



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 26, 2002, 8:00 p.m.**

MEETING

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

ROLL CALL

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

PUBLIC COMMENTS

Barbara Swarr commented favorably on a recent newspaper article highlighting B Street.

Jason Moreno reported that the San Francisco Chronicle has added a new program that includes assisting citizens in resolving issues of local concern.

Bob Billmire displayed a sample sign and suggested that the City utilize similar type of signage to identify the use of Measure B funding of various projects throughout the community.

Ron Barklow commented that he had problems with accessing and printing agenda reports from the City's web page.

CONSENT

Council Item 1 was removed for separate vote. Council Item 4 was removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of November 19, 2002

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Rodriquez, and carried, with Council/RA Member Dowling abstaining, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of November 19, 2002.

2. Approval of Rent Stabilization Fees

Staff report submitted by City Attorney O'Toole, dated November

DRAFT

26, 2002, was filed.

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

Resolution 02-169, "Resolution Amending Resolution No. 01-096, the Master Fee Resolution for Fiscal year 2002-2003, Relating to the City Attorney Department, Establishing Time for Payment of Rent Stabilization Fees"

3. Conveyance of Surplus Property at the End of O'Neil Avenue to Adjoining Property Owner

Staff report submitted by Deputy Director of Public Works/Engineering Bauman, dated November 26, 2002, was filed.

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

Resolution 02-170, "Resolution Authorizing Conveyance of Surplus Property Parcel 120 at the End of O'Neil Avenue to the Adjoining Property Owner"

4. Final Map Tract 7361 - Standard Pacific Corporation of California, (Subdivider) - Approval of Final Map, Authorize the City Manager to Execute a Subdivision Agreement

Staff report submitted by Development Review Engineer Gaber, dated November 26, 2002, was filed.

Mayor Cooper opened opportunity for public input at 8:21 p.m.

Jim Bray reiterated his concerns at Clearbrook development and commented on major outstanding issues.

Adrienne Whitmore, owner of Lot 7 in the Clearbrook development, noted the extensive efforts made so that her home would be repaired. She commented that this issue is impacting the entire community.

Ron and Jonathan Wong expressed their concerns as they had at a previous meeting and submitted a statement requesting a meeting with various interested parties.

Council Member Henson asked City Attorney O'Toole whether the Council might consider whether an applicant's past history of dealing with owners when considering future agreements.

City Attorney O'Toole said they could under certain circumstances as in a development agreement or had some other discretionary approval that required specific approval of the developer.



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 26, 2002, 8:00 p.m.**

Ron Barklow asked if Council Member Henson had a conflict of interest as he lives in that development, he added that he is greatly disturbed by Standard Pacific's reaction to developing the critical wildlife habitat in the area. He asked that Council postpone this agreement until the Clearbrook development issue is resolved.

City Attorney O'Toole said they had looked into the potential for conflict long before Council Member Henson participated in any vote. He noted that, according to the FPPC, there is no conflict for the Council Member's participation.

City Manager Armas clarified that the question is whether the developer has complied with the standards and conditions established by the City.

Evelyn Cormier expressed her concerns with the map presented by Standard Pacific to the Planning Department that did not show the footprint around the perimeter that includes the predator fencing. She was told that the lack of that fence on the drawing is not critical, since it will be on the final map. She wanted it confirmed that it would be in the drawings and will be physically there.

Mayor Cooper closed the opportunity for public forum at 8:30 p.m.

City Manager Armas noted that staff is aware of the results of a recent lawsuit and will maintain a watch on the final plans.

Council Member Hilson asked about several of the lots that were set aside as wetland areas and maintained by the homeowners' association. He then asked about ownership of the lots.

City Manager Armas indicated that these lots would be removed from the development and owned by the association. They would have to come back to the City for any consideration for any future development.

Council Member Ward asked about the open space lots and wondered what protection they would be given to help maintain a more pristine condition. He also asked about mosquito abatement in the area.

Council Member Rodriguez asked to be kept informed about the status of the fencing. She said she would support the motion but has concerns engendered by those homeowners who have spoken the past few weeks. She emphasized the need to keep a close eye on this project.

DRAFT

Council Member Henson commented that he would be registering a protest vote as a formality to express his concerns regarding what the developer will and will not do. He said he hoped Standard Pacific would clean up their act.

Council Member Jimenez expressed his concerns on the width of an access road in the area of the sports park in the Oliver East development.

Mayor Cooper said most of the members were voting in support in spite of the issues with Clearbrook Development. She commented that Standard Pacific needs to operate in good faith and in an ethical manner or they will stop the project.

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

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

Resolution 02-171, "Resolution Approving Final Map for Tract 7361 and Authorizing the City manager to Execute a Subdivision Agreement and Accepting Certain Streets into the City Street System"

LEGISLATIVE BUSINESS

5. Consideration of Community Preservation Ordinance

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated November 26, 2002, was filed.

