



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD,
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 4, 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 Mayor Cooper.

ROLL CALL

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

PRESENTATION: Business Recognition Award

This month's business recognition was awarded to Pacheco Brothers Gardening, Inc., located at 795 Sandoval Way. Pacheco Brothers Gardening, Inc., first started in 1979 as a part-time lawn mowing business for Gary and George Pacheco. The business is now a full service landscape company with 65 employees and three service yards. Pacheco Brothers provides landscape maintenance services throughout the Bay for commercial and industrial properties, apartment and condominium complexes, municipalities and government agencies, including Caltrans. The Pacheco Brothers chose Hayward because they grew up here, went to Sunset High School, and decided to keep their business in their hometown. Pacheco Brothers also participates in many community groups and activities, including the Hayward Pride Coalition, Christmas in April, and Mervyn's Childs' Spree. Currently, George is the chair for Rotary's work on Newman Park and is donating the oversight management of the project in the downtown. The award was presented to Pacheco Brothers Gardening, Inc., in recognition of its contribution to the vitality and economic well being of our community, by growing their business in Hayward over the last 20 years and participating in numerous community activities. Gary and George Pacheco accepted the award on behalf of Pacheco Brothers Gardening and thanked the Mayor and Council for the recognition.

Mayor Cooper, assisted by Chief Calhoun, presented a certificate of commendation to Officer Steve Abercrombie, in honor of his selection as California DARE Officer for 1998.

PUBLIC COMMENTS

Jason Moreno, Carlos Bee Boulevard, #252, commented on the manner of contributions by large developers.

Francisco Abrantes expressed his concerns on a recent Daily Review article and the confidentiality of facts pertaining to a settlement made by the City.

CONSENT

1. Approval of Minutes of the Meeting of the City Council of April 20, 1999

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to approve the Minutes of the Meeting of the City Council of April 20, 1999.

2. Local Improvement District No. 17, Twin Bridges Community Park - Consideration of Resolutions of Intention to Form an Assessment District to Provide for the Improvement and Maintenance of a Community Park

Staff report submitted by Development Services Engineer Anastas, dated May 4, 1999, was filed.

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

Resolution 99-062, "A Resolution Preliminarily Approving Engineer's Report, Ordering Hearings and Directing Actions with Respect Thereto for Local Improvement District No. 17 (Twin Bridges Community Park)"

Resolution 99-063, "A Resolution Appointing Engineer, Bond Counsel, Financial Advisor, and Assessment Administrator for Local Improvement District No. 17(Twin Bridges Community Park)"

Resolution 99-064, "A Resolution of Intention to Make Acquisitions and Improvements for Local Improvement District No. 17(Twin Bridges Community Park)"

Resolution 99-065, "Resolution Authorizing the City Manager to Execute a Funding and Acquisition Agreement and Allocate Money for Park Improvements for the Twin Bridges Community Park"

Resolution 99-066," A Resolution Directing Preparation of Annual Report for Zone 7 of the Consolidated Landscaping and Lighting District No. 96-1"

Resolution 99-067, "A Resolution Directing Preparation of Annual Report for Zone 7 of the Consolidated Landscaping and Lighting District No. 96-1"

Resolution 99-068, "A Resolution Approving Engineer's Report for Zone 7 of the Consolidated Landscaping and Lighting District No. 96-1, Confirming Diagram and Assessment for Fiscal Year 1999-2000"

Resolution 99-069, "A Resolution of Intention to Levy



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Assessments for Fiscal Year 1999-2000 for Zone 7 of the Consolidated Landscaping and Lighting District No. 96-1, Preliminarily Approving Engineer's Report, and Providing for Notice of Hearing"

HEARINGS

3. Introduction of Ordinances and Adoption of Resolutions Related to the Uniform Building Code, Fire Code, Mechanical Code, Housing Code, and the Plumbing Code (1997 Editions), and the National Electrical Code (1996 Edition)

Staff report submitted by Building Official Attri, Acting Fire Marshall Hyde, and Acting Fire Chief Arfsten, dated May 4, 1999, was filed.

Building Official Attri made the staff report noting the review process taken to present the proposed regulations.

Mayor Cooper opened the public hearing at 8:23 p.m.

Del S. Wilburn, 935 Detroit, Concord, urged this Council to continue to disallow use of ABS plastic pipe. He distributed an information sheet that showed the difference in installation procedures between this type of pipe and the hubless cast iron pipe. He responded to Council questions regarding the acceptance of plastic pipe in construction by twelve cities in Alameda County. He stated that there is presently a class action lawsuit against the use of PVC plastic pipe.

Dave Mann, 935 Detroit Avenue, Concord, urged adoption of the plumbing code with the exception of the use of ABS plastic pipe. He noted that plastic pipe is combustible and could be more hazardous in tremors. As Hayward is approximate to the Hayward Fault, it could be even more hazardous.

Ira Schumer, 1521 Coats Drive, Yuba City, representative of the Cast Iron Institute. He urged restriction of the ABS plastic pipe and based his recommendation on historical information.

Obray Van Buren, 31597 Wheelan Avenue, urged Council to consider excluding plastic pipe due to Hayward being situated near the fault line.

