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, February 15, 2005, 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., followed by the Pledge of Allegiance led by Boy Scout Kyle Carlsen of Troop #819.

ROLL CALL

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

PRESENTATION: Tennyson High Jazz Band

Mayor Cooper expressed her accolades on the performance of the Jazz Band in Hayward's Sister City, Funabashi, Japan. She presented Certificates of Commendation to: Mr. John Orosco, Music Director of Tennyson High School Jazz Band "Blue Knights;" and members Jennifer Batorski, Neiman Chen, Carlos Ibarra, Laura Lucero, Stephanie Martin, Namor Nalupta, Chinmay Trivedi, and Steven Turner Jr. The certificate was presented in honor of their participation in the One Thousand People Music Festival held in Funabashi, Japan on January 30, 2005. Mr. Orosco expressed his gratitude on this once in a lifetime experience and appreciated the hospitality of the people of Funabashi.

PUBLIC COMMENTS

Bishop Macklin indicated that he would not be able to remain for the rest of the meeting and noted his support in naming Fire Station #1 in honor of Council Member Jimenez. Additionally, he requested that the Council remove from next week's Council agenda the hearing regarding the Christian Vigilance Church. He reported that the church has met with staff in an effort to comply.

Ed Bogue made a report as the City's representative on the Oakland Airport Management Forum. He used diagrams that showed flights and noise levels of air flights over an area in the Glen Eden area and on the home owned by Mr. Wiggam who spoke last week. He also noted that the South Field Group presented a report to the Forum in January. He indicated that the Forum has considered several options and there is no benefit from any of the options that would make it quieter over Hayward except to move the runways.

Barbara Heringer-Swarr commented on the next film at Chabot College on globalization. She also announced that the Demos are hosting a debate on redevelopment on Friday, at 7:00 p.m., at the Westminster Hills Church on Patrick Avenue. Lastly, she commented that the West property on the corner of 7th and B Street seems to be a dumping area for debris and household discards.

DRAFT

CONSENT

Consent Item #4 was removed for public input and separate vote.

1. Approval of Minutes of the City Council Meeting of February 8, 2005

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of February 8, 2005.

2. Municipal Parking Lot No. 2 Modifications, Award of Contract

> Staff report submitted by Deputy Director of Public Works Bauman, dated February 15, 2005, was filed.

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

> Resolution 05-008, "Resolution Approving Addendum No. 1 and Awarding Contract to O'Grady Paving Inc., for the Municipal Parking Lot No. 2 Modifications Project, Project No. 5096"
>
> RA Resolution 05-02, "Resolution Amending Resolution RA 04-07, as Amended, the Redevelopment Budget Resolution for Fiscal Year 2004-05 Relating to an Appropriation of Funds for the Municipal Parking Lot No. 2 Modifications Project"

3. Authorization to Acquire Properties at 251 and 271 C Street

> Staff report submitted by Redevelopment Director Bartlett, dated February 15, 2005, was filed.

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

> RA Resolution 05-03, "Resolution Authorizing the Acquisition of Properties at 251 C Street and 271 C Street in the Proposed Cannery Area School Site"
>
> RA Resolution 05-04, "Resolution Amending Resolution RA 04-07, as Amended, the Redevelopment Budget Resolution for Fiscal Year 2004-2005, Relating to an Appropriation of Funds from the Redevelopment Tax Allocation Bonds Fund, Fund 454 for the Acquisition of 251 C Street and 271 C Street"

4. Adoption of Ordinance Amending Ordinance No. 89-057 C.S., as Amended, the Mobilehome Space Rent Stabilization Ordinance

Staff report submitted by City Clerk Reyes, dated February 15, 2005, was filed.

Robert Billmire thanked the Council for its continued support.

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

Ordinance, 05-02, "An Ordinance Amending Ordinance No. 89-057 C.S., as Amended, the Mobilehome Space Rent Stabilization Ordinance"

LEGISLATIVE BUSINESS

5. Proposal for Development of La Vista Quarry

Staff report submitted by City Manager Armas, dated February 15, 2005, was filed.

City Manager Armas presented the staff report, noting that this is in response to Council expressing an interest in seeing residential development in the quarry in lieu of an extension of the mining permit. He reported that staff met with the property owner, the DeSilva Group, to respond to this direction. Staff has worked with HARD to consider the conceptual proposal. He depicted the proposed development in the quarry area in relation to the fault line and noted that a development application would require modification of the general plan and related prezonings.

In response to a question from Council Member Henson, he reported that a water system would need to be developed and provided to a major line, an upgrade to the pump station on Garin, and a second reservoir at the same location as the present one. This expense would be the responsibility of the developer. The loop design and the water lines would be located to the east of the Hayward Fault. He described several necessary crossings on the fault that will be constructed within seismic safety regulations.

City Manager Armas reiterated the recommendation to direct staff to process an application by the DeSilva Group and prepare a development agreement to set binding obligations in relation to the community amenities. During this process both the City and the DeSilva Group will continue to hold in abeyance their respective applications. He responded to Council questions.

