

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
MAY 13, 2003, 6:00 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Vice Mayor Elias called the meeting to order at 6:15 p.m.

**ROLL CALL:** Present: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Elias  
Absent: Mayor Green

Council met in closed session on the following:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
(Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9)

Potential Cases: Two

Mayor Green arrived at the meeting at 6:30 p.m.

*Item B was addressed in closed session as a joint meeting between the Community Redevelopment Agency Board and City Council.*

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** (Pursuant to Section 54956.9)

Property: 33435 Mission Blvd., APN 486-0003-034-01 and 33459 Mission Blvd., APN 486-0003-32 and 486-0003-33

Agency Negotiator: Larry Cheeves, Interim Executive Director, Mark Leonard, Assistant Executive Director, Mark Evanoff, Redevelopment Agency Manager

Under Negotiation: Property and Acquisition Sale

**III. ADJOURNMENT**

Meeting adjourned at 7:07 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, MAY 13, 2003, 7:00 P.M.,  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:24 p.m.

**ROLL CALL:** Present: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Elias,  
Mayor Green  
Absent: None

City Attorney Michael Riback reported that in closed session Council voted unanimously to direct staff to present a report on May 27, 2003 on the process to initiate formal renewal of the cable franchise agreement.

Mayor Green read the rules for conduct of the meeting.

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, April 22, 2003

Councilmember Valle moved, seconded by Vice Mayor Elias, to approve minutes as submitted.

AYES: 5                      NOES: 0                      ABSENT: 0

- B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, April 29, 2003

Councilmember Valle moved, seconded by Vice Mayor Elias, to approve minutes as submitted.

AYES: 5                      NOES: 0                      ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS**

- A. Award of Certificates to winners of Leisure Services Art Contest

Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci, to approve award of

certificates to the winners of the Leisure Services Art Contest.

AYES: 5                      NOES: 0                      ABSENT: 0

B. Resolution in honor of Miss Chinatown San Francisco

Vice Mayor Elias moved, seconded by Councilmember Fernandez, to approve resolution honoring Miss Chinatown San Francisco.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2402-03

Mayor Green read the resolution in its entirety and presented it to Cassey Ho who thanked the Council for the recognition.

C. Resolution in honor of the Dispatcher Clerks of the Year

Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci, to approve resolutions to Raquel Barrigan and Kelli Sipos.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2403-03

ADOPT  
RESO. 2404-03

Mayor Green read the resolutions in their entirety and they were presented to Kelli Sipos and Raquel Barrigan who thanked the Council for the recognition.

D. Resolution proclaiming May 18-24 as Emergency Medical Services Week

Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci, to approve resolution, read in its entirety, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2405-03

Mayor Green read the resolution in its entirety and presented it to Marlene Rivers, EMS Coordinator, who spoke about various services provided by Emergency Medical workers.

E. Resolution proclaiming May as Safe Jobs for Youth Month

Vice Mayor Elias moved, seconded by Councilmember Fernandez, to approve resolution, read in its entirety, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2406-03

Mayor Green read the resolution in its entirety and presented it to Antonio Belmonte, representing the California Partnership for Young Worker Health and Safety, who thanked the Council for the recognition.

F. Resolution proclaiming May 12-18 as National Police Week

Councilmember Fernandez moved, seconded by Councilmember Valle, to approve resolution, read in its entirety, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2407-03

Mayor Green read the resolution in its entirety and presented it to Police Chief Randy Ulibarri who thanked the Council for the recognition.

G. Resolution proclaiming May 18-24 as Public Works Week

Councilmember Valle moved, seconded by Councilmember Fernandez, to approve resolution, read in its entirety, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2408-03

Mayor Green read the resolution in its entirety and presented it to Larry Cheeves, who accepted on behalf of the Public Works Department.

**ORAL COMMUNICATIONS**

Mattie Rousseau, 2469 Ascot Way, stated senior citizens should not have to pay permit fees.

Gertrude Corchero, 32677 Alvarado Niles Road, stated her opposition to the Lighting and Landscape fee and park reservation fees.

John Haley questioned status of golf course plans; requested semi-annual presentation to Council on economic development; and suggested advisory panel for economic development; quarterly newsletter.

Hugh McNamara commented on need for weed abatement on certain lots; May is Older Americans Month; and commented on need for property owners to send ballots in on Landscape and Lighting.

Leonor Amaya commented on the shooting of her daughter.

There was Council concurrence for staff to explore reducing fees for senior citizens and to place on a future agenda for consideration in June.