Francisco Abrantes, 22815 Alice Street, spoke against using plastic pipe.

Mayor Cooper closed the public hearing at 8:45 p.m.

Council Member Jimenez moved, seconded by Council Member Rodriguez, to approve all of the Codes and Resolutions with the deletion in the Plumbing Code of the use of plastic pipes.

Mayor Cooper commented that she is no longer convinced that the use of plastic pipes in homes is any greater threat than any other mechanism. It is merely used for waste water venting and drainage. It is time for the Council to recognize that they are one of two holdouts in Alameda County, there has been no major breakage in homes or larger developments in order to drain waste water. The reality is that plastic pipe is used and is certainly not harmful to neighboring cities. She also referenced the poison from carbon monoxide in fires, rather than pvc pipes, etc.

Council Member Hilson clarified that the use of plastic for flexible connections would be legal whatever decision is made. The exception would still be plastic p-traps which would continue to be illegal.

It was moved by Council Member Jimenez, seconded by Council Member Rodriguez, and carried by the following roll call vote to introduce the following with the deletion in the Plumbing Code of the use of plastic pipes:

AYES: Council Members Jimenez, Rodriguez, Ward,
Dowling, Henson

NOES: Council Members Hilson
Mayor Cooper

ABSENT: None

ABSTAINED: None

Introduce Ordinance, 99- __, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 95-25 C.S. and All Amendments Thereto"

Introduce Ordinance, 99- __, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 1999 Edition and the California Fire Code Standards, 1997 Edition, with Certain Amendments Thereto; Prescribing Regulations Governing Conditions, Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for Penalties for Violation; and Repealing Ordinance No. 95-24 C.S. and All Other Ordinances and Parts of Ordinances in Conflict Therewith"

Introduce Ordinance, 99- __, "An Ordinance Establishing a Mechanical Code for the City of Hayward, Regulating the Alteration, Construction, Installation and Repair fo Ventilating, Refrigeration, and Heat Producing Equipment (Mechanical



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Equipment); Providing for the Issuance of Permits and Collection of Fees and Prescribing Penalties for Violation of Said Mechanical Code; and Repealing Ordinance No. 95-28 C.S. and All Amendments Thereto"

Introduce Ordinance, 99-__, "An Ordinance Establishing a Housing Code for the City of Hayward; Establishing Minimum Space and Occupancy Standards, Structural Requirements, Mechanical Requirements, Exits, Fire Protection and Other Requirements for Residential Buildings; Providing for the Repair, Rehabilitation, or Demolition of Substandard Residential Buildings, and Prescribing Penalties for the Violation of Said Housing Code; and Repealing Ordinance No. 95-27 C.S. and All Amendments Thereto"

Introduce Ordinance, 99-__, "An Ordinance Establishing a Plumbing Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Plumbing; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 95-29 C.S. and All Amendments Thereto"

Introduce Ordinance, 99-__, "An Ordinance to be Known and Designated as the Electrical Code of the City of Hayward; Regulating the Installation, Alteration, Repair, and Maintenance of Electrical Wiring, Electrical Fixtures, and Other Electrical Appliances and Equipment; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 95-26 C.S. and All Amendments Thereto"

It was also moved by Council Member Jimenez, seconded by Council Member Rodriquez, and carried to approve the following:

AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling, Henson

NOES: Council Members Hilson
Mayor Cooper

ABSENT: None

ABSTAINED: None

Resolution 99-070, "Resolution Finding and Determining the

Need for Changes or Modifications to the Uniform Building Code, 1997 Edition"

Resolution 99-071, "Resolution Finding and Determining the Need for Changes or Modifications to the California Fire Code, 1997 Edition, with 1998 Supplements "

Resolution 99-072, "Resolution Finding and Determining the Need for Changes or Modifications to the Uniform Mechanical Code, 1997 Edition"

Resolution 99-073, "Resolution Finding and Determining the Need for Changes or Modifications to the Uniform Housing Code, 1997 Edition"

Resolution 99-074, "Resolution Finding and Determining the Need for Changes or Modifications to the Uniform Plumbing Code, 1997 Edition"

Resolution 99-075, "Resolution Finding and Determining the Need for Changes or Modifications to the California Electrical Code, 1998 Triennial Edition"

LEGISLATIVE BUSINESS

4. Consideration of City Position on Senate Bill 3 Pertaining to the California Library Construction and Renovation Bond Act

Staff report submitted by City Manager Armas, dated May 4, 1999, was filed.

As the Council Liaison for the Library Commission, Council Member Dowling urged that Council support SB3 and direct that a letter of support be sent.

There were no requests to speak at 8:54 p.m.

It was moved by Council Member Dowling, seconded by Council Members Jimenez and Rodriquez, and unanimously carried by all present, to send a letter of support regarding SB3, the California Library Construction and Renovation Bond Act.

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT



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Mayor Cooper adjourned the meeting at 9:00 p.m. in memory of Bill Matteson, owner of Ryan's Antiques, who died of cancer. She noted that a private ceremony will be conducted May 5 and sent condolences to his wife and son, Ryan.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward