

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

**TUESDAY, AUGUST 28, 2007
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:17 p.m.

Mayor Green reported a unanimous vote had been taken earlier in Closed Session approving a Memorandum of Understanding for the Union City Police Management Employees.

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

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Valle, to advance Item 7.a, to follow Item 3.a, on the meeting agenda. Motioned carried unanimously.

III. PROCLAMATIONS AND PRESENTATIONS

3.a Resolution of the City Council of the City of Union City Honoring Lisamaria Martinez

Mayor Green read the resolution aloud and presented it to Lisamaria Martinez. Ms. Martinez expressed her appreciation.

Mayor Green announced Item 7.a would be considered at this time.

VII. CITY MANAGER REPORTS

7.a Introduce an ordinance, commonly referred to as a "Social Host Ordinance", to reduce underage drinking by prohibiting loud or unruly gatherings where alcoholic beverages are served to, consumed by, or in the possession of underage persons and authorizing civil fines for violations and imposing civil penalties for the recovery of costs for public safety responses to such gatherings

Police Chief Stewart presented the staff report and responded to questions from Councilmembers.

Alameda County Supervisor Alice Lai-Bitker spoke about the serious problem of underage drinking, and expressed her appreciation for staff's work and the Council's initiative in considering the adoption of a social host ordinance. Roy Tucker expressed various concerns regarding the proposed ordinance. Barry Ferrier spoke about the risks of uninvited persons attending a party. Victor Diaz spoke in favor of the proposed ordinance. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Valle, to approve the introduction of an ordinance adding Chapter 9.18 to the Union City Municipal Code commonly referred to as "Social Host Ordinance" to reduce underage drinking by prohibiting loud or unruly gatherings where alcohol is served to, consumed by, or in the possession of underage persons and authorizing civil fines for violation and imposing civil penalties for the recovery of costs for the public safety responses to such gatherings. Motion carried unanimously.

IV. ORAL COMMUNICATIONS

Roy Tucker expressed various concerns regarding altercations with his neighbors. Police Chief Stewart stated a police report had been taken regarding the incident.

V. CONSENT CALENDAR

Consent Calendar items 5.f, 5.g, 5.h, 5.i, 5.j, 5.k, and 5.m were removed for separate consideration.

It was moved by Vice Mayor Navarro, seconded by Councilmember Valle, to approve Consent items 5.a through 5.e, 5.l, and 5.n through 5.q, 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 July 24, 2007, and for the Special Meeting of August 2, 2007
- 5.c Approved Minutes for the Special Meeting of August 15, 2007
- 5.d Rejected Claim No. 709