

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Tuesday, September 26, 2006
7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER – Mayor Green called the meeting to order at 7:19 p.m.

- a. Pledge of Allegiance – Mayor Green lead the flag salute.
- b. Roll Call – Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green.

Mayor Green announced that the City Council had, in Closed Session and by a unanimous vote, approved the City Manager's appointment of Police Captain Greg Stewart to the position of Chief of Police, effective December 23, 2006. Captain Stewart expressed his appreciation for the appointment and acknowledged the support of family and staff. City Manager Cheeves thanked Councilmember's for supporting his selection and noted Captain Stewart would be working closely with current Police Chief Randy Ulibarri over the next several months to insure a smooth transition.

Mayor Green read aloud the rules of conduct for the meeting.

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

- a. Introduction of New and Promoted Employees

City Manager Cheeves introduced the item and department directors. Deputy City Manager Acosta introduced City Clerk Renee Elliott. Police Chief Ulibarri introduced Police Officer Sean Mace, Police Lieutenant Tom Haselton, Police Corporal Jared Rinetti, and Police Corporal Tom Gorrie. Public Works Director Cheng introduced Civil Engineer Michael Nguyen. Economic & Community Development Director Leonard introduced Chief Building Official Diana Rapposelli. Maintenance Worker II Ken Furman was unable to attend due to a family illness.

- b. A Proclamation of the City Council of the City of Union City Proclaiming September 2006 as National Alcohol and Drug Addiction Recovery Month in Union City

A representative was unable to attend the meeting, so the Proclamation will be sent under separate cover.

- c. Proclamation proclaiming October 8-14 as Fire Prevention Week

Mayor Green presented the Proclamation to Division Chief/Fire Marshall Laura Mapes. Mayor Green suggested regularly including fire prevention safety reminders in the Leisure Services Guide.

- d. *Aging -The Ultimate Adventure*, a presentation by Dr. Ray Grimm, Human Services Department, City of Fremont

Dr. Ray Grimm, representing the Tri-City Elder Coalition, presented a report on a community plan for improving the quality of care for older adults in Union City, Newark, and Fremont. Dr. Grimm requested Councilmembers endorse the strategic plan; that Senior Commission Member Irene Wolfe serve on the board; that a staff member be assigned to participate on board; and, that Council select a representative to meet annually with the Tri-City Elder Coalition to review ongoing services in the community. Mayor Green stated Council would not be able to take immediate action, but staff would agendize the requested action for consideration at a future Council meeting.

IV. ORAL COMMUNICATIONS

Comments from the audience on non-agenda items will be accepted for a period of 30 minutes. Speakers are limited to three minutes each. Persons wishing to speak must complete a speaker card available at the rear of the Council Chamber or from the City Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XI of the agenda.

Mattie Rousseau spoke about traffic concerns at Aptos Court and Ascot Way, and on Almaden and Bainbridge.

Hugh McNamara expressed appreciation for the police department's assistance with a festival on September 23-24, and spoke about a Senior's Night Out on the 4th Wednesday of the month.

V. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine in nature and will be enacted by one motion. If discussion is required on a specific item, it will be removed from the Consent Calendar and considered separately.

Item 5.e was removed from the Consent Calendar for separate consideration.

- a. Waived Further Reading of Proposed Ordinance (This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)
- b. Approved Minutes for the Regular meetings of May 23, 2006, June 13, 2006, July 25, 2006, September 12, 2006, and for the Special Meetings of March 28, 2006 and September 12, 2006
- c. Adopted **Ordinance No. 677-06** Amending Title 18, Zoning, of the Union City Municipal Code AT-04-06, to clarify text and amend the requirements of Title

18.33, Affordable Housing of the Union City Municipal Code and bring it into compliance with the City's 2002 General Plan (Introduced September 12, 2006)

- d. Adopted **Resolution No. 3249-06** approving sale of a City owned undeveloped residential lot at 4015 Marsten Ave.
- f. Adopted **Resolution No. 3251-06** authorizing the purchase of Flowronex Booster Pump and Aeration System from John Deere for Civic Center Park Lagoon and Irrigation System, City Project No. 05-19*

*It was noted that the city project number was listed incorrectly on the agenda and should be changed as follows: City Project No. 4-10 should read City Project No. 05-19.

- g. Adopted **Community Redevelopment Agency Resolution No. 339-06** authorizing the Executive Director to Execute the Purchase Agreement for 4995 Horner Street, APN 482-0020-009
- h. Adopted **Resolution No. 3252-06** accepting improvements for 2005-06 Wheelchair Ramps, City Project No. 05-64
- i. Adopted **Resolution No. 3253-06** releasing property from further obligation in accordance with the Agreement between Haas Brothers and the City of Union City executed July 9, 1969 (33233 Central Ave.)
- j. Rejected Claim No. 680, filed by Tereese Sanders, as recommended by the City's Claims Administrator
- k. Adopted **Resolution No. 3254-06** Amending a Policy Governing Expenses of the Council; introduced an Ordinance amending Chapters 2.20, 2.21, 2.24, 2.25, 2.26, 2.27 and adding Chapter 2.19 of the Union City Municipal Code relating to the reimbursement of expenses for members of City Commissions and Committees; and, adopted **Resolution No. 3255-06** establishing a policy regarding reimbursement of expenses for member of City Commissions and City Committees
- l. Adopted **Resolution No. 3256-06** Adopting an Ex Parte Communication Policy for the City Council and the Planning Commission

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

Consideration of Item 5.e removed from Consent Calendar.

- e. Adopt a resolution appropriating supplemental funds from State Gas Tax Fund (Fund 3100) in the amount of \$150,000 and Awarding Contract to Desilva Gates Construction for 2005-06 Overlay Program, City Project No. 05-66

Public Works Director Cheng responded to questions from Councilmembers related to the timing of the repairs. Director Cheng noted that if inclement weather caused a delay in the contractor's work schedule, that city staff would be available to fix pot holes until the final repairs are completed. City Manager Cheeves noted prior bids had been quite high, and a way to hold costs down was to permit the contractor some flexibility with scheduling. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Vice Mayor Valle, to adopt **Resolution No. 3250-06** appropriating supplemental funds from State Gas Tax Fund (Fund 3100) in the amount of \$150,000 and Awarding Contract to Desilva Gates Construction for 2005-06 Overlay Program, City Project No. 05-66. Motion carried unanimously.

VI. PUBLIC HEARINGS

- a. Public hearing to consider the adoption of a resolution approving modification of Tentative Tract Map 7668 and Site Development Review, SD-04-05, to create a five building, 16 unit residential condominium project with common area, where 15 units were approved on November 22, 2005. The project is initiated by Paul Bunton and the site is located at 4312 Dyer Street at the intersection of Dyer Street and Meteor Drive.

Assistant Planner Avalon Evans presented the staff report and responded to questions from Councilmember's seeking clarification of landscaping, color scheme, and parking dimension requirements.

Architect Paul Bunton Architect responded to a question from Councilmember Fernandez regarding slope, acknowledging the drawing is incorrect. Mr. Bunton also thanked the Mayor and Council for their advice and support regarding the addition of a 16th unit.

Mayor Green opened the public hearing. Hugh McNamara expressed concerns about sufficient guest parking. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Vice Mayor Valle, to adopt **Resolution No. 3257-06** approving Modified Site Development Review (SD-04-05) and Tentative Tract Map No. 7668. Motion carried unanimously.

- b. Introduction of Ordinance approving Zoning Text Amendment AT-05-06, to establish more specific findings for Administrative Site Development Review and Site development Review (Chapters 18.72 and 18.76), establish a Variance process for additions of more than 50% of the existing square footage to nonconforming single-family residences (Chapter 18.16), re-establish a senior housing parking standard in the Residential Districts chapter (Chapter 18.32), and modify the Planned Unit Development chapter (Chapter 18.44) to include industrial planned unit developments

Assistant Planner Avalon Evans presented the staff report and responded to questions from Councilmember's regarding senior housing standards.

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

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to accept the Planning Commissions' recommendation to amend the Municipal Code as reflected in Exhibit A, and introduced an Ordinance to Implement Zoning Text Amendment AT-05-06, which updates Title 18, Zoning, of the Municipal Code. Motion carried unanimously.

- c. Adopt a resolution approving 2006-2007 Union City Chamber of Commerce contract

Economic Development Director Mark Leonard presented the staff report.

Union City Chamber of Commerce Chairperson Donna Mize thanked Councilmembers for their continued support, and included a request for an additional \$2,000 of funding to be used as seed money for a special program for at-risk youth. Ms. Mize introduced Ron Michael who spoke about an 'Evening of Champions' event, held to raise money for the Olympian Clinic to work with and coach youth on track-and-field sports.

Chairperson Mize responded to questions from Councilmembers and provided an update on new location efforts, recruitment for an executive director, and fundraising activities including increased membership and building reserves. Ms. Mize pledged quarterly status updates for the Council.

Mayor Green opened the public hearing. Barry Ferrier acknowledged the efforts of Community Development staff and importance of recognizing Union City businesses. Hugh McNamara spoke in favor of the additional \$2,000 for the Champion event. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Community Redevelopment Agency Resolution No. 340-06** authorizing the Executive Director to enter into a contract with the Union City Chamber of Commerce for 2006/07 Business Retention Program, plus the additional \$2,000 requested. Motion carried unanimously.

Council recessed to a break at 9:15 p.m. and reconvened at 9:38 p.m.

VII. CITY MANAGER REPORTS

- a. Pedestrian & Bicycle Master Plan - Review of Draft Pedestrian and Bicycle Master Plan with special focus on the Project List and Project Prioritization

Planning Manager Joan Malloy presented the staff report and responded to questions from Council. It was noted that if New Haven Unified School District does close Cabello and Barnard-White schools, that two new schools may replace the ones being closed in the Safe Route to Schools section. Councilmembers provided comment.