Neighborhood and Economic Development Manager Bauman made the staff presentation. She gave an overview and history of the regulation, and noted that the changes were as a result of staff discussions on upgrading neighborhoods. She commented on the changes proposed, many of which are now included in the definition of "nuisances," and most of which are proposed for the safety of the public.

Council Member Henson asked about public notification and information on the changes in the law, and also about the senior assistance programs.

Neighborhood and Economic Development Manager Bauman indicated that staff is aware of this problem. She suggested that an all City newsletter might be in order again, as well as notifications to any special interest groups within the community.



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 26, 2002, 8:00 p.m.**

City Attorney O'Toole suggested inserting in subsection (i.), after "rear-yards..." 'not visible from a public right-of-way.'

Council Member Dowling asked about (q.) dead trees and dead plant material.

Neighborhood and Economic Development Manager Bauman explained that it was really meant to cover dead trees or dead shrubs that might be fire hazards.

Council Member Ward suggested that the Bailey Ranch subdivision has a walkway that borders on the back yards of homes in the area. He thought the suggestion for the insertion into subsection (i.), would not cover this instance. As to enforcement, he wondered who would be fined when a violation occurs on property owned by others.

Neighborhood and Economic Development Manager Bauman said there would be notification to property owners and, in the case of the "for-sale" autos on others' properties, notification on the vehicle as well.

Council Member Rodriguez said there are a number of changes that might be financially onerous to the owners, in particular senior citizens.

Neighborhood and Economic Development Manager Bauman explained that her office and staff would continue to inform residents about City programs available to them.

Council Member Hilson stated that the City should be very aggressive in emphasizing what assistance would be available. He noted that rental property owners are in a business. He said he hoped staff would help homeowners to maintain their homes.

Neighborhood and Economic Development Manager Bauman said the aim is to address property owners who are in such business.

Council Member Dowling asked how staff deals with property owners who have mental health problems.

Neighborhood and Economic Development Manager Bauman said staff proceeds cautiously when taking any action.

Mayor Cooper opened the public hearing at 9:02 p.m.

DRAFT

Mr. Moreno commented on his experience in putting his concerns in writing. He suggested that a sample letter on how to put the landlord on notice be made available to the general public.

Ms. Swarr asked about the vacant auto sales lots situated throughout the community and expressed concerns that then property owners will install unsightly fences. She also asked that issues related to maintaining commercial properties be included in this ordinance. She discussed the clothes line issues and also what would happen during a drought. She also asked what the income level would be in order to receive assistance.

Neighborhood and Economic Development Manager Bauman explained that the City uses HUD levels, which is approximately \$40,000 annually for a family of four.

Mr. Barklow commented on the needs of senior citizens of this type of assistance. He expressed his concerns that the time limit of three months is too long. He suggested that there be more coordination among staff members in identifying problems and informing the right departments for seeing to corrective actions. He also asked about the maintenance of Caltrans rental properties.

Mayor Cooper closed the public hearing at 9:12 p.m.

Council Member Ward asked that as much information as possible be made available on the City's website. He suggested the City encourage the County to adopt similar ordinances that could be coordinated with the City of Hayward. Working together is critical.

After moving the item, Council Member Dowling noted that the County already has similar ordinances. He commented that enforcement is necessary in order to encourage upkeep. He added that no clothes lines are to be allowed in...“backyards visible from wherever vehicles are allowed to travel.”

Council Member Henson commented that it is necessary to deal with issues like this and that changes in this law are necessary. He did add comments that staff should be sensitive to the needs of seniors and low-income families.

Mayor Cooper commented that homeowners have to be reminded to be responsible to the community, and committed to the neighborhood to maintain property values. This is an important first step in maintaining neighborhoods.

It was moved by Council Member Dowling, seconded by Council Member Ward, and unanimously carried, to adopt the resolution and introduce the ordinance as follow:

Resolution 02-172, “Resolution Finding that the Repeal of the City’s Existing Community Preservation Ordinance and the Enactment of a New Community Preservation Ordinance is Exempt from Review under the California Environmental Quality Act”



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 26, 2002, 8:00 p.m.**

Ordinance 02-____, "Ordinance Repealing Article 7 of Chapter 5 of the Hayward Municipal Code and Enacting a New Ordinance for Community Preservation and Improvement"

COUNCIL REPORTS

Council Member Hilson reported that the League of California Cities Board endorsed three city officials, including Council Member Henson, to the National League of Cities Board. The three-day meeting consisted of examining the League's strategic goals for 2003 that entailed protecting city services and revenue, expanding sustainable housing opportunities, and developing an ethics education program as well as other topics of concern to cities. The League is also exploring the possibility of placing a measure on the 2004 ballot that would bar the State from usurping local revenues. He also commented on the State budget deficits. Lastly, he commended City Manager Armas and City Attorney O'Toole in participating in the task force that developed a model franchise agreement for PG&E.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:30 p.m. wishing all a Happy Thanksgiving and noting that the next regular meeting will be held on December 10, 2002.

APPROVED:

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

ATTEST:

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

DRAFT