Mayor Cooper spoke of the concerns of Mr. Tavake, a ranch owner adjacent to the quarry smokestacks. It was noted that this private road will no longer be needed for truck use and access to his property would still be available.

Council Member Henson asked questions on the engineering, how the proposed recreational facility area will serve as a catch basin and function as a park, and how the additional reservoir would impact adjacent properties.

City Manager Armas responded that there will be a variety of drainage areas and that the park on some occasions would serve as a natural filtering system as encouraged by the regional water quality system. He reported that when the Garin reservoir was constructed, an additional pad was installed in anticipation of future development and thus there will be no impact to the new developments. It was noted that the developer proposes to contribute fifteen acres for the recreational facility and provide $1.5 million toward its construction.

Council Member Dowling asked about the road system within the conceptual plan that includes extending Bodega. It was noted that the topography is pretty steep and would not allow development in the area along Bodega.

Council Member Halliday asked about the fault lines and whether walking paths could be included in the north end of the development. The representative of the developer would respond to this question during his presentation.

Council Member Quirk noted that he spent some time talking with the consulting geologist and found the modeling quite fascinating. He noted his understanding of quarry activity in relation to the fault line, that the fault line is about ten miles down and that additional geologists will evaluate the work of the current geologists.

Mayor Cooper opened the public hearing at 8:56 p.m.

Al Mendall stated that this is an acceptable fair compromise. He appreciated the fifteen acres, but expressed concern that the proposed community facility may not be built as the developer contribution is $1.5 million. He was fearful that the remainder of the monies to construct this facility may not be available.

Jim Summers, representing the DeSilva Group, responded to Council questions, noting that no housing development will occur around the access roads. He described the detailed trenching that has been done. There has been about a mile of trenching to specifically locate the exact alignment of the fault. Once the alignment is located there are state requirements of 50 foot setbacks. Trails and paths are acceptable; the limitations are that they are not inhabitable. He concurred with the staff recommendation and anticipated submitting an application around the first of March.

Council Member Halliday asked Mr. Summers to comment on inclusionary housing. In response, he noted that there are still details to work out. She commended Mr. Summers for addressing both staff and community concerns.

Mimi Bauer thanked the Council and the staff for this promising proposal and hoped that it comes to fruition as it addresses many community concerns. She asked that as the process continues that the community be kept apprised.

Council Member Ward referred to a letter submitted by Mr. Richard Ersted, one of the property owners near the quarry. He asked staff to respond to the question on the remaining timeline of the quarry operations and when might it be closed. He recommended a written response to Mr. Ersted.

City Manager Armas stated that the present permit can allow mining through 2008 and then there is a year for the Reclamation Plan. An earlier closure could occur depending on the demand from public agencies for materials for constructing public works projects. It was noted that staff has communicated with Mr. Ersted.

Mr. Summer indicated that he spoke with Mr. Ersted and will be meeting with him on March 1 and was appreciative that Mr. Ersted was in concurrence.

Mayor Cooper closed the public hearing at 9:09 p.m.

Council Member Jimenez commended staff and the developer in responding to community concerns.

Council Member Halliday asked about other funding sources for the construction of the community center as the funds by the developer will not be sufficient. She would be supporting this proposal and commended staff, the community and the DeSilva Group for their good work.

City Manager Armas stated that a variety of options will be explored so that sources are not limited to what is already known, such as the park in lieu funding. He agreed that there is optimism that such monies will be found.

Council Member Quirk agreed with Council Member Halliday and also thanked those involved.

Council Member Dowling also commended those involved including Mr. Ersted, the Fairway Park and Twin Bridges neighborhoods, as well as the leadership of City Manager Armas in resolving issues. He expressed his concern and discussed whether this was the right location for a recreational facility. He suggested a better location as the Valle Vista Park, perhaps on Mission Boulevard or near the South Hayward Bart station so more residents could access the park. He suggested this be discussed by the Local Agencies committee. He also emphasized his concerns on the school district impacts.

Council Member Henson reiterated commendations and appreciation for all involved. He preferred that the community center be located at this site to take advantage of the hills setting. He indicated that there was still one thing that was troubling him that there was not enough retail in the southern part of the City. He hoped this could happen along the Mission corridor.

It was moved by Council Member Jimenez, seconded by Council Member Dowling, and carried unanimously, to authorize staff to process a development application for the La Vista Quarry and prepare a development agreement for consideration by the Council at a future date.

6. Consideration of Renaming Fire Station No.1 and Possible Amendment to Guidelines for Naming Municipal Property

Staff report submitted by City Manager Armas, dated February 15, 2005, was filed.

Council Member Ward presented his recommendation to modify the existing policy on naming municipal buildings and act on the proposal to rename Fire Station #1 in honor of Council Member Jimenez. He requested the first matter be discussed separately and that any future renaming be approved with a 'super-majority" or five votes of the seven members. Also to be considered on this matter would be that when the renaming involves a council member, the affected person recuse him or herself from the deliberations and the vote. He stated that this is not a mandate for the person affected. The second matter would be to consider the actual naming.

