



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 21, 1999, 8:00 p.m.

MEETING

The Regular 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 Rodriquez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

The following public speakers:

Francisco Abrantes, 22815 Alice Street, thanked Council and Staff for fixing the road in front of his house.

Jason Moreno, 25200 Carlos Bee Boulevard, called attention to Deaf Awareness Week.

John Gilbertson, 22907 Nevada Road, discussed a street project in his neighborhood, asked when it was planned and who laid it out. He handed a letter to him from John Kyle to the City Manager.

Ron Barklow, 1210 Tiegen Drive, asked whether there would be any conflict of interest in members voting on items concerning developers from whom they received campaign financing.

City Attorney O'Toole explained that there would be no conflict.

William Blundin, 1089 D Street, spoke about Problem Oriented Policing and complained about various City staff members.

CONSENT

Items 3 and 5 were removed for further consideration. By consensus Item 5 was considered after the Public Hearing, Item 6.

1. Approval of Minutes of the Meeting of the City Council of September 14, 1999.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the Minutes of Meeting of the City Council of September 14,

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2. Sidewalk Rehabilitation Program: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works
Bauman dated September 21, 1999, was filed.

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

Resolution 99-149, "Resolution Approving Plans and Specifications
for the City's Ongoing Sidewalk Rehabilitation Program, Project
No. 6942, and Call for Bids"

3. Optical Traffic Signal Preemption System - Approval of Plans and Specifications
and Call for Bids

Staff report submitted by Deputy Director of Public Works
Bauman, dated September 21, 1999, was filed.

Council Member Jimenez asked whether this was the same company who made the initial
presentation in the past. He also complimented Public Works Director on the program and
receiving federal funding for the program.

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

Resolution 99-151, "Resolution Approving Plans and Specifications
for Installation of an Optical Traffic Signal Preemption System at
Various Locations Throughout the City, Project No. 5704, and
Call for Bids"

4. Arden/Shasta Sewer and Manhole Rehabilitation Project - Approval of Plans and
Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Ameri
dated September 21, 1999, was filed.

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

Resolution 99-150, "Resolution Approving Plans and Specifications
for Arden/Shasta Trunk Sewer and Manhole Rehabilitation Project
No. 7564, and Call for Bids"



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5. Mt. Eden Sports Park Improvements: Authorization for Execution of an Agreement for Professional Services

Staff report submitted by Principal Planner/Landscape Architect Woodbury dated September 21, 1999, was filed.

Ron Barklow, 1210 Tiegen Drive, showed pictures of the area during high flooding and said he hoped the park would be elevated enough not to be underwater.

Sheila Junge, 22742 Souza Court, #4, said she objected to the item being on the Consent Calendar before the issue of the vesting tract map and development agreement had been decided, (Item 6).

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

Resolution 99-153, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Singer & Hodges, Inc. for Professional Services to Prepare Plans and Specifications and an Estimate for Mt. Eden Sports Park Improvements"

HEARINGS

6. Vesting Tentative Map Tract 7065 and Development Agreement - Ruggieri-Jenson-Azar & Associates (Applicant), Gordon E. Oliver & Alden Oliver Trusts (Owners) - Request to Subdivide 238 Acres into 537 Single-Family Residential Lots, 22 Commercial/Light Manufacturing Lots, 2 Neighborhood Parks and a Sports Park; and Approval of a Development Agreement - The Site is Located on Hesperian Boulevard between Industrial Boulevard and Old Alameda Creek

Staff report submitted by Principal Planner/Landscape Architect Woodbury, for September 21, 1999, was filed.

Principal Planner/Landscape Architect Woodbury made the initial report. The Sports Park is anticipated for completion by September 1, 2001. A 10-year time frame projected for the entire development is provided for in the Development Agreement.

Planning Engineer Anastas reviewed the map details, explaining the site preparation and grading, as well as the Phase I improvements.

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Council Member Henson asked EIP Associate Richard Nichols whether there had been any word on the decision of the Army Corp of Engineers. He was told there had not been, nor was anything expected until after October 14th since the person assigned to this issue would be out of town until that time.

Council Member Henson then commented on the school impact fees being offered by the developer which is over the amount dictated by the State. It was noted that the fees being offered are consistent with the Blue Rock development fees.

Council Member Hilson asked various questions for further clarification on the report including, Exhibit C, #7-c that outlines the sports park design. City Manager Armas explained that they were working closely with the developer and expected that the design and enhancements would be improved over the period of talks.

