



**MINUTES OF SPECIAL JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 15, 2002, 8:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency meeting was called to order by Mayor/Chair Cooper at 8:00 p.m. It was followed by the Pledge of Allegiance led by Council/RA Member Hilson.

ROLL CALL

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

PRESENTATION: Pride in Hayward Award

Mayor Cooper awarded the monthly award to residents living in the Santa Clara neighborhood as follows: Robert and Vicky Hopkins, Jose Meza, Michael and Elinor Mendonca, Jack and Mabel Smith, and Elvira Diepenbroek.

PUBLIC COMMENTS

John Kyle made comments related to the current municipal election and the challengers involved.

Frank Goulart spoke on behalf of the Neighborhood Alliance and invited the public to a debate by the candidates on topics related to redevelopment and affordable housing on Saturday, January 19th. Additionally, the debate was to be televised on Friday, January 25, at 6:30 p.m., on Channel 28. Another debate on transportation and crime issues is to be held on February 16 and will be shown on cable on February 22. The debate and discussion will be held at the Linnekin Building. He invited all to listen to the candidates for this election.

Daniel Virgin commented that he has lived in Hayward for over 37 years. He questioned the Council on civics and what constitutes the City of Hayward.

Francisco Abrantes stated that, in his experience, mortgages have risen.

Al Reynolds noted that he has lived in Hayward for over 44 years. He commented on the impacts of the 880/92 freeway improvements that will take fifteen homes on Peterman Avenue.

Jason Moreno commented on the topic of police and policing.

Robert Lopez spoke on campaign financing, finance reform, sign regulations, and removal of his candidacy signs from private property.

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City Manager Armas asked that he provide information to determine if City staff was involved in the removal of signs.

Barbara Swarr commented on the current Council election, Council proceedings, staff recommendations to Council and this community.

Jim Drake corrected comments he made at the previous Council meeting related to the home at 25719 Franklin Avenue. He noted some work that is being done in a home on his street.

Council Member Dowling described a letter he received from Carol Kernnitz, a long-time resident, who suggested that Civic Center Drive be renamed Patriot Parkway in honor of the victims of September 11th. He asked that staff investigate the feasibility of this request as well as consider placing a memorial at a City site.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of January 8, 2002

It was moved by Council/RA Member Ward, seconded by Council/RA Member Hilson, and carried, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of January 8, 2002.

HEARING

2. Text Amendment of the Sign Regulations - Gary Fisher (Applicant) - Request to Modify the Sign Regulations to Permit Changeable Copy Signs in the Industrial District

Staff report submitted by Principal Planner Patenaude, dated January 15, 2002, was filed.

Principal Planner Patenaude made the staff presentation, noting that eSignal is a business, whose building is situated at an angle along State Route 92 and is requesting a text change to the sign regulations in order to install a changeable copy sign. He noted that planning staff and the Planning Commission had concerns for over-concentration and a cluttered look. He commented that this type of sign is regulated by the State Advertising Act. It requires a 1,000-foot separation should another sign be installed on the same side of the freeway. It was noted that some controls by the Outdoor Advertising Act that is enforced by Caltrans, such as remaining static for a period of four seconds. Staff is recommending that this ordinance be introduced to amend the current sign regulations and determine this action exempt from CEQA.

Council Member Ward asked about other locations with similar signs where automobiles are traveling at high speeds. It was noted that the Southland Mall sign adjacent to the 880 freeway is larger than the one proposed and free-standing, whereas eSignal's will be on its building that is angled so that the building is viewed at a much longer time than at perpendicular angle. Council



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Member Ward expressed concern for the contents of the message that may not be in good taste nor appropriate.

City Manager Armas reported that in the deliberations for the Southland Mall sign, the regulation of contents was not discussed. City Attorney emphasized the protections provided by the Freedom of Speech.

Principal Planner Patenaude responded to Council Member Henson's inquiry and confirmed that Caltrans would enforce this type of sign. He also noted that Hayward could impose a 2,000-foot distance rather than the present 1,000-foot requirement for installation of similar signs.

