

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**TUESDAY, JULY 10, 2007
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:04 p.m.

Mayor Green stated there was no reportable action from the closed session held earlier this date.

I.a Pledge of Allegiance – Mayor Green led the salute to the flag.

I.b Roll Call

Present: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Navarro,
Mayor Green

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Presentation of EveryOne Home, the Alameda County-wide Homeless and Special Needs Housing Plan, by Linda Gardner, Alameda County Housing Director

Alameda County Housing Director Linda Gardner presented information regarding homelessness and special needs housing, and responded to questions from Councilmembers.

By consensus, Councilmembers moved Consent Calendar item 5.e forward for consideration at this time.

5.e Adopt a resolution directing staff to use the 'EveryOne Home: Alameda County-wide Homeless and Special Needs Housing Plan' as a guide to address homelessness

It was moved by Councilmember Fernandez, seconded by Vice Mayor Navarro, to adopt **Resolution No. 3395-07** directing staff to use the 'EveryOne Home: Alameda Countywide Homeless and Special Needs Housing Plan' as a guide to address homelessness. Motion carried unanimously.

IV. ORAL COMMUNICATIONS

Chris Cara, Nicole Rae Manzana, and Jerico Abanico spoke about the importance of providing funding for violence prevention programs for youth.

V. CONSENT CALENDAR

Consent Calendar item 5.e was removed for consideration under Section III-Proclamations and Presentations, above.

Consent Calendar item 5.f was removed for separate consideration.

It was moved by Councilmember Fernandez, seconded by Councilmember Valle, to approve Consent items 5.a through 5.d, and items 5.g through 5.j, as recommended by staff. Motion carried unanimously.

- 5.a Motion to Waive Further Reading of Proposed Ordinance (This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)
- 5.b Approved Minutes for the Special and Regular Meetings of June 26, 2007
- 5.c Rejected Claim No. 700, filed by Janis Cruise, as Recommended by the City's Claims Administrator
- 5.d Rejected Claim No. 708, submitted by Han Sup Shin, as Recommended by the City's Claims Administrator
- 5.g Adopted **Resolution No. 3396-07** Authorizing License Agreement with Avalon Bay Communities to Rent One Acre of City Owned Property on Alvarado Niles Road (future Local Roadway Improvement Option 2 Route 84 right-of-way), 35700 Alvarado Niles Road, to Store a Construction Trailer and Equipment
- 5.h Adopted **Resolution No. 3397-07** to accept and appropriate "2007 Justice Assistance Grant" grant funds from the United States Department of Justice for overtime personnel costs relating to special enforcement projects
- 5.i Adopted **Resolution No. 3398-07** Setting the Paramedic Special Tax for Fiscal Year 2007/2008
- 5.j Adopted Joint Resolutions of the City Council and the Community Redevelopment Agency, **Resolution No. 3399-07** and **RDA Resolution No. 364-07**, for Local Support for Congestion Mitigation and Air Quality Improvement (CMAQ) Funding for the Housing Incentive Program (HIP) Grant, Authorizing the Filing of an Application for Federal CMAQ Funding and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project

Consideration of item 5.f removed from the Consent Calendar.

- 5.f Adopt a resolution of the Community Redevelopment Agency Authorizing Contempo Homeowners Association Grant Agreement to Install Utility Poles and Signage Improvements

Economic and Community Development Director Mark Leonard responded to questions regarding the criteria for evaluating the effectiveness of the security improvements made to date. There were no speakers on the matter.

It was moved by Mayor/Agency Chairperson Green, seconded by Vice Mayor/Vice Chairperson Navarro, to adopt **RDA Resolution No. 365-07** of the Community Redevelopment Agency Authorizing Contempo Homeowners Association Grant Agreement to Install Utility Poles and Signage Improvements. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Public Hearing and Adoption of a Resolution Confirming Diagram and Assessment and Levying Assessment for Fiscal Year 2007-2008 within the Boundaries of Landscape & Lighting District No. 3

Superintendent of Public Works Sealana presented the staff report and responded to questions from Councilmembers. Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to correct the Engineer's Report to reflect the addition of Accinelli Park and Cerruti Park, and to adopt **Resolution No. 3400-07** confirming diagram and assessment and levying assessment for fiscal year 2007-2008 within the boundaries of Assessment District No. 3. Motion carried unanimously.

