATS and Citizens Against Pollution and would be submitting a petition against the Calpine energy center in the future. She also stated that it was difficult to obtain an EIR for the earlier work session, but thanked staff for its assistance.

Susan Silva spoke against the Russell City Energy Center.

Allison Corsen spoke about growing up in San Francisco, the pollution that now exists and the additional pollution that will be generated from the proposed power plant.

Dan Henriques commented on homelessness and arising conflicts that lead to violence.

DRAFT

CONSENT CALENDAR

Consent Items 1, 3 and 8 were removed for further consideration.

1. Approval of Minutes of the City Council Meeting of October 2, 2007

It was moved by Council Member Dowling, seconded by Council Members Rodriguez and Henson, and carried with Council Member Halliday abstaining, to approve the minutes of the City Council Meeting of October 2, 2007. Council Member Halliday stated that she was absent from this meeting.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 9, 2007

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and unanimously carried to approve the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 9, 2007.

3. Adoption of Ordinance Related to Blue Rock Country Club Development Agreement introduced on 10/9/07

Staff report submitted by City Clerk Reyes, dated October 23, 2007, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried to adopt this ordinance by the following roll call vote:

Ordinance 07-12, "An Ordinance Authorizing Execution of Amendment to the Blue Rock Country Club Project Development Agreement"

AYES: Council Members Rodriguez, Halliday, Dowling, Henson

MAYOR Sweeney

NOES: None

ABSENT: None

ABSTAINED: Council Members Quirk, Ward

4. Final Tract Map 7625 – SCS Development Company (Citation Homes Central)/First American Title Company (Applicant/Owner) – Approve the Final Map and 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 Nguyen, dated October 23, 2007, was filed.



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

Resolution 07-139, "Resolution Approving Final Map for Tract 7625, Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting Certain Streets into the City Street System"

5. Final Tract Map 7748 – SCS Development Company (Citation Homes Central)/First American Title Company (Applicant/Owner) – Approve the Summary Vacation of Cannery Court, the Final Map and 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 Nguyen, dated October 23, 2007, was filed.

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

Resolution 07-140, "Resolution Summarily Vacating Cannery Court"

Resolution 07-141, "Resolution Approving Final Map for Tract 7748, Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting Certain Streets into the City Street System"

6. Final Tract Map 7749 – SCS Development Company (Citation Homes Central)/First American Title Company (Applicant/Owner) – Approve the Final Map and 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 Nguyen, dated October 23, 2007, was filed.

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

Resolution 07-142, "Resolution Approving Final Map for Tract 7749, Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting Certain Streets into the City Street System"

7. I-880/SR 92 Reliever Route Funding Agreement with Alameda County Transportation Improvement Authority

Staff report submitted by Deputy Director of Public Works Fakhrai, dated October 23, 2007, was filed.

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

Resolution 07-143, "Resolution Authorizing the City Manager to Negotiate and Execute a Project Funding Agreement with the Alameda County Transportation Improvement Authority (ACTIA) for Phase I of the I-880/SR 92 Reliever Route"

8. Resolution in Support of the Effort by United States Senator Diane Feinstein to Obtain Permanent Resident State for Ms. Jacqueline Coats

Staff report submitted by City Manager Jones, dated October 23, 2007, was filed.

Assembly Member Hayashi spoke in support of this effort to assist Jacqueline Coats, a resident of San Leandro and a native of Kenya, in obtaining permanent resident status after her husband died while saving two children from drowning. A private legislation is being carried by U.S. Senator Diane Feinstein, and this bill is currently in judicial committee. She noted that her office has set up a national campaign to set this in place and has set up a website at www.helpjackie.net.

Council Member Henson thanked Assembly Member Hayashi for her efforts to assist Mrs. Coats. He urged all to visit the website to petition and support this assistance.

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

Resolution 07-144, "Resolution in Support of the Effort of United States Senator Diane Feinstein and California State Assembly Member Mary Hayashi to Obtain Permanent Resident Status for Ms. Jacqueline W. Coats"

HEARINGS

At this time Mayor Sweeney asked if Item #11 under Legislative Business of this Agenda could be considered prior to other hearings. There was consensus to move the item forward and at the end of the discussion, the Council resumed its regular Agenda.

