

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Tuesday, July 25, 2006, 7:00 p.m.**

- I. CALL TO ORDER:** Mayor Green called the meeting to order at 7:07 pm
- 1.a Pledge of Allegiance: Mayor Green led the Pledge of Allegiance
 - 1.b Roll Call: Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green

Mayor Green read the rules for conduct of the meeting.

- II. UNFINISHED BUSINESS:** None

III. PROCLAMATIONS/PRESENTATIONS

- 3.a Presentation by Eden I & R regarding the proposed Eden 2-1-1 Information and Referral Service for Alameda County identifying available social services

Barbara Bernstein, Executive Director of Eden I & R, Inc. presented information regarding the 2-1-1 program, an information referral service for Alameda County. Following a brief question and answer period, Ms. Bernstein noted the program would ideally encompass a 3-year commitment, however, most cities are initially committing for one year only. Mayor Green thanked Ms. Bernstein for sharing the information and expressed well wishes for success with the program.

IV. ORAL COMMUNICATIONS

Gertrude Corchero expressed her dissatisfaction regarding an article which had appeared in the Argus newspaper as well as the proposed division of \$600,000 between automotive shopkeepers.

Hugh McNamara spoke about a lively discussion at the Contempo Neighborhood Watch meeting regarding the height of fences behind Island Pacific; commented that the 50Th Anniversary planning is progressing nicely; and, informed Council of concerns from neighbors regarding the Seymour School site. Economic and Community Development Director Leonard informed Council of the redesign that's underway for the affordable housing unit and that the lot will be cleaned of weeds and trash by the end of next week.

V. CONSENT CALENDAR

- 5.a Adopted **Community Redevelopment Agency Resolution 337-06** implementing the "Modular Home Conversion Program" to place 7 deed restricted modular homes for income qualified households in Central Park West and the Tropics.
- 5.b Adopted **Resolution 3221-06** approving Site Development Review SD-06-06 for Balch Enterprises to construct a 52,226 square foot industrial building to be used for food manufacturing, located at 1300 Atlantic Street.

5.c Approved Regular Meeting Minutes of July 11, 2006.

It was moved by Vice Mayor Valle, seconded by Councilmember Fernandez to approve Consent Items 5.a, 5.b, and 5.c as recommended by staff. Motion carried unanimously.

VI. PUBLIC HEARINGS

6.a Consideration of Specific Plan Amendment SP-01-06 and Introduction of Ordinance No. 672-06 for Zoning Text Amendment AT-03-06; The City proposed to comprehensively update the Decoto Industrial Park Study Area (DIPSA) Specific Plan to bring it into conformance with the City's 2002 General Plan. The City also proposed to modify Title 18, Zoning, of the Union City Municipal Code to add a DIPSA Zoning Chapter (18.102), and make the text consistent with the amended DIPSA Specific Plan (SP-01-06)

Assistant Planner Evans introduced the staff report and presented a general background of the DIPSA Specific Plan.

Mayor Green noted the lack of reference to the Alameda County Transportation Improvement Authority (ACTIA) and requested staff include ACTIA to Section II of the DIPSA Specific Plan.

Economic and Community Development Director Leonard responded to questions from Councilmembers related to fee adjustments, caps on Mello Roos, and the status of fees for Guy Emanuel School.

Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Vice Mayor Valle, seconded by Councilmember Fernandez to:

- 1) adopt **Resolution No. 3222-06** regarding the environmental determination for the DIPSA Update (SP-01-06) and Zoning Text Amendment (AT-03-06); and
- 2) adopt **Resolution No. 3223-06** approving Specific Plan Amendment, SP-01-06, to amend the Decoto Park Study Area (DIPSA) Specific Plan and add ACTIA to Section II of the DIPSA Specific Plan; and
- 3) waive first reading of entire text and introduce **Ordinance No. 672-06** amending Title 18, Zoning of the Municipal Code (AT-03-06)

Motion carried unanimously.

6.b Consideration of a proposed 438-unit high-density apartment community located at 14-44 Union Square called Avalon at Union Station and adoption of resolutions for:

- A. Certification of Environmental Impact Report
- B. Vesting Tentative Tract Map Number 7746

C. Site Development Review SD-06-05, Use Permit UP-06-06, and Variance Permit V-03-06 and Introduction of Ordinance for Development Agreement DA-01-06, Avalon Bay Communities, Inc.

Economic and Community Development Director Leonard presented the staff report, summarized the development agreement, and explained fees associated with the project.

Assistant Planner Lum provided an overview of the proposed Avalon Bay at Union Station project.

Fire Marshall Mapes responded to questions from Council and explained the fire impact fees, location/access of fire protection in the building, and requirements related to ladder trucks.

Environmental Consultant John Courtney addressed questions from Council and reported there is nothing proposed as part of the project description related to Solar panels; there are no real Bay Area Quality Management District requirements to warn people of possible adverse health affects if the project were to break a threshold; and, also discussed the magnitude of number of trees.