Council Member Jimenez was of the understanding that the current policy remain in place. He read from the current policy and expressed his concern for the six or more individuals who had to wait so long to express their opinions.

Council Member Henson spoke on his initial intent and did not object to the super majority vote. He reaffirmed that the intent would be to name Fire Station #1 based on the previously adopted policy, which addresses the extraordinary achievements of a citizen.

It was confirmed that the super majority vote would be effective upon approval and apply to all subsequent naming designations.

Mayor Cooper opened the public hearing at 9:21 p.m.

John Sands spoke as the President of the Greater Hayward Democratic Club in favor of naming Fire Station #1 in honor of Council Member Jimenez.

Ralph Martin spoke in favor of naming Fire Station #1 in honor of Council Member Jimenez, noting his public service for over 53 years and 25 years as Hayward's Fire Chief.

Paul Martin indicated that he has known Council Member Jimenez all his life and spoke in support of re-naming Fire Station #1 in his honor.

Mike Mahoney spoke in support of Council Member Jimenez, and recognized his accomplishments. He applauded the dedicated service of those who serve the community and acknowledged that the Council continues to recognize those who serve this community as was done earlier to recognize the youth who represented Hayward in Japan.

Samuel Fuenzalida commended Council Member Jimenez and supported the renaming of Fire Station #1. He expressed the 'extraordinary' accomplishments of Council Member Jimenez as a Fire Chief as described in the 1996 resolution. He noted the naming of a facility in honor of Mayor Harris during his tenure in office.

Richard Lucia, is a commander in the Alameda County Sheriff's Office, stated that he was speaking on

behalf of Sheriff Plummer and himself in favor of honoring Council Member Jimenez. He noted that Mr. Plummer served as police chief when Council Member Jimenez was fire chief.

Kerry Barlow, speaking on behalf of Students for Cal State Hayward, commented on the criteria of the 1996 resolution setting the policy for naming municipal properties and spoke towards honoring Council Member Jimenez. She commented that this is a voting issue and will cause a political backlash of Latinos, students and seniors if the renaming is not approved.

Joel Pena submitted a card, but did not speak.

Mayor Cooper closed the public hearing at 9:37 p.m.

Council Member Ward moved to amend the resolution setting the policy for naming municipal property to require a super majority vote (five of seven) when naming a facility. He also asked that if the person to be considered is serving on the Council, that the member may recuse himself from the deliberations and the vote, but it was not a mandated request.

Council Member Henson reiterated that amendment does not mandate the affected member of Council and thus Council Member Jimenez could participate in the deliberations if he desired. He agreed with the requirement of a super majority vote, noting that on ensuing name changes this will be good.

Council Member Quirk urged his peers to vote their conscious. He preferred the policy change as previously proposed by Mayor Cooper and did not foresee another action of this type in the near future, emphasizing the recognition of Council Member Jimenez for his extraordinary work as a fire chief, not as a Council Member. He would not be voting for the motion. He enumerated several community members whose names currently are on buildings from other agencies and who were alive at the time of the designation.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried by the following roll call vote to amend the policy to require a super majority vote (five of seven), when naming a municipal property and when the person that is being considered is a member of the Council, he or she may recuse himself/herself from the deliberations and the vote:

> Resolution 05-009, "Resolution Amending Resolution 96-24, Guidelines for Naming Municipal Property by Adding the Requirement That the Naming be by the Affirmative Votes of At Least Five Members of Council"
>
> AYES: Council Members Halliday, Ward, Dowling, MAYOR Cooper
> NOES: Council Members Jimenez, Quirk, Henson
> ABSENT: None

ABSTAINED: None

Mayor Cooper offered another opportunity for public input, but there were no requests to speak. She opened and closed this opportunity at 9:45 p.m.

There was further discussion on the renaming of Fire Station #1 with a motion by Council Member Ward to rename Fire Station #1 in honor of Council Member Jimenez after his service on the Council.

Council Member Halliday stated that this issue has risen concern among her colleagues that made her uncomfortable. She reiterated her ethical concerns on this Council honoring its own, noting Council Member Jimenez's accomplishments will be recognized at the appropriate time.

Council Member Jimenez provided his reasons for desiring the renaming occur immediately including his age, physical condition, and reputation as a fire chief.

Council Member Henson offered a substitute motion, which was voted on prior to the original motion.

It was moved by Council Member Henson, seconded by Council Member Quirk, and failed by the following roll call vote to rename Fire Station #1 in honor of Council Member Jimenez effective immediately:

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

As the motion failed, the original motion was then voted as follows.

It was moved by Council Member Ward, seconded by Council Member Dowling, and failed (required a super majority) by the following roll call vote to rename Fire Station #1 in honor of Council Member Jimenez at the conclusion of his service on the Hayward City Council:

AYES:	Council Members Halliday, Ward, Dowling, MAYOR Cooper
NOES:	Council Members Jimenez, Quirk, Henson
ABSENT:	None
ABSTAINED:	None

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:57 p.m.

APPROVED:

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

ATTEST:

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