9. Introduction of an Ordinance Amending Chapter 11, Article 2, of the Hayward Municipal Code to Require the Installation of Separate Irrigation Water Meters for Larger Projects



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Staff report submitted by Deputy Director of Public Works Ameri, dated October 23, 2007, was filed.

Director of Public Works Bauman made the report, noting the new State requirements that require installation of dedicated irrigation meters under certain conditions for new development after January 1, 2008. He responded to Council questions, adding that this ordinance applies to irrigation usage only to encourage water conservation. He stated that this is related to potable water and there are different plumbing requirements for recycled water. This ordinance will not impact single family residential and will apply to any new multi-unit, commercial or industrial development with more than 5,000 square feet of landscaping.

With no requests to speak, Mayor Sweeney opened and closed the public hearing at 9:02 p.m.

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

Introduce Ordinance 07-_, "An Ordinance Amending Chapter 11, Article 2 of the Hayward Municipal Code by Adding a Definition and Inserting a New Section 11-2.46 Requiring Installation of Separate Irrigation Water Meters for Certain Projects"

10. A. Proposals by Legacy Partners Related to the South of Route 92 Specific Plan Amendment Study

- Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Program and Technical Memorandum;
- General Plan Amendment Application No. PL-2007-0019 – Request to Amend the General Plan Land Use Map Designation for Portions South of Route 92 Specific Plan Area from "Industrial Corridor" to "Retail and Office Commercial" and "Medium Density Residential;"
- Specific Plan Amendment – Request to Amend the *South of Route 92/Oliver/Weber Properties Specific Plan* Land Use Designation for Portions of the Area from "Business Park" to "Retail Commercial" and "Residential," and Make Related Text Changes;
- Development Guidelines Revisions – Request to Revise the *South of Route 92 Oliver/Weber Properties Development Guidelines* Associated with Proposed Specific Plan Amendments;
- Zone Change Application No. PL-2007-0232 – Request to Amend the Zoning District for Portions of the South of Route 92 Specific Plan Area from "Business Park" and "Commercial Retail" to "Medium Density Residential," "Neighborhood Commercial," and "Regional Commercial;"
- Zoning Text Amendment Application No. PL-2007-0233 – Request to Delete the

- “Commercial Retail” District, Add a New “Regional Commercial” District, and Amend the “Business Park” District and “Neighborhood Commercial” District; and
- Development Agreement Amendment – Request to Amend the Mount Eden Business and Sports Park Community Development Agreement.

Staff report submitted by Planning Manager Rizk, dated October 23, 2007, was filed.

B. Partial Assignment of the Mount Eden Business and Sports Park Development Agreement
(Continued from 10/9/07)

Staff report submitted by Director of Community and Economic Development Daluddung, dated October 23, 2007, was filed.

Director of Community and Economic Development Daluddung stated that as this was previously discussed, the presentation will respond to issues raised at that meeting, thus Agenda Items 10A and 10B were presented and discussed conjunctively. Planning Manager Rizk made the report, noting that Agenda Item 10A includes seven actions that need to be determined. Agenda Item 10B is the partial assignment of the development agreement and further amendments to it. He noted that this will be a phased development that will include the office business park development proposed for east of Marina Drive and the neighborhood commercial center. He referred to the attachment to the report that includes the requirement to obtain building permits for those prior to building permits being issued for the residential development. He noted that included in this report is a list of preferred regional retail anchor tenants and noted further requirements as previously stipulated by Council.

Planning Manager Rizk reported that the developer will discuss his issues on the development agreement. In response to Council Member Rodriguez’s concern, Legacy Partners is offering to pay at least \$3.23 per residential square foot which is more than the current \$2.63 per square foot mitigating impact fee. State law precludes the City from requiring more than the school impact mitigation fee. The school district staff expressed concerns with cumulative impacts of development on the outdated, aging school facilities in that area. Planning Manager Rizk reported that the prior development firm, Eden Shores East, contributed \$5 million towards the construction of the new Burbank School. This is the staff recommendation that will provide much needed retail opportunities in this area with a new regional retail anchor as well as a balanced and mixed land use that will offer office space and business park use. He also reported that this development will include affordable housing that take full advantage of the proposed nearby amenities and encourage less reliance on the automobile.

Mayor Sweeney expressed his concerns, noting the \$5 million contribution by the previous developer for the new Burbank Elementary School, which is not in this area. He proposed that this developer also contribute \$5 million towards schools to fund after school programs to increase school achievement for students in this area.