Avalon Bay Architect Nathan Hung spoke about a design enhancement for the building and their commitment to work with staff to come up with a design beneficial to the project.

Mayor Green acknowledged design options which would be considered by the Public Art Review Board, but requested Council be provided the opportunity to consider the design options as well.

Council and staff engaged in a question and answer period related to design option concerns for truck access, potential name change and noise mitigation.

Councilmember Dutra-Vernaci asked Mr. Hung for a commitment to a minimum of 6 months from today. Mr. Hung agreed and stated opening day would be in approximately 18 months, which would be 2008.

Council recessed to a break at 9:24 pm and reconvened at 9:38 pm.

Mayor Green opened the public hearing.

John Reynolds with Bay Area Rapid Transit, Property Development Division, recognized the creative element and tenacity of staff. He spoke in favor and was supportive of the project, and looking forward to working with Avalon Bay.

John Haley spoke in favor of the project and stated the 5-story development will set a higher scale. He also spoke about the size of the various units, rental cost, and different concepts for distribution of the \$600,000.

A resident of the Brookstone Community spoke favorably about the overall project but expressed various concerns related to the bridge.

Shirley, a Union City resident, spoke of the unfair relocation money going to only one repair shop owner and would like to see it divided equally among all business owners.

Phillip Crosby spoke on behalf of the Brookstone Community, informed Council he has a petition signed by 118 residents, and described the unique character of the Brookstone Community. He also spoke of the negative impact of having a bridge, and requested Council not build a bridge at this time.

Mr. Jimenez of Jimenez Market at Union Square stated he was upset with the City and felt discriminated against, ignored and offended. He asked to be treated with the same rights as the auto shops.

Jaime Rivera explained that although he was one of the longest tenants at Union Station, he felt he was forced out because of the project, and left out of any relocation allotment. He believed he should be entitled to any relocation monies.

Ramon Gomez of Mitsu Auto Repair stated he hand delivered a letter signed by the Union Square business owners to Mark Leonard, Tony Acosta and the City Council. He expressed his concern that the \$60,000 distribution would not help due to costs associated with a new business but thanked Council for the 6 months from Avalon Bay.

Julius Conception, a resident of the Brookstone Community reported approximately 30 families met and all agreed against the bridge. He questioned Council as to why it had to be built now and suggested they address the bridge at a later time.

Norak Vann of One Stop Auto expressed the frustration of trying to stay in Union City and requested the help of the City by looking at relocation loss, advertising costs, larger spaces, retaining customer base, impact on employees/families and how it will affect the Community.

Ed McClinton of Compu Tune and Brake proposed questions to Council regarding the decision making process. He asked about business involvement, criteria for distribution of money, and requested answers as to why they recommended one business for business retention, although he appreciated Mark Leonard negotiations.

Ben Elias commended staff for getting a \$600,000 commitment, noting his desire for an even larger contribution from the developer.

The owner of Decoto Auto Repair stated he has been the owner for 15 years and commented that each business is a vital part of the Union City Community. He asked Council for 180 days notice for relocation and to distribute the \$600,000 equally.

A shop owner of Union Square requested help to find a place, to give at least 180 days notice and to distribute the money equally among all businesses.

Barry Ferrier stated he had attended most Council/Planning meetings and noted this development project is not a new item brought before Council. It had been discussed over the last two years and its wrong to blame Staff, Council or the Mayor for any deficiencies. He mentioned it was a private deal, we should be thankful Avalon contributed any money, and suggested Christine Friday get involved to solve issues.

Myrla Raymundo stated she was glad to have the first high-rise (5-story) in Union City, however questioned with the influx of people and whether the City could accommodate by providing city services such as education and police. She supported the \$600,000 be divided equally among all tenants including the ones that have left.

There were no other speakers on the matter. Mayor Green closed the Public Hearing at 10:16 pm.

Mayor Green and Council agreed Condition 8 should return to Council for review of final architectural enhancement.

Council agreed on 6 months for notification beginning tonight. Mayor Green gave credit to Mr. Hung of Avalon Bay for giving those 6 months.

Mayor Green and Council discussed with staff the terms of funding a police sub-station and the potential impacts it will have on departments. It was the consensus of Council to condition the developer to participate to their proportional share, and any future business property improvement district that may be formed within the next 10 years, to develop a police sub station.

Mayor Green spoke about the history of Brookstone, requested moving forward with the implementation of the bridge, and having staff prepare the Capital Improvement Plan in the Spring and readying it for allocation on the next budget go around.

Councilmember Dutra-Vernaci supported only the easement and stated the residents have valid concerns. She also requested easement be in the agreement and to bring it back in the future.

Vice Mayor Valle noted the importance of keeping the neighborhood safe and did not support the easement or the creation of a walk bridge at Avalon.

Councilmember Fernandez supported the proposal to not build right now but keep the option open to possibly build in the future.

Councilmember Navarro supported the Brookstone neighborhood and agreed with retaining the easement for future use.