## HEARINGS

### A. **HEARING RE: ZONING TEXT AMENDMENT AT-02-03** (Introduction of Ordinance)

*Initiated by the City of Union City, a request to modify **Chapter 18.32, Residential Districts** to allow as a permitted use secondary dwelling units within single-family residential districts citywide. Design and development criteria for secondary units would be retained, and Administrative Site Development Review would continue to be required for second-story additions and detached accessory structures. This Zoning Text Amendment is proposed to bring the City's Zoning Title into compliance with AB 1866, which amended Government Code 65852.2. This project is statutorily exempt from the California Environmental Quality Act (CEQA) per section 15282(i).*

Joan Malloy, Planning Manager, gave the staff report.

Councilmember Valle left the meeting at 8:40 p.m.

At this time, Mayor Green opened the public hearing, those speaking in favor of the project.

There were no speakers in favor of this ordinance.

Mayor Green asked for comments of those in opposition to this ordinance.

John Haley stated the concept of single family homes needs to be enforced.

Hugh McNamara commented on additional parking needed for secondary units.

There being no further public comments, Mayor Green closed the public hearing.

Mayor Green moved, seconded by Vice Mayor Elias to introduce ordinance, reading of title suffice, amending criteria by allowing up to 800 square foot, 2 bedroom units on lots larger than 8500 square

feet; and allowing secondary units to be constructed above detached garages.

AYES: 4                      NOES: 0                      ABSENT: 1 (RV)                      INTRO ORD.  
609-03

The title of the ordinance introduced by this motion is as follows:

AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE TO ALLOW SECONDARY DWELLING UNITS IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS, ZONING TEXT AMENDMENT AT-02-03

Council recessed at 8:53 p.m. reconvening the meeting at 9:12 p.m.

Councilmember Valle returned to the meeting at 9:12 p.m.

### **REPORTS FROM CITY MANAGER**

1.     Request to appoint hearing examiners to conduct Abatement Appeal of the Chief Building Official

*The Building Division has identified dangerous, substandard and unsafe conditions at the vacant bowling alley located at 14 Union Square. A Notice and Order to Litke Properties, as owner, requiring repair or demolition of the building is being appealed. Staff is requesting appointment of hearing officers to hear and decide this appeal.*

Kevin Reese, Chief Building Official, gave the staff report.

Councilmember Valle moved, seconded by Vice Mayor Elias to appoint hearing examiners Hilary R. Herman, Jesus F. Sierra, S.E., and Bart Ancheta, Jr. AIA, to hear abatement appeal on June 18, 2003.

AYES: 5                      NOES: 0                      ABSENT: 0

At 9:24 p.m., Council met in a joint meeting with the Community Redevelopment Agency.

### **REDEVELOPMENT AGENCY**

*The following item was addressed in a Joint Meeting between the Community Redevelopment Agency Board and the City Council*

A. **HEARING RE: CONSIDERATION OF PURCHASE AND SALE AGREEMENT, OPTION TO PURCHASE AND DISPOSITION AND DEVELOPMENT AGREEMENT** (Resolutions)

*Property to be purchased by the Agency is located at 33435 Mission Blvd., APN 486-0003-03401, Lots 6, 7, 10 and 11. Property to be Optioned to the Solid Rock Church of God in Christ includes a portion of 33435 Mission Blvd., APN 486-0003-034-01, Lot 10 and Lot 7; 33459 Mission Blvd. APN 486-0003-32, Lot 9; and 33459 Mission Blvd., APN 486-0003-33, Lot 8.; and consideration of a Disposition and Development Agreement for the development of a Private Institutional use on an approximately 17,500 square foot parcel located at 33459 Mission Blvd., APN 486-0003-32, Lot 9; 33459 Mission Blvd. APN 486-0003-33, Lot 8; and a portion of 33435 Mission Blvd., APN 486-0003-034, Lot 7 and Lot 10.*

Mark Evanoff, Redevelopment Agency Manager, gave the staff report.

Jerald Simpkins, Pastor of Solid Rock Church, stated the church will make this project happen and it will look great.

Mayor/Chair Green moved, seconded by Vice Mayor/Chair Elias to approve Purchase and Sale Agreement by adopting resolutions, numbered appropriately.