Council Member Dowling asked if the Shasta Bottling Company or hotels situated near freeways could apply for this type of a sign, and staff affirmed it, with the Planning Director having the authority to call up any new requests.

Mayor Cooper asked what would be the maximum number of signs placed on both highways 92 and 880. It was noted that approximately 15 signs could be installed depending on the first one to be installed.

Council Member Jimenez inquired about the changeable sign at Centennial Hall. It was noted that churches and large centers over four acres in the area are allowed such.

Mayor Cooper opened the public hearing at 8:46 p.m.

Scott Johnson representing eSignal provided a description of the firm, noting its national and international status and that the Hayward facility is its headquarters. eSignal has hired Translux, the sign company that will be installing the sign, which will be digitizing "broad market statistics" on the board.

He responded to questions from the Council related to advertising, site location of the sign, the hours the sign would be shown, sign dimensions, and similar signs. He noted that similar signs are in San Francisco, as the one at PacBell Park.

Gary Fischer, the eSignal applicant, indicated that a reader board exactly like this sign was installed in eSignal's New York facility.

Council Member Ward expressed concern for control of the contents to be displayed on the reader board. However, he felt that this was a new and exciting type of signage and a new approach for one of Hayward's entrances. Council Member Ward moved to amend the sign regulations and noted that this application is exempt from CEQA review. Council Member Jimenez seconded the motion.

Council Member Dowling was concerned that this would be another cause for driver distraction. He was not pleased with the sign at PacBell Park and not in favor of billboards as this seems to fit that description.

Council Member Henson expressed his confidence in that there are built-in safeguards as the Planning Director's authority and the 1,000-foot separation. He noted a comprehensive University of San Diego study that addresses the safety issues of digital messages, which reported that the issues are less than those of standard signs are. He did not see this as a safety issue given the static nature of the four-second delay.

Council Member Hilson provided his reasons for not supporting e-Signal's request. This is something that would set an extremely bad precedent for the quality of life in Hayward. He felt that fifteen signs would be a proliferation of signs along the City's freeways. He believed in disconnecting ourselves from the constant pulsing of our psyche to improve our quality of life. He commented on related issues that have surfaced with the proposed power plant project.

In response to Council Member Jimenez's inquiry, Mr. Johnson responded that e-Signal employs over 200 people in the Hayward headquarters.

Council Member Rodriquez stated that she would oppose the application due to distraction to motorists and a limit on the control of this type of sign. She appreciated e-Signal being located in Hayward.

In her review, Mayor Cooper considered this type of sign to be fairly innocuous and commented that her reaction to the Chabot College changeable copy sign at its entrance was initially rather distracting, but now it does not impact her as she drives past it. She felt that this sign would be a real dynamic way of showing that Hayward is indeed open for business and welcomes businesses in order to employ Hayward residents. Hayward is an urban community. These types of signs will not be seen in residential areas, but rather in the business section. She felt that if a business wants to stay in business, it makes sense that it would not place contents that would be inappropriate for the community. She was confident that the signs would not be freestanding, but on buildings only. She urged a vote in favor of the text amendment.

Mayor Cooper closed the public hearing at 8:55 p.m.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried by the following roll call vote to find the project exempt from CEQA review and approve the text amendment of the sign regulations to permit changeable copy signs in the Industrial District:

Introduce Ordinance No. 02-__, "An Ordinance Revising the Sign Regulations Contained in Hayward Municipal Code Chapter 10, Article 7, Sections 10-7.403(j) and 10-7.700(c)"

AYES: Council Members Jimenez, Ward, Henson
MAYOR Cooper
NOES: Council Members Hilson, Rodriquez and Dowling



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ABSENT: None
ABSTAINED: None

LEGISLATIVE BUSINESS

3. Adoption of the Annual Report for Redevelopment Agency Activities for Fiscal Year 2000-2001

Staff report submitted by Redevelopment Director Bartlett, dated January 15, 2002, was filed.