Director of Community and Economic Development Daluddung responded that it could be presented to the developer, but it cannot be required. She compared the housing units that were substantially higher in the east development.



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Acting City Attorney Conneely briefed the Council on the School Facility Impact Act regulations that relate to subdivision approvals. She also discussed the law that sets development agreements that are negotiated with the developer for the payment of fees beyond that of what could be ordinarily required. She affirmed Mayor Sweeney's concern that the land use approvals follow the development agreement. Mayor Sweeney discussed his recommendation to require funding for school activities as part of the development agreement and not act on the land use until the development agreement is approved. Acting City Attorney Conneely reiterated that the terms of the development agreement should be negotiated before the land use entitlements are approved and the Council can impose additional stipulations.

Council Member Quirk summarized that in the previous development agreement, the development was strictly housing. In this development agreement, the City is asking that it include retail and the shells must be constructed prior to any housing development. This is the quid pro quo that was part of the negotiations. He did not think it would be a good idea at this point to renegotiate.

Mayor Sweeney questioned whether the Council negotiated with the developer as a whole.

Mayor Sweeney opened the public hearing at 9:14 p.m.

Steve Dunn, representing Legacy Partners, briefly presented the development noting the voluntary increase of the school mitigation impact fees by 25%. He stated that there is a willingness to go forth with the neighborhood retail. He agrees with the staff recommendation, but asked that there be reconsideration on when building permits can be obtained and asked if the building permits could be simultaneously for the housing. There is a definite commitment and the retail may be economically impacted during its first six months, which would not be in its best interest.

Discussion ensued that the current residential could support the retail development. The staff recommendation was reiterated that requires shells of buildings for office buildings east of Marina Drive and for commercial center to be completed prior to building permits being issued for residential units. A signed purchase and sale agreement or lease from a regional retail anchor tenant could be secured prior to building permits being issued for residential units. There would be a list of preferred regional retail anchor tenants provided to staff. If a tenant not on this list is selected, it would need approval of such tenant by the City Council and further amendments to the agreement could be required.

Council Member Henson confirmed that the school mitigation fees that Legacy Partners is offering is 25% more than the required amount that is paid directly to Hayward Unified School District.

Council Member Rodriguez stated that Legacy Partners already has the current residents at Eden Shores that will be taking advantage of the retail development and will be a great help for the retail prior to the additional housing.

Ray Bolingas, a resident of Eden Shores East and board member of the homeowners association, spoke in support of the Legacy project.

Sheila Junge, a resident of the Burbank neighborhood, reminded the Council of Measure HH and the vote of the electorate that required a business park. She expressed her concern that the proposed retail could be switched out later for additional housing. She agreed with the stipulation to require that the retail and commercial be developed prior to the housing units.

Mayor Sweeney closed the public hearing at 9:26 p.m.

Council Member Quirk discussed the terms of the negotiations that occurred in the prior Eden Shores development and the reasons for the contribution to complete the new Burbank Elementary School. He discussed the need to require building permits and stated that this negotiation is appropriate, but also agreed with Ms. Junge, that he did not desire to see any future bait and switch by the developer for additional housing. He agreed with the staff recommendation as stated, but would consider any amendments.

Council Member Quirk moved the staff recommendation and it was seconded by Council Member Dowling.

Mayor Sweeney commented on the mitigation figures and asked for the approximate total fees. Since no designs of the proposed homes have been submitted, Planning Manager Rizk presented an assumption as to the total fees that could be paid to the school district. Mayor Sweeney commented that the key document is the development agreement. He spoke on the school test scores for this community and that a developer contribution could include an after school program that is academically based. He stated that the new Burbank Elementary School is a good project but a long way from this neighborhood. He felt that it was entirely appropriate to add this stipulation, a comparable figure, as part of this development agreement. Thus, Mayor Sweeney moved to include a friendly amendment to this development agreement to include a figure of \$4 million dollars, beyond the school mitigation fees, to fund an after school program in this area. His motion died for the lack of a second to his motion.