Council Member Hilson said he appreciated the efforts to recycle, which includes separating construction materials at the site, and inquired whether a recycling plan for the construction and industrial debris will be considered, because this is the last large development scheduled for Hayward. The amount of debris from the site going to landfill should be minimized as much as possible. He was informed that a recycling plan is required.

Council Member Hilson then asked for a further explanation on the description of "uplands." EIP Associate Richard Nichols explained that uplands are anything not "wetlands." He said it is a very generic classification and that most buildable lots are considered uplands.

Council Member Dowling asked for further clarification of the two new proposed traffic lights on Hesperian Boulevard. Planning Engineer Anastas said they came about as part of the traffic study conducted for the area but will be synchronized.

Staff agreed that the Army Corps of Engineers will have to approve the habitat mitigation plan. In response to various tennis and soccer groups, Eric Willyerd said HARD would be responding to these requests. He explained that studies are being proposed to draft the design of the sports park, and solicit public input to maximize the best use for it. Twenty-five acres will be an opportunity for various activities. He also thanked staff for informing Union City about the project.

Council Member Rodriguez asked whether the habitat plan would include a part of the buffer plan. Principal Planner/Landscape Architect Woodbury explained that it is part of the plan and whether it would be a part of the mitigation plan is to be determined by the Army Corps of Engineers.

Pete Ruggeri, 27020 Halifax Place, an expert with the applicant, explained that the main purpose of the buffer, which will be 50 feet of water three feet deep, is to separate the domestic animals that will be in the new residential area from the natural wildlife in the wetlands.



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EIR Associate Nichols also responded to the buffer definition. A determined feral cat could swim across it, but it would deter most domestic cats. There is already a level of predation in that area. He explained that the details of the buffer will be designed with the other agencies, including the Department of Fish and Game who will determine access to the Bay Trail.

Council Member Ward referred to the CC&R's as the most stringent that he has ever reviewed. He asked how they could be certain that they would be enforced in perpetuity.

Developer Joe Callahan stated that the CC&R's will include deed restrictions and, conceptually, there will be a professional management staff to insure that they are maintained.

At the request of Council Member Jimenez, Mr. Willyerd explained the state of the art lighting which will be incorporated at the sports park as well as the distribution of light, and hours of operation. Most HARD facilities would be restricted to 10:30 p.m. at the latest.

Council Member Henson asked that staff depict the emergency vehicle access/egress.

Council Member Hilson asked for further information on the maintenance of the buffer and when the City would take over maintenance of it. Director of Public Works Butler explained that the satisfactory performance of the buffer must be demonstrated and approved by the Public Works Director before the City takes over responsibility.

Mayor Cooper opened the public hearing at 8:58 p.m.

The following individuals spoke in favor of the project saying it is a long time coming, it would be an economical uplift for the City, and the voters approved it with Measure HH.

Scott Raty, representing the Chamber of Commerce
William Seevers, 22724 Zaballos Court
Mike Brown, Carpenters Union Local 713
Morey Greenstein, Trustee of the Oliver Trust
Donald A. Gall, 1338 Grizzly Peak, Berkeley, Pastor of the beneficiary church, Eden
Congregational Church.
Jim DeMersman, Director of the Hayward Area Historical Museum
Nels B. Nelson, 1922 East Avenue, former president of the Hayward Area Historical Society,
Joe Callahan, 656 Palomino Drive, Pleasanton
Cynthia Birmingham, Haley, Purchio, Sakai and Smith, Main Street
Ken Ryken, 1630 "C" Street
Paul Martin, 3723 Arbutus Court
Rob Warren, President of the HAHS, 945 Greenwich Street, San Francisco
Ellis McCune, 22012 Sevilla Road, Apartment 85
Dick Sheridan, 322 Dutchess Lane

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Ron Wallace, 1660 Trowville Lane
Bea Thornton, 816 Pinedale Court

Joe Callahan, Callahan Development, for the developer, added that, notification and disclosure statements that will inform homebuyers of existing conditions in the area such as the hunting nearby, and their care for domestic animals.

Frank Berlogar, Berlogar Geotechnical, discussed the liquefaction issues. He said they had taken extensive borings on the site and have encountered only clay materials which provide a natural cap to any potential problem.

Lloyd Cluff, Seismic Geologist, discussed deposits and issues related to the seismic effects at the site. He indicated that with proper engineering measures, there should be no problems.

David Choy, Planning Manager for the City of Union City, described several main concerns including the land use and traffic issues at Union City Boulevard and Whipple Road. He was under the impression that there were proposals for traffic mitigation measures. However, no proposed improvements have been made for this intersection. He would like to discuss with staff whether this intersection will be impacted or not. He also indicated that he would appreciate discussing improving communications between the two City staffs.

