



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 6, 2007, 8:00 p.m.**

MEETING

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

ROLL CALL

Present: COUNCIL/RA MEMBERS Rodriquez, Quirk, Halliday, Ward, Dowling,
Henson
MAYOR/Chair Sweeney
Absent: COUNCIL/RA MEMBER None

PUBLIC COMMENTS

Wynn Greich spoke on water contamination and the pollutants that are contaminating our drinking water sources. She distributed a newspaper article in this regard.

CONSENT CALENDAR

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 23, 2007

It was moved by Council/RA Member Henson, seconded by Council/RA Member Ward, to approve the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 23, 2007.

2. Adoption of an Ordinance Amending Chapter 11, Article 2, of the Hayward Municipal Code by Adding a Definition and Inserting a New Section 11-2.46 Requiring Installation of Separate Irrigation Water Meters for Certain Projects

Staff report submitted by City Clerk Reyes, dated November 6, 2007, was filed.

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

Ordinance 07-13, "An Ordinance Amending Chapter 11, Article 2 of the Hayward Municipal Code by Adding a Definition and Inserting a New Section 11-2-46 Requiring Installation of Separate Irrigation Water Meters for Certain Projects"

3. Winton/Santa Clara Intersection Improvements: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated November 6, 2007, was filed.

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

Resolution 07-148, "Resolution Approving Addendum No. 1 and Awarding the Contract to Columbia Electric, Inc. for the West Winton/Santa Clara Intersection Improvements Project, Project No. 5756"

4. Authorization to Execute Agreement with Plan Check Consultants

Staff report submitted by Building Official Elliott, dated November 6, 2007, was filed.

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

Resolution 07-149, "Resolution Authorizing City Manager to Execute Agreements with Plan Check Consultants"

HEARINGS

5. Increase in Tow Operation Fees

Staff report submitted by Traffic Bureau Sergeant Quinn, dated November 6, 2007, was filed.

Chief of Police Lowe made the report presenting a comparison chart that compared the proposed increases to neighboring jurisdictions. He responded to Council questions related to the number of towing companies in Hayward of which there are only two in Hayward, the "for sale" automobiles that are parked beyond the 72 hour parking limit, the response time for the tow service, and the process for conducting a tow hearing.

Council Member Dowling indicated that the City of Millbrae has implemented a program to address parked "for sale" automobiles. He recommended staff review it. Acting City Attorney Conneely reported that she has discussed this issue with the Millbrae City Attorney.

In response to Mayor Sweeney's question related to owners of stolen vehicles that are towed, Chief Lowe reported that the City offers the owner opportunity to pick up their vehicle, but if it needs to be towed, that charge is passed on to the owner. Mayor Sweeney cautioned against victimizing such owners when their vehicles are recovered.

Mayor Sweeney opened the public hearing at 8:21 p.m.



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Dan Henriques spoke on a recent incident that occurred with his vehicle. He indicated that when he asked for an additional day to move his car, it was towed.

Mayor Sweeney closed the public hearing at 8:23 p.m.

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

Resolution 07-150, "Resolution Adopting a Revised Tow Operations Fees Schedule Pursuant to Hayward Municipal Code Section 6-8.30"

6. Introduction of Ordinances to Adopt the 2007 California Fire Code, 2007 California Building Code (CBC), the 2007 California Electrical Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, the 2006 International Code for Property Maintenance, 2007 California Existing Building Code, and the 2007 California Historical Building Code

Staff report submitted by Building Official Elliott and Hayward Fire Marshall Berg, dated November 6, 2007, was filed.

Building Official Elliott made the report, noting the various Codes that are being adopted this year. She presented the new amendments to the Fire and Building Codes. She enumerated the noticing, publications and the various related parties that were notified. She discussed the major change in the Building Code that amends the building permit process with a one year time limit. This provides opportunity for staff to recoup inspection fees. Relative to residential tract developers, she indicated that any application submittals before the end of this year will remain under current codes. The new Codes will take effect on January 1, 2008.

She discussed the allowance in the use of plastic pipe in limited situations as a change to the Plumbing Code. In response to Council questions related to the use of plastic pipe, she reported that the State permits plastic pipe and this modification will bring consistency with neighboring jurisdictions. Automatic sprinkler systems will be required on all development effective January, 2008.

There was further Council discussion against the use of plastic pipe. There was also discussion led by Council Member Ward related to the Historic Building Code. Council Members asked for additional information of its purpose, in particular how it relates to designating a building as historical. Building Official Elliott indicated that this is a relatively small section that she felt would be useful in applying less impacting regulations for restoring historic buildings once they are designated.

Director of Community and Economic Development Daluddung interjected and clarified that the Historic Building Code to be adopted will not be used to determine whether a building is designated

as historic. She indicated that she plans to review the process of the Historic Building Code at a work session in December. Both Mayor Sweeney and Council Member Ward commented on the lack of information in this report related to this section of the Code.

Mayor Sweeney opened the public hearing at 8:51 p.m.

Obray Van Buren, a long time resident and a member of the UA Union Local 342 Plumbers and Steam Fitters, spoke on the use of plastic, cast iron and copper pipe use in buildings. He asked that the current Hayward Plumbing Code prohibiting plastic pipe remain. He urged that the current ordinance be maintained. He responded to Council questions and noted that when plastic burns it emits toxins and is noisier in use than cast iron pipes, in particular when used in multi-storied. He also spoke on its installation as compared to the metal.

Mayor Sweeney closed the public hearing at 8: 58 p.m.