It was moved by Council Member Quirk, seconded by Council Member Dowling, and carried by the following roll call vote to approve the staff recommendation:

AYES: Council Members Rodriquez, Quirk, Halliday, Ward,
Dowling, Henson
NOES: MAYOR Sweeney
ABSENT: None
ABSTAINED: None

Resolution 07-145, "Resolution Adopting the Mitigated Negative Declaration and Amending the General Plan Map for a Portion of the Oliver East Property in the South of Route 92 Specific Plan Area to Change the General Plan Land Use Designation from Industrial Corridor to Residential -Medium Density and Retail and Office Commercial and Related Actions"



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Resolution 07-146, "Resolution Approving the Partial Assignment and Assumption of the Mount Eden Business and Sports Park Community Development Agreement as It Relates to the Legacy Eden Shores Project"

Introduce Ordinance 07-__, "An Ordinance Authorizing Execution of Amendment to Mount Eden Business and Sports Park Community Development Agreement"

Introduce Ordinance 07-__, "An Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2007-0232 Relating to Portions of the Oliver East Property"

Introduce Ordinance 07-__, "An Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code Deleting the Commercial Retail Zoning District, Amending the Business Park Zoning District and the Neighborhood Commercial Zoning District and Creating the Regional Commercial Zoning District"

LEGISLATIVE BUSINESS & INFORMATIONAL ITEMS

This discussion was taken prior to Items #9 and #10.

11. Update on 211

Staff report submitted by Neighborhood and Economic Development Manager Korth, dated October 23, 2007, was filed.

Mayor Sweeney confirmed with Acting City Attorney Conneely whether he could participate in this discussion as he is employed by a social service agency and was informed that it was his decision. He stated that he would participate since there is no action to be taken on this agenda item.

Neighborhood and Economic Development (NED) Manager Korth made the report and requested guidance on providing funding to the 211 Program. He explained that Eden Information and Referral (Eden I & R) service will be operating the 211 Program. He presented the funding leverage plan and referred to the outline in the report related to the per capita funding by the collective agencies. He indicated that previous funding was for the Chain program, which was a similar program that merged with 211. The second largest clientele for services were provided to Hayward residents. Hayward's share of the costs to fund this program will be \$50,000. (NED) Manager Korth provided a chart of options for the Council to review. He responded to questions from the Council, noting that the Executive Director of Eden I & R, Barbara Burnside, was present.

Barbara Bernstein, Executive Director (Eden I & R), responded to questions related to agencies with multi-year budgeting. She stated that the 211 Program was launched in July.

Council Member Quirk discussed the issues involved with funding this project recalling his efforts to fund this service from the City's General Fund. He was concerned with the future shortfall and indicated that his recommendation would be to take the \$50,000 from the \$450,000 set aside for such programs.

Council Member Ward did not see this as an equal opportunity for all the other agencies and organizations that have submitted applications in the past. This did not seem quite fair to set aside funding. He was in favor of reviewing other funding options and would prefer keeping the social services budget whole.

Council Member Halliday would favor a dual or hybrid approach of keeping part of the funding as part of the social services funding that is reviewed by the Human Services Commission. The members monitor the service organizations and this would be a good forum for assessing the program. She explained that there needs to be continuing monitoring. She felt that this is a good program that helps those in need to access services and resources.

Council Member Rodriguez agreed with Council Member Ward's comments as it is becoming more difficult to fund all of the organizations that provide social services. She was concerned about the rest of the organizations that need assistance.

Council Member Dowling stated that he previously worked with Ms. Bernstein and commended her funding efforts. He agreed with Council Member Halliday's hybrid recommendation and felt that the oversight and promotional would be worthy. He also felt that funding from the General Fund would be another effort to assist various departments, such as at the library and in emergency services for providing residents assistance.

Council Member Quirk discussed the issue of the hybrid funding, noting that the Human Services Commission could decide not to fund the program in a particular year. If \$30,000 is funded by the General Fund, it would not be sufficient in a year when the Commission may decide not to fund it.

Council Member Henson agreed that this is a major social service. His concern was that sometimes it is difficult for people to navigate and find the needed services. This is a major service that directs those in need to a plethora of resources. He also understood that the City is in difficult economic times, but the nature of this service is overwhelming.

In response to Council Member Quirk's concern related to the hybrid funding, Council Member Halliday commented that the Council makes the decision on what social services to fund and that it will ultimately come from the City's General Fund.

There was discussion on staff's request. Staff noted that last year's funding for the 211 Program was outside the City's normal social service funding process and desired to avoid that occurrence this budget cycle. Mayor Sweeney cautioned on making any recommendations as this is on the agenda for information and discussion. He expressed his concern on the reason for this discussion. Mayor Sweeney opened the public hearing at 8:39 p.m.