J.J. Amaya suggested having air or repair stations along the bike paths.

Staff will return at the October 10 meeting when a revised master plan will be considered for adoption.

- b. Fiscal Year 2005-06 4th Quarter Fund Report on Budget to Actual Results and Quarterly Disbursement Report April 1, 2006 - June 30, 2006

Administrative Services Director Digre presented the staff report, noting revenues are exceeding budget estimates and expenses are lower than anticipated. There were no speakers on the matter. Staff responded to questions from Councilmembers.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to accept the report and proposed corrective action, and adopt **Resolution No. 3258-06** Amending Expenditure Appropriations and Revenue Estimates for Fiscal Years 2005/06 and 2006/07. Motion carried unanimously.

- c. Establishment of an Ad Hoc Committee of the City Council to Review a Police Department Complaint

City Manager Larry Cheeves presented the staff report, recommending City Council appoint an Ad Hoc committee of two of its members to review the determinations made by the City Manager regarding the complaint, and to report its findings to the City Council during a future closed session.

J.J. Amaya expressed various concerns about the incident in question. City Attorney Riback cautioned that the details of the incident are a personnel matter which should not be discussed in open session. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Navarro, to appoint Mayor Green and Councilmember Navarro to an Ad Hoc committee to review the determinations made by the City Manager regarding this complaint, and to report its findings to the City Council during a future closed session. Motion carried unanimously.

- d. Report and Recommendations Regarding Obtaining Community Feedback for Project Funding Priorities

Deputy City Manager Tony Acosta presented the staff report and responded to questions from Councilmembers.

Barry Ferrier stated it would be important to hear from new people in order to gain new perspectives, and suggested promoting involvement by advertising on the cable channel and the city's website. There were no other speakers on the matter.

Councilmembers discussed the pros and cons of holding a Town Hall meeting as well as the potential value of conducting a broad-based poll to gather input

about issues important to residents.

Deputy City Manager Acosta stated staff would research options for a telephone poll that could be conducted, and formulate a list of potential questions to be asked, noting the entire process would take between 3-5 months.

It was moved by Mayor Green, seconded by Vice Mayor Valle, that staff would return with options and costs for Council to consider at a future meeting. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. ORAL COMMUNICATIONS

Barry Ferrier suggested that, if closed by NHUSD, Cabello and Barnard-White schools be considered as a prospective site for a new library.

J.J. Amaya spoke about a hypothetical scenario questioning a city policy.

XII. SCHEDULED ORAL COMMUNICATION - None

XIII. ITEMS REFERRED BY COUNCIL

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

Vice Mayor Valle noted he and Councilmember Fernandez would be having a joint meeting with the School District on October 16, and suggested Police Chief Ulibarri introduce Captain Stewart at that meeting.

XIV. GOOD OF THE ORDER

Councilmember Fernandez requested reconsideration of the business incubator program. Director Leonard noted the business loan program had been discontinued due to cost, and stated SBA loan programs could be utilized. Councilmember Fernandez will follow-up with Director Leonard about exploring possibilities to encourage businesses to come to Union City.

Councilmember Navarro expressed concern about a brown fence ready to fall at a bus stop at Dyer and Alvarado-Niles.

Councilmember Dutra-Vernaci and Mayor Green expressed concern about the poor sound quality (low volume) experienced by viewers when watching council meeting broadcasts. City Manager Cheeves noted staff will work with the cable company to investigate what the problem might be.

Vice Mayor Valle inquired about the progress of finding a retail tenant at Mission Gateway. Director Leonard stated the owners of Mission Gateway were negotiating with a coffee shop to open after the new year.

Vice Mayor Valle inquired about the signage at Whipple and 2nd street and the removed City entrance sign at Mission and Tamarack. City Manager Cheeves noted the signs serve two separate purposes. Director Leonard will check the conditions of approval for the Mission Gateway project to see if it was required to provide a City entrance sign.

Vice Mayor Valle inquired whether a neighborhood could pay for street sweeping signage. City Manager Cheeves noted that any changes to the current sweeping schedule would require an increase in personnel, resulting in increased costs.

Vice Mayor Valle requested a copy of the list of funding priorities identified by the Youth Commission. City Manager Cheeves stated staff would provide the list as an informational item for Council, but noted staff's recommendation would be for Council not to act until the list could be considered with other budgetary needs.

Mayor Green announced board and commission vacancies, noting applications were due in the City Clerk's Office by 12 o'clock noon on Friday, October 13, 2006.

Mayor Green suggested forwarding information about new streets to be added to future editions of maps.

Mayor Green inquired about City Hall being used as a remote voting site for the upcoming election. It was suggested that pictures and plaques of incumbents be removed from the lobby and council chambers on the days when early voting will occur. City Manager Cheeves noted staff will take down any related pictures and plaques.

XV. CLOSED SESSION – None.

XVI. ADJOURNMENT

There being no further business, Mayor Green adjourned the meeting at 11:42 p.m.

Respectfully submitted,

Renee Elliott, City Clerk