The title of the resolutions adopted by this motion are as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING EXECUTION BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY OF A PURCHASE AND SALE AGREEMENT AND OPTION TO PURCHASE AND, UPON SATISFACTION OF SPECIFIED CONDITIONS, A DISPOSITION AND DEVELOPMENT AGREEMENT WITH SOLID ROCK CHURCH OF GOD IN CHRIST, AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, ALL IN CONNECTION WITH REDEVELOPMENT OF PORTIONS OF THE MISSION BOULEVARD CORRIDOR AT 33435 AND 33459 MISSION BOULEVARD

ADOPT  
CC RESO. 2408-03

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT AND OPTION TO PURCHASE AND, UPON SATISFACTION OF SPECIFIED CONDITIONS, A DISPOSITION AND DEVELOPMENT AGREEMENT WITH SOLID ROCK CHURCH OF GOD IN CHRIST, AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, ALL IN CONNECTION WITH REDEVELOPMENT OF PORTIONS OF THE MISSION BOULEVARD CORRIDOR AT 33435 AND 33459 MISSION BOULEVARD

ADOPT  
RDA RESO. 277-03

Redevelopment Agency meeting adjourned at 9:30 p.m.

Council meeting reconvened at 9:32 p.m.

**AUTHORITIES/AGENCIES -NONE**

**CONSENT CALENDAR/RESOLUTIONS**

Staff requested Item G removed from the consent calendar.

Councilmember Valle requested Item D removed in order to give him the opportunity to abstain from voting.

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve Items A-C, E-F, and H-M, all resolutions numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

The titles of the resolutions adopted by this motion are as follows:

A.      ADOPT RESO. NO. 2410-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR 7th STREET & LOWRY ROAD REHABILITATION PROJECT, CITY PROJECT NO. 01-29

*Award of contract for pavement rehabilitation of 7th Street from Decoto Road to Mission Blvd. and Lowry Road from Union City Blvd. to City Limits at overhead railroad bridge.*

B. ADOPT RESO. NO. 2411-03:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONSTRUCTION CONTRACT FOR UNION CITY BOULEVARD PARK AND RIDE LOT, CITY PROJECT NO. 00-01

*This resolution awards contract for Union City Boulevard Park and Ride Lot to Top Grade Construction, Inc., of Livermore. This lot will be a 25 car parking facility and will provide public parking for AC Transit Express riders to San Francisco and provide overflow parking for weekend events in the Old Alvarado area and the proposed gymnasium.*

C. ADOPT RESO. NO. 2412-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING AMENDMENT TO 2003/2004 VEHICLE CAPITAL PROJECTS

*This resolution authorizes amendment of the 2003/04 Police Department Vehicle Replacement Capital Project to replace three police motorcycles and authorizes a three-year replacement cycle for the motorcycles.*

E. ADOPT RESO. NO. 2413-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL MAP OF PARCEL MAP NO. 7999 IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

*This resolution approves Final Parcel Map 7999 which subdivides 2.5 acres into two parcels. The site is located at 33801 through 33909 Alvarado Niles Road on the west side south of Oregon Street. The proposed development is an affordable senior housing project known as Phase III of the Senior Village Development.*

F. ADOPT RESO. NO. 2414-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL MAP OF TRACT NO. 7394, IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

*This resolution approves Final Tract Map 7394 regarding Ponderosa Homes II, Inc., which is proposed to subdivide an approximate 8.8 acre parcel into 35 single family detached homes, 8 duplex units and a tot lot. This site is located north of Lowry Road, east of Regents Boulevard.*

H. ADOPT RESO. NO. 2415-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING MODIFICATION OF SITE DEVELOPMENT REVIEW SD-08-01

*The owner David Lee, the applicant is requesting a modification to SD-08-01 to alter the architectural appearance of the building from the originally approved plans. Specific architectural changes requested include lowering the parapet of the building and providing a screen wall to screen roof top mechanical equipment and removing several small skylights. The applicant is proposing to renovate and remodel an existing building for office, light industrial and restaurant uses that will create approximately 24,000 square feet of useable space. The building is located at 30593 Union City Boulevard at the northwest corner of Bettencourt Way. The property is situated on a 1.49 acre parcel in the ML, Light Industrial zoning district. Approved by Planning Commission April 17, 2003.*

I. ADOPT RESO. NO. 2416-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-13-02; VARIANCE V-07-02, USE PERMIT UP-02-03:

The proposed project consists of constructing a 6,120 square foot church on a site approximately 17,500 square feet in area. The applicant is seeking Site Development Review approval and a Variance to allow 25 parking stalls on site, where up to 56 parking stalls are required. The applicant is also seeking a Use Permit for the church use as is required by the Private Institutional zoning district where the proposed project is located. The project site is located at 33459 and 33435 Mission Boulevard at the corner of E-Street in Decoto (Assessor Parcel Numbers 486-3-32,33 and a portion of 486-3-34-1). The subject site is currently zoned PI, Private Institutional and has a General Plan Land Use designation of PI, Private Institutional. A Negative Declaration has been prepared.