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Barbara Bernstein explained the special circumstances that occurred last year and stressed the importance of working with other social services agencies that support Hayward residents. With the fires in Southern California, she described that she has been extremely busy working with the Southern California 211 Program that is being used as the point of contact by the media. Two staff members from here will be sent to assist. She appreciated the support and responded to Council questions. She noted that Oakland has made a two-year commitment of \$140,000 per year as it has a two-year budget cycle. The city managers have indicated that there is interest to fund according to budget cycles and some cities have made a three year commitment.

Council Member Henson heard on National Public Radio that one of the reasons for the low number of fatalities in the Southern California fires was the quick evacuation due to the 211 Program. This is one reason why he supports this program so strongly.

Council Member Rodriguez asked that Ms. Bernstein send the list of fourteen cities in this county that are supporting this project. She was informed that Alameda County is matching the cities contribution as a whole as well as some contracts that were formerly funded to the Chain program. It was also reported that United Way will be providing \$850,000 for over five years.

Dan Henriques spoke in favor of social services agencies to support social needs.

Rebecca Kowal spoke in support of this program, noting that she has received services from such agencies, but ran into many roadblocks to get them. She asked that correct information be given so services can be obtained by those in need.

Mayor Sweeney closed the public hearing at 8:50 p.m.

Council Member Dowling asked that staff be made aware of this program, especially the 911 City employees and library staff members.

City Manager Jones indicated that the information was distributed. He clarified that staff is not asking for a decision or a recommendation, but to receive some advance information and a sense of what level of funding will be recommended. He appreciated the discussion.

Mayor Sweeney expressed his concern as to whether there was clear direction to staff in an informational discussion. He suggested that staff place this on a future agenda so that a real decision can be made that would assist staff and the Human Services Commission in their considerations for social service funding.

12. Authorization to Enter into an Exclusive Negotiating Agreement with Citation Homes Central for a Proposed Residential Development at the Residual Burbank School Site

Staff report submitted by Redevelopment Director Bartlett, dated October 23, 2007, was filed.

Director of Community and Economic Development Daluddung made the report, described the process of the staff recommendation, including a Council/RA work session, as well as the highlights of both developers. Citation offers a more housing variety and a higher land price. Olson's site plan was superior and has had an excellent relationship with Hayward. In light of the Council/RA Agency's concern for the best price, more open space, sustainability and the street design layout, staff is recommending that the Agency authorize an exclusive negotiating agreement with Citation Homes Central for 120 days. She discussed the reasons for the time to work out the best price and the best design. She responded to Council questions related to the price of the land, the green-related goals and the LEEDs standards and requirements and the developer's agreement to these standards.

Council/RA Member Ward insisted that staff maintain the \$6.2 million for the land and recommended that this be a stipulation of the development agreement. He agreed that further resolutions will occur, but not this.

Mayor/Chair Sweeney opened the public hearing at 9:46 p.m.

Barry Luboviski, Secretary-Treasurer representing the Building and Construction Trades Council of Alameda County, AFL-CIO, thanked the Council/RA for its due diligence and efforts.

Sheila Junge, a long time resident of the Burbank area, stated that the price of the land should not be the overwhelming factor in this development. She preferred the Olson project, it was attractive, more in scale with the neighborhood and provides guest parking. She noted that the Citation units are larger in terms of unit size. She recommended trees and lights as improvements in the C Street neighborhood area that are not part of this development that will enhance the project and asked that additional amenities be added including underground utilities.

Charles McKeag thanked the staff for its arduous effort and emphasized that Citation remains committed to the revitalization of Hayward and that this development will complement the City. He clarified the green building checklist and stated its use. He discussed the merits of the project. In response to Council/RA Member Quirk's question related to the confirmation of the \$6.2 million price of the land, Mr. McKeag stated that the listed modifications are achievable with some exceptions. He agreed with Council/RA Member Quirk that if he could keep the size of the unit and the number of units, he could maintain the cost of the land. He expressed concerns to address the open space and make modifications to the circulation patterns.

Council/RA Member Halliday appreciated the list of measures that will satisfy the green building requirements and the use of universal design. She asked whether solar paneling was being considered and was informed that it was economically not feasible at this time.

Dexter Chan spoke on green building initiatives. He explained his participation with Planet Walk. His organization addresses sustainability and spoke on a ten year study. He stated the goals of his initiatives to address solar and geo-thermal issues. He stated that this will raise the water level in this City.