- 6.b Public hearing and adoption of a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Site Development Review SD-09-06, Use Permit UP-08-06, and Variance V-06-06 to allow Masonic Homes of California to redevelop 11.5 acres of the Masonic Home Campus located at 34400 Mission Boulevard. The proposal includes the construction of six new buildings, which would include 193 independent living apartments, 30 memory care units and associated facilities. The Use Permit is to allow the expansion of the continuing care retirement community in the Private Institutional (PI) District, to allow the proposed development within the Hillside Combining (-H) District, and to allow a height increase from 35 feet to 50 feet. The Variance request is to allow the proposed Buildings A and B to exceed the allowable 50 foot height limit in the PI District.

Assistant Planner Evans presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. John Howell, Vice President of Strategic Development for Masonic Homes, spoke in favor of the project and thanked staff for their efforts and Council for its support. Larry Milnes spoke in favor of the project. Beatriz Gudino expressed concern about the potential loss of privacy for her nearby

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

Mayor Green suggested staff look into whether or not additional vegetation could be planted to further screen the development from neighboring views.

It was moved by Mayor Green, seconded by Councilmember Valle, to add a condition of approval requiring the applicant to close the Mission Boulevard median in front of the Masonic Homes driveway to prohibit left turns into the campus from southbound Mission Boulevard (there is already a mitigation measure prohibiting left turns out of the campus onto Mission Boulevard), and to adopt **Resolution No. 3401-07** approving the mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Masonic Homes Expansion Project, and approving Use Permit UP-09-06, Variance V-06-06, and Site Development Review SD-09-06. Motion carried unanimously.

- 6.c Public Hearing and Introduction of Ordinance for Zoning Text Amendment AT 01-07 to Allow For Establishment of Superstores Through the City's Use Permit Process Within Community Commercial Zoning Districts and the Union Landing Commercial Zoning District Within the Sub-Regional Commercial Sub-Area only Subject to Additional Criteria and to Allow for the Establishment of Discount Clubs Through the City's Use Permit Process Within the Community Commercial and Special Industrial Zoning Districts and the Union Landing Commercial Zoning District Within the Sub-Regional Commercial Sub-Area only and to Consider the Adoption of a Resolution Approving A Superstore Policy Statement that Provides a List of Criteria for Use by the Planning Commission When Reviewing Use Permit Applications for Superstores.

Senior Planner Campbell presented the staff report and responded to questions from Councilmembers. Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Fernandez, and the City Council:

- 1) held the public hearing (there were no speakers on the matter);
- 2) accepted the Planning Commission's recommendations with the exception that Council will not include discount clubs in the definition of superstores;
- 3) accepted staff's recommendation to exclude discount clubs in the definition of superstores, provide a definition of discount clubs, and conditionally allow establishment of discount clubs within the CC, MS and CUL (Sub-Regional Commercial Sub-Area only) Zoning Districts upon issuance of a use permit;
- 4) approved amending the Municipal Code as reflected in the proposed ordinance, and waived full reading of the proposed ordinance;
- 5) introduced an ordinance to implement Zoning Text Amendment AT-07-01, which updates Title 18, Zoning, of the Municipal Code, making the required findings; and,
- 6) adopted **Resolution No. 3402-07** approving a policy statement for use permit review of Superstores.

Motion carried unanimously.