Redevelopment Director Bartlett made the staff presentation, noting that this report is a requirement of Redevelopment Law and responded to Council questions related to concerns of the first-time homebuyers program in the Redevelopment Agency and the report by the independent audit, Mays and Associates. It was noted that the Agency's financial status is reviewed during the annual budget process. The Agency's financial situation improved and generated revenues before the expansion of the Agency that now includes the Mission-Foothill area.

Council/RA Member Henson asked if the City's Redevelopment Agency has complied with requirements and conditions set forth by the State. Redevelopment Director Bartlett responded that Hayward has complied with the requirement to enumerate the land that the City has held for resale and any reporting that involves outstanding loans.

In response to Council/RA Member Jimenez's question regarding the lack of first-time homebuyer activity, City Manager/Executive Director Armas reported that staff turnover impacted the program as well as the increase in real estate values.

Mayor/Chair Cooper opened the public hearing at 9:26 p.m.

Frank Goulart asked about the numbers allocated for first-time homebuyers for low and moderate housing. He also commented on the statement of indebtedness and the lowest historic cost of the property. He expressed concern that with this financial situation, police and fire services may be shortchanged.

City Manager/Executive Director Armas summarized that as reported the low and moderate funds principle assets are in land, which means that this fund is directed to purchase property in Block Four. Thus, this asset is not liquid, but is land and there is no cash to use for other purposes. When the property is sold, than the fund will have cash. He noted that some of the pages in the report are statewide percentages from the State Controllers Office and cautioned against drawing conclusions for the future. He explained that the State has established the Education Revenue Augmentation Fund (ERAF) which is a method used to take monies generated by cities to pay State obligations. The value of redevelopment may be seen by looking

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at the end result. The funds become economic stimulants that increase assessed valuations. As examples, he noted the City's ability to create the B Street Marketplace, the parking garage, and the proposed cannery area expansion.

Robert Lopez suggested the City immediately begin its efforts toward the first time homebuyers program.

Barbara Swarr suggested a fee charged on each home that is purchased in the cannery area to fund a shuttle service to local businesses and offset transportation costs for the homeowners.

Mayor/Chair Cooper closed the public hearing at 9:38 p.m.

Council/RA Member Hilson commented on the tax increment from property in the redevelopment plan as compared to that in a parcel outside the area. He stated that there is more need for housing units than the City could ever satisfy; the demand far exceeds the potential supply for this city. He commented against the use of second units and group housing as a way of using existing housing to address the need for affordable housing. He felt that it was necessary to displace in order to expand providing an example of six low-income units to provide twelve moderate level ones.

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

Resolution 02-05, "Resolution Adopting the Annual Report of Redevelopment Agency Activities for Fiscal Year 2000-01"

RA Resolution 02-01, "Resolution Adopting the Annual Report of Redevelopment Agency Activities for Fiscal Year 2000-01"

4. Consideration of Draft Compact for a Sustainable Bay Area

Planning Manager Anderly made the staff presentation noting that the document, "Draft Document for a Sustainable Bay Area," involves an awareness of the three 'e's': social equity, sustaining the environment, and economic development, and how each relates to each other. She noted that staff and the Planning Commission believe that the City's Revised General Plan addresses, the spirit of the commitment raised by the Bay Area Alliance and recommends that the City Council support, in principle, the ten "Commitments to Action" of the Bay Alliance. She responded to Council's questions noting that the Bay Alliance has acknowledged the City's time commitment to review the issues raised and strategies considered.

Council Member Henson asked what impacts the City's endorsement would accomplish besides regionally.



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City Manager Armas indicated that if the goal of a sustainable Bay Area is to be achieved, there needs to be a cross section of support from throughout the region.

Council Member Jimenez asked how the members of this alliance were appointed. He expressed concerns that Pacific Gas and Electric Company and the Sierra Club were members of that committee. In response to his question whether the Sierra Club opposed the City's proposed Russell City Energy Center, it was noted that the Sierra Club has been supportive of using new technology to produce power.

Council Member Ward stated that most of the strategies tend to address land use matters, although social equity is involved. In response to population growth, it speaks about housing needs, but does not speak about childcare or social programs that are also needed. He was disappointed that issues related to social equity do not appear in this document. He recommended that the Bay Alliance be notified that social equity issues should be addressed more thoroughly.

Council Member Hilson expressed his concerns and objections. He noted that there would be about half the report that would not apply since the City of Hayward has already implemented them. He commented that sufficient housing might not be possible. The demand far exceeds the potential supply. He was bothered by the proposal to encourage group housing or second units since they could have negative impacts on neighborhoods. He spoke of his concern regarding deflect barrier legislation. He said, already, many developers are lacking in responsibility for their products. He asked what the responsibility of the City would if Council were to sign onto the document, when there may be things the City of Hayward would not do, for example, sharing revenue. He also commented that there is nothing in the document noting what cities have already done; nothing in the document gives such credit or makes some allowance to this effort.

Planning Manager Anderley responded that the spirit of the document would be supported rather than each individual point.

City Manager Armas said staff would take care to delineate the limitations set by Council and tie it back to the General Plan.

Council Member Rodriguez questioned what action would follow the approval of this particular report and strategies. She noted that we often get groups that support and draft such reports, but in her experience nothing is done about them after approval. She said the most positive thing is the unification of the regions. She expressed concern for the next step, which will carry out the proposal further with some intention to complete the strategies.

Council Member Jimenez discussed Governor Wilson's diversion of local funding which was not noted in the report and should have been. He then commented on the need in this area for the 238 bypass, which should have been mentioned.

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Council Member Rodriquez commented that one of the supporters of this is the Sierra Club.

Mayor Cooper commented that we already do many of the recommendations. However, this is an all encompassing document and there needs to be buyoff from diverse communities in Alameda County. She commented that they are providing principles that we can all look at.

Council Member Henson agreed with Council Member Rodriquez that Hayward has been at the forefront of this and more action should be taken as a result. He noted that there could be an 11th principle to include business and engage business in these strategies. He said he would like to see Policy 8 include, "Implement policies conducive to safe and healthy communities." He suggested adding more action components to these strategies. He said he wants to see more action measures included. He then suggested that the minutes of this meeting to discuss actions be added as part of this letter.

Mayor Cooper opened the public hearing at 10:06 p.m.

Frank Goulart noted the lack of construction of affordable housing being built in the City and commented on the lack of affordable units being built within the redevelopment agency area. He said the City has lost the chance to add more affordable housing when it approved City Walk. He discussed developer and construction defect legislation. He said the proposal is to put mediation immediately into mediation. He commented that the sales tax is driving the economy.

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

Council Member Dowling moved the staff recommendation. He supported the strategy of stimulating and improving civic engagement. He then commented on the broad coalition of business and groups who are supporting this proposal. He also noted that, although the City has done a great deal in these areas, they might do more to stimulate civic engagement.

In seconding the motion, Council Member Ward added that the minutes of this meeting be included in any letter of support that is transmitted to the Bay Area Alliance.

Council Member Hilson then commented that more information might be included in the document regarding a mechanism to provide and fulfill all of these strategies.

Council Member Henson noted that the City of Hayward has provided a process where the public has been engaged in the Neighborhood Planning Process, which resulted positively. Not all cities experienced that. He suggested this information be shared with Bay Area Alliance.

It was moved by Council Member Dowling, seconded by Council Member Ward, and unanimously carried to support, in principle, the ten "Commitments to Action" as contained in the Draft Compact for Sustainable Development with the proviso that the Council comments, minutes, and supportive materials be included in the transmittal to the Bay Area Alliance.

COUNCIL REPORTS



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There were no Council Reports.

ADJOURNMENT

Mayor/Chair Cooper adjourned the meeting at 10:16 p.m. with Council/RA Member Dowling congratulating Bob Burnside, a long-time resident, on the celebration of his 80th birthday.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

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

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