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Seth Israel, representing Olson Company, expressed his disappointment by the selection. He indicated that his organization has collaborated with staff to submit a plan. He noted his firm's expertise on the green point rating and the LEED Certification. He was confident that existing labor disputes will be resolved and has been in contact with unions. He enumerated fifteen communities throughout the area where there are Olson projects and noted that it won a number of awards including the Home Builder of the Year award. He noted several awards for the Hayward Renaissance project. In response to Council/RA Member Halliday's question, he responded that Olson did not commit to solar in this project submittal.

Mayor/Chair Sweeney closed the public hearing at 10:08 p.m.

Council/RA Member Quirk personally liked the three story homes in the center of the project that provides a choice. He moved the staff recommendation as recommended. He was willing to allow other friendly amendments, in particular, the use of solar. He added that the clear desire of the Council and the Redevelopment Agency would be to keep the \$6.2 million price of the land assuming that the same number of units and home sizes remain.

Council/RA Rodriguez seconded the motion to approve the staff recommendation.

Council/RA Member Henson supported the motion and noted the variety of housing including the three story homes due to current Hayward household sizes. He would like to see more open space and recommended that be negotiated. His issue for the green is that he would like to see conditions of approval in the final agreement that reflect the green building points and the LEEDs standards. He appreciated Mr. Chan's comments from Planet Walk. He also appreciated Olson's submittal.

Council/RA Rodriguez commented that she seconded the motion due to the current Olson labor issue, but it was not the main focus, however the land price was a main factor. She would have liked more open space. She appreciated Sheila Junge's input and asked that it be addressed.

Council/RA Member Halliday stated that she met with staff from the Olson Company. She stated that she missed the work session, but submitted comments to staff. She also agreed with Ms. Junge, but Citation is committed to incorporate the green building issues. She discussed the importance of having strong working relationships and resolution of labor issues. She asked staff to negotiate strongly for as much green buildings requirements as possible and recommended developers factor in the use of solar in their projects.

Council/RA Member Dowling asked staff to review past recommendations to improve the C Street neighborhood to make it a "walkable" neighborhood.

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

RA Resolution 07-23, "Resolution Authorizing the Executive Director to Execute an Exclusive Negotiating Agreement between the Redevelopment Agency of the City of Hayward and Citation Homes Central for a Proposed Residential Development at the Residual Burbank School Site"

13. Terms of Proposed Settlement with Waste Management of Alameda County for Non-Collection of Garbage During July Labor Dispute

Staff report submitted by Deputy Director of Public Works Ameri, dated October 23, 2007, was filed.

Director of Public Works Bauman made the report, noting the offer by Alameda County Waste Management (ACWM) to credit three weeks of service to Hayward customers. He noted settlements for other cities including Oakland who will be issued credit of four weeks. Waste Management has agreed to pay franchise fees as well as \$25,000 for City staff time during the lock out. He responded to Council questions.

Since the settlement is for residential customers, Council Member Dowling suggested multi-residential customers submit some type of documentation for the credit.

Mayor Sweeney opened the public hearing at 10:28 p.m.

Sheila Junge reported that she resides in a residential complex. She thought that as a matter of equity, commercial and multi-family property owners should receive some credit as well as the residents. She suggested something, such as a form in the next billing cycle that could be included to help multi-family and commercial customers to request account credit.

Rebecca Kowal stated that she resides in an eight unit complex. She stated that she is disabled and is provided with backyard service, which was neglected during the lockout. She asked for a remedy.

Mayor Sweeney closed the public hearing at 10:32 p.m.

David Tucker, representing ACWM, reported that in Hayward, commercial accounts were not as impacted as the residential and were provided service during the lockout. In some areas, in particular some pocket areas, Saturday service was provided. Most full routes were in place by week two of the lockout in the City of Hayward.

Council Member Henson was confident that Public Works Director Bauman negotiated what was in the best interest and fair for Hayward customers.

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Resolution 07-147, "Resolution Authorizing the City Manager to Accept the Terms of the Proposed Settlement Agreement with Waste Management of Alameda County (WMAC) for Non-Collection of Garbage During the July Labor Dispute"

COUNCIL REPORTS

There were no reports.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 10:37 p.m.

APPROVED:

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

ATTEST:

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