VII. CITY MANAGER REPORTS

7.a Approve Third and Final Allocation of Developer Provided Business Retention Funds to Four (4) Automotive Repair Businesses on Union Square

Economic and Community Development Director Leonard presented the staff report and responded to questions from Councilmembers. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to authorize payments to the four retained businesses as follows:

Summary of Allocations

	<u>Mitsu</u>	<u>Bay Star</u>	<u>UC Brake & Clutch</u>	<u>One Stop</u>	<u>Total</u>
Additional Equipment	\$30,594		\$2,407		\$33,001
Fire Alarm Installation		\$8,950			\$8,950
Signage	\$4,700	\$3,480	\$7,613	\$3,500	\$19,293
Utility Hook-ups (PG&E, water, and sewer)*		\$129,580			\$129,580
Additional Advertising and Other	<u>\$2,300</u>	<u>\$3,218</u>	<u>\$1,204</u>	<u>\$1,965</u>	<u>\$8,687</u>
Total of Requested 3rd Allocation	\$37,594	\$145,228	\$11,224	\$5,465	\$199,511
Total of 1st and 2nd Allocations	<u>\$85,965</u>	<u>\$106,273</u>	<u>\$88,963</u>	<u>\$109,288</u>	<u>\$390,489</u>
Grand Total	\$123,559	\$251,501	\$100,187	\$114,753	\$590,000**

*The total cost for the entire building was \$161,974.56. The cost proposed for payment is 4/5 of the entire building cost to serve only the 4 retained businesses from Union Square.

**\$10,000 will be retained by the City to cover carrying costs for the advanced funds

Ayes: Councilmembers Dutra-Vernaci and Fernandez, Vice Mayor Navarro, Mayor Green
 Noes: Councilmember Valle
 Absent: None
 Abstain: None

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. ORAL COMMUNICATIONS - None

XII. SCHEDULED ORAL COMMUNICATION

12.a Mr. Abe Gupta regarding frustrations with the Union City Police Department

Mr. Abe Gupta spoke regarding illegal dumping occurring at his place of business, and his desire to have the Union City Police Department monitor, investigate and apprehend the people guilty of illegally dumping their garbage in his dumpster. Mr. Som Gupta also addressed the Council regarding his ownership of the business since 1983.

City Manager Cheeves provided Councilmembers with photographs of the dumpster area at Mr. Gupta's place of business. City Manager Cheeves provided copies of reports to Councilmembers and to Mr. Gupta. The reports had been prepared by the Police Chief and Economic and Community Development Director responding to Mr. Gupta's complaints. City Manager Cheeves spoke about the importance of business owners taking responsibility for keeping their property clean and free of debris, and for taking appropriate mitigation measures such as providing adequate lighting, locks, fencing, surveillance cameras, signage and enclosures to prevent illegal dumping on their business property. Police Chief Stewart referenced his written report on the matter and noted 21% of directed patrol runs had been deployed to Mr. Gupta's location. Police Chief Stewart spoke about the importance of business owners partnering with police to address problems when they occur. Economic and Community Development Director Leonard stated Neighborhood Preservation staff had been communicating with Mr. Gupta since 2004 regarding complaints about his property.

Councilmembers concurred with staff's recommendations, and encouraged Mr. Gupta to clean up his property and assume more responsibility for mitigating the problem by taking preventative measures as described by the City Manager.

XIII. ITEMS REFERRED BY COUNCIL

13.a Oral Reports by Mayor and Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Navarro reported attending a COR meeting.

Councilmember Dutra-Vernaci stated the League of California Cities had suspended its regular June meeting to hold a fundraising event.

Mayor Green stated that, as of July 1, 2007, the City of Union City was the only Alameda County city that had passed ordinances/resolutions to meet the criteria set forth in StopWaste.Org's model for waste mitigation.

Mayor Green stated there had been an emergency vote at the CMA committee level for Waste Management to find a way to end the current lockout situation with the Teamster's Union.

XIV. GOOD OF THE ORDER

Councilmember Valle thanked Public Works staff for their good work with graffiti abatement.

Vice Mayor Navarro spoke about a littering problem at the Duckett/Wilson property.

Mayor Green expressed concern about speeding traffic on Ascot Way, and a police problem in that neighborhood.

Mayor Green spoke about the ongoing problem of illegal fireworks, and requested staff review the matter and return to Council with a range of options for improving the situation.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Renee Elliott
City Clerk