Council Member Ward commended staff for its work in updating the Codes; however he was opposed to amending the existing Plumbing Code related to the use of plastic pipe. He asked staff to return with the City's current regulation against the use of plastic pipe.

Council Member Henson asked about wiring and cabling and asked if the State's Code includes the City seismic precautions and regulations. Staff confirmed that the City's seismic regulations are in concert with the State's.

Council Member Ward was in favor of amending and introducing all of the Codes except the Plumbing Code related to the use of plastic pipe. He moved that staff return with that revision to maintain the prohibition of plastic pipe in the City of Hayward. This motion was seconded by Council Member Henson.

City Manager Jones recommended that Council consider the introduction of all of the Codes this evening except the Plumbing Code. Staff will bring back the modification to the Plumbing Code on November 20th with the final adoption of all of the Codes on November 27.

Council Member Ward modified his motion to introduce all of the Codes, except the Plumbing Code. His revised motion was seconded by Council Member Henson.

Council Member Dowling reported that at a recent opening of the new Olson project, Garden Walk, he noted that copper piping was highlighted as a feature of that development. He would be supporting this motion.

Council Member Henson concurred with Council Member Dowling and Council Member Ward to retain the restrictions on the use of plastic pipe.

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



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Resolution 07-151, "Resolution Finding and Determining the Need for Changes or Modification to the California Fire Code, 2007 Edition"

Intro Ordinance 07-_, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2007 Edition, 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. 02-13, as Amended, and all Other Ordinances and Parts of Ordinances in Conflict Therewith"

Intro Ordinance 07-_, "An Ordinance Adopting the 2007 California Historical Building Code, the 2006 International Code for Property Maintenance, the 2007 California Existing Building Code and Part 10 of Title 24 of the California Code of Regulations as Supplemental Codes to the City of Hayward Building Code"

Resolution 07-152, "Resolution Finding and Determining the Need for Changes or Modifications to the 2007 California Electric Code"

Intro Ordinance 07-_, "An Ordinance to be Known and Designated as the Electrical Code of the City of Hayward; Regulating the Installation of Electrical Wiring, 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. 05-03 and all Amendments Thereto"

Resolution 07-153, "Resolution Finding and Determining the Need for Changes or Modifications to the 2007 California Mechanical Code"

Intro Ordinance 07-_, "An Ordinance Establishing a Mechanical Code for the City of Hayward, Regulating the Alteration, Construction, Installation and Repair of Ventilating, Refrigeration, and Heat Producing Equipment (Mechanical Equipment); Providing for the Issuance of Permits and Collection of Fees and Prescribing Penalties for Violation of Said Mechanical Code; and all Amendments Thereto"

Resolution 07-154, "Resolution Finding and Determining the Need for Changes or Modifications to the 2007 California Building Code"

Intro Ordinance 07-__ "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structure; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 02-12 and all Amendments Thereto"

LEGISLATIVE BUSINESS & INFORMATIONAL ITEMS

7. Adoption of an Ordinance Authorizing Execution of Amendment to Mount Eden Business and Sports Park Community Development Agreement

Staff report submitted by City Clerk Reyes, dated November 6, 2007, was filed.

City Clerk Reyes made the staff report, noting that this is the second reading for the three ordinances that were introduced at the October 23rd hearing related to the Mount Eden Business and Sports Park Community Development Agreement. As the vote on these introduced ordinances was not unanimous, each is listed under Legislative Business for separate vote.

As there were no requests to speak, Mayor Sweeney opened and closed the opportunity for the public to speak at 9:04 p.m.

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

Ordinance 07-14 "An Ordinance Authorizing Execution of Amendment to Mount Eden Business and Sports Park Community Development Agreement"

AYES: Council Members Rodriquez, Quirk, Halliday, Ward,
Dowling, Henson

NOES: Council Members None
MAYOR Sweeney

ABSENT: None

ABSTAINED: None

8. Adoption of an Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2007-0232 Relating to Portions of the Oliver East Property

Staff report submitted by City Clerk Reyes, dated November 6, 2007, was filed.



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Mayor Sweeney noted that this was listed separately on the Agenda as previously reported by City Clerk Reyes.

As there were no requests to speak, Mayor Sweeney opened and closed the opportunity for the public to speak at 9:05 p.m.

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

Ordinance 07-15, "An Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2007-0232 Relating to Portions of the Oliver East Property"

AYES: Council Members Rodriquez, Quirk, Halliday, Ward,
Dowling, Henson

NOES: Council Members None
MAYOR Sweeney

ABSENT: None

ABSTAINED: None

9. Adoption of an Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code Deleting the Commercial Retail Zoning District, Amending the Business Park Zoning District and the Neighborhood Commercial Zoning District and Creating the Regional Commercial Zoning District

Staff report submitted by City Clerk Reyes, dated November 6, 2007, was filed.

Mayor Sweeney also noted that this was listed separately on the Agenda as previously reported by City Clerk Reyes.

As there were no requests to speak, Mayor Sweeney opened and closed the opportunity for the public to speak at 9:06 p.m.

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

AYES: Council Members Rodriquez, Quirk, Halliday, Ward,
Dowling, Henson
NOES: Council Members None
MAYOR Sweeney
ABSENT: None
ABSTAINED: None

Ordinance 07-16, "An Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code Deleting the Commercial Retail Zoning District, Amending the Business Park Zoning District and the Neighborhood Commercial Zoning District and Creating the Regional Commercial Zoning District"

COUNCIL REPORTS

There were no reports.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 9:06 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

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