City for outside legal counsel.

- L. Introduction of Ordinance: **ORDINANCE OF THE CITY OF UNION CITY REPEALING CHAPTER 9.86 OF THE UNION CITY MUNICIPAL CODE RELATING TO REQUIREMENTS FOR TRIGGER LOCKS FOR FIREARMS AT POINT OF SALES** INTRO ORD. 610-03

Passage and implementation of the Aroner-Scott Hayden Firearms Safety Act of 1999 preempts Municipal Code chapter 9.86 resulting in the City's Ordinance being unenforceable. Staff is recommending Council repeal Chapter 9.86 of the Union City Municipal Code.

- M. Rejection of Claim No. 544

Claim No. 544 was filed by Shirley Harris for alleged damages to her vehicle.

Item M was rejected by the earlier stated motion.

RV recused himself from the following item due to a conflict of interest with his employment at Tri-CED.

The title of Item D is as follows:

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE USED OIL RECYCLING FUND UNDER THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT AND PARTICIPATION IN A COOPERATIVE PROJECT

*This resolution authorizes the submittal of the 9th Cycle Used Oil Recycling Block Grant for used motor oil and oil filter collection and recycling services and public education activities.*

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Elias to approve Item D, numbered appropriately.

AYES: 4                      NOES: 0                      ABSENT: 1 (RV)                      ADOPT  
RESO. 2419-03

The title of Item G is as follows:

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDDING CONTRACT TO JOHN CLAY GENERAL ENGINEERING CONTRACTOR, INC., HAYWARD,

FOR UNION LANDING GATEWAY SIGNS, CITY PROJECT NO. 02-04

*This resolution awards contract for the Union Landing Gateway Signs to John Clay General Engineering, Hayward. The project consists of constructing the concrete wall and footing systems with signs, graphics, earthwork, storm drainage system, up lighting, irrigation and planting at the Dyer Street and Alvarado-Niles Road intersection, on either side of the Courthouse Drive and Dyer Street intersection.*

Staff removed Item G to give an opportunity for those in the audience that may wish to speak on this item.

There being no comment, Mayor Green moved, seconded by Vice Mayor Elias to approve Item G, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT  
RESO. NO. 2418-03

**ORAL COMMUNICATIONS**

There were no oral communications.

**CORRESPONDENCE -NONE**

**APPROVAL OF BILLS -NONE**

**SCHEDULED ORAL COMMUNICATIONS -NONE**

**ITEMS REFERRED BY COUNCIL**

A. Oral Reports by Councilmembers on Meetings of County or Regional Boards and Commissions

Councilmember Valle commented on the outcome of vote of school board in that they did not approve the potential site of the parking lot for the library.

Councilmember Dutra-Vernaci reported attending ABAG Spring General Assembly where the topic is water (desalination); the merger between ABAG and MTC and the use of a facilitator to further discussions on this issue); ABAG has a new program - California Home Source Program.

Councilmember Dutra-Vernaci will be attending the League of California Cities event, Legislative Days. They will be meeting with Dutra and Figueroa and the General Assembly.

Vice Mayor Elias will be attending the Housing Authority meeting.

Vice Mayor Elias questioned if the Mormon Church had been approached as a site for the library. Interim City Manager Larry Cheeves stated a preliminary approach was made to the members (Bishops) of the church in which they did feel this was a possibility.

## **GOOD OF THE ORDER**

Councilmember Valle would like an update on the economic development movement combined with an update on Chamber programs.

Mark Leonard, Community and Economic Development Director will have a final brochure on economic development available at the June 24, 2003 meeting for review by the Council.

Councilmember Fernandez reported on meeting with the County regarding the ivy that grows on the trees. The County has started clearing some of the ivy within a five foot radius.

Councilmember Fernandez stated the pine trees on Alvarado Niles needed pruning because the trucks are taking off branches.

Mayor Green stated the date of the joint meeting with the Park and Recreation Commission and the City Council will need to be changed to a later date.

Mayor Green requested status on skatepark opening. Interim City Manager Larry Cheeves stated July is still scheduled for the opening.

Councilmember Valle commented on the emails received from Larry Cheeves in that they are difficult to read because of the lack of contrast on the screen colors.

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting at 10:03 p.m.

AYES: 5                      NOES: 0                      ABSENT: 0