City Manager Armas said they had previously notified the Union City staff of various plans not identified in the mitigation plan.

Mr. Callahan agreed, adding that the personnel on the Union City Planning staff had changed. They had been in regular contact with the former Planning Manager Joe Holland with whom they held a great number of meetings.

The following individuals spoke in opposition to the project due to the lack of completeness of the permit processes through the various agencies, including Union Pacific Railroad and the Army Corps of Engineers, the need for additional studies, the potential for flooding within the project, drainage issues, environmental issues that include pond waters, and bird refuge as well as the filling that will occur.

Ron Barklow, 1210 Tiegen Drive

Janice Delfino, 18673 Reamer Road, Castro Valley, submitted a statement for the record.

Linda Bennett, Planning Commissioner, clarified her position and reiterated concerns that she felt were not included in the staff report or presentation.

Francisco Abrantes, 22815 Alice Street

JV McCarthy, 732 B Street

Evelyn Cormier, 31020 Carroll Avenue, submitted a statement for the record.

Jason Moreno, 25200 Carlos Bee Boulevard

Shelia Junge, 22791 Souza Court, representing the Audubon Society, submitted a statement for the record.

Frank Delfino, 18673 Reamer Road, Castro Valley



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Mayor Cooper closed the public hearing at 10:11 p.m.

Council Member Hilson indicated that he would have preferred no housing on the Western parcel. However, a number of years ago, he proposed building a business park in Hayward in a campus setting. This is the first proposal they have seen that includes the possibility of seriously attracting high quality businesses to Hayward with high-paying jobs. He said he still had many unanswered questions but moved the item as recommended by staff.

Council Member Rodriquez asked further questions of staff and the development team including the problem of housing near hunting grounds, domestic pets, and Union Pacific approval for the project. She also encouraged the developer to build with union approval and pay the prevailing wage for the area. She added that there are many good things about the project but she does worry about the wetlands since there are not many left. She added that she was also representing many of the Southgate homeowners who are wondering about traffic problems in their area.

City Manager Armas said the City had to get agreement from the Public Utilities Commission rather than the railroad itself. As to paying prevailing wage, they could not require it since it is not a public housing project.

Council Member Henson added that he strongly supported that motion, and asked how far from the Bay the project was located. He was told it was approximately two miles. He then pointed out that with that distance and the 800 acres in the hands of the State, this project can coexist with the environmental concerns.

Council Member Jimenez emphasized that this is the best project for balance in Hayward. It includes jobs, recreation, and housing. It was passed by the voters in the democratic process of a vote that passed to support the measure.

Mayor Cooper stressed that the majority rules and a majority voted for Proposition HH. She was convinced that it was more than the amount of money spent on the election that encouraged its passage. She was, however, upset about several issues that had been raised. She would have liked to see a commitment from the developer to pay the prevailing wage. She also asked staff to work to end the hunting rights in the area. And finally, she was disturbed over the description of domestic animals traversing the bridge and being killed as a result. This is not appropriate. Animal Control should be made aware of the problems, if there are any.

Council Member Dowling said he had listened to the pros and cons and was impressed that the Trust listened to the people. He believed that the key to the victory of Measure HH was the Sports Park. He agreed that in a democracy people should be heard, but since ours is a representative democracy, the leaders who make the actual decision need to look more closely at the information they are provided in order to make a more thoughtful decision. He added that the

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fill on the property was a problem for him with 400 truck trips a day for more than a year and a half. He added that, as a result, he could not support the project, or building on the west side of the property.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and carried by the following roll call vote to approve and introduce the following:

AYES: Council Members Jimenez, Hilson, Rodriquez,
Ward, Henson
MAYOR Cooper
NOES: Council Member Dowling
ABSENT: None
ABSTAINED: None

Resolution 99-152, "Resolution Approving the Vesting Tentative Map for Tract 7065"

Intro Ord 99-__, "An Ordinance Authorizing Execution of a Development Agreement with the Gordon Oliver Estate and Trust and the Alden Oliver Trust for Development of the Mount Eden Business and Sports Park Development Project"

LEGISLATIVE BUSINESS

At this point, Council first heard item 5.

7. An Ordinance Amending Section 10-1.135 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Considered in Connection with Zone Change Application 99-120-01

Staff report submitted by City Clerk Reyes, for September 21, 1999, was filed.

Mayor Cooper opened and closed the public hearing at 10:49 p.m.

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

AYES: Council Members Jimenez, Hilson, Ward, Dowling
MAYOR Cooper
NOES: Council Member Rodriquez, Henson
ABSENT: None
ABSTAINED: None



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COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:51 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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