Mayor Green noted the Council consensus was to retain the easement.

Councilmember's requested staff prepare wording on the notification for condo conversion as a condition in the resolution.

Councilmember's discussed the issue of finding a place for all businesses with sufficient parking space. Several alternative locations were mentioned including areas such as Croation, Atlantic, and Vesey/Horner area. Also discussed was the possibility of allocating Redevelopment Agency money to accommodate all of the businesses in one location.

Council requested staff return for further discussion with a more definitive plan on the criteria for the \$600,000 and potential Redevelopment Agency funding.

Vice Mayor Valle expressed concern about discussions with developers relating to projects under consideration. The City Attorney suggested Councilmember's discuss this matter later in the agenda.

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez to approve staff recommendations, with changes as discussed, and:

- 1) Adopted **Resolution No. 3224-06** certifying the Environmental Impact Report as adequate and complete, and adopting both the Statement of Overriding Considerations and the Mitigation Monitoring Program;
- 2) Introduced **Ordinance No. 673-06** approving the Development Agreement between the City of Union City and Avalon Bay Communities, Inc. (DA-01-06);
- 3) Adopted **Resolution No. 3225-06** approving Vesting Tentative Tract Map 7746;
- 4) Adopted **Resolution No. 3226-06** approving Site Development Review SD-06-05, Use Permit UP-06-05, and Variance Permit V-03-06 initiated by Avalon Bay Communities, Inc.

Motion carried unanimously.

- 6.c Public Hearing of the City Council to consider an update to the development fees charged to developers of property within the Decoto Industrial Park Study Area (DIPSA)

This item was continued for consideration to the next regular City Council Meeting on August 8, 2006.

- 6.d Public Hearing of the City Council to consider adoption of a Citywide Park Facilities Fee charged to developers of residential non-subdivided property (i.e. apartments)

This item was continued for consideration to the next regular City Council Meeting on August 8, 2006.

VII. CITY MANAGER REPORTS

- 7.a Resolution Calling and Giving Notice of General Municipal Election

Deputy City Manager presented the staff report and informed Council that this Resolution supersedes the previous Resolutions adopted on June 27, 2006.

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to approve **Resolution No. 3227-06** calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 7, 2006, for the election of certain officers; requesting the Board of Supervisors of the County of Alameda to consolidate a General Municipal Election to be held on Tuesday, November 7, 2006 with the General Election to be held on that date pursuant to Section 10002 of the Elections Code; requesting certain services of the Registrar of Voters; establishing regulations for candidate statements on the Sample Ballot; and, rescinding Resolution No. 3202-06, Resolution No. 3203-06, and Resolution No. 3204-06. Motion carried unanimously.

- 7.b Introduction of an Ordinance to approve adding Chapter 7.22, "Shopping Carts" to the Union City Municipal Code regulating shopping carts and waived full reading

Management Analyst Accinelli presented the staff report and responded to Council questions regarding the variances of shopping cart regulations.

It was moved by Councilmember Fernandez, seconded by Mayor Green, to approve staff recommendations and introduce **Ordinance No. 674-06** adding Chapter 7.22 "Shopping Carts" to the Union City Municipal Code regulating shopping carts and waive reading the full text of the Ordinance. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY: None

IX. AUTHORITIES AND AGENCIES: None

X. CITY COMMISSION/COMMITTEE REPORTS: None

XI. ORAL COMMUNICATIONS: None

XII. SCHEDULED ORAL COMMUNICATION: None

XIII. ITEMS REFERRED BY COUNCIL

- 13.a Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Councilmember Dutra-Vernaci advised staff that Proposition 42 had been delayed indefinitely according to the League of California Cities.

Councilmember Navarro reported he attended the Airport Noise Commission and was happy to report the seven phases of the Alameda Sound Insulation Program have now been completed.

XIV. GOOD OF THE ORDER

Councilmember Valle asked for concurrence from Council to create a policy regarding negotiations with developers and to create a Committee, preferably with the Mayor and Vice Mayor, to act on behalf of the City. Mayor Green directed staff to put this to the next City Council meeting and agendize under Items Referred by Council.

Councilmember Valle reported his attendance at the Chapel of the Chimes event today and commented it turned out to be a nice event.

Mayor Green stated he had also attended the Chapel of the Chimes event and thought it to be interesting. Two women informed him they wanted to be more integrated in the Community and be involved in the 50th Anniversary celebration.

Mayor Green asked to agendize on the next City Council meeting the need for an alternate on ABAG for the General Assembly.

Mayor Green stated the Planning Commission had seats coming up and requested Council's thoughts on the application questions. He would like to run applications by the end of September with the revisions and run interviews some time in October.

Councilmember Dutra-Vernaci requested staff include in this week's packet the current questionnaire for interviews.

XV. ADJOURNMENT: There being no further business, Mayor Green adjourned the meeting at 11:45 pm.

Respectfully submitted,

Cassie Castain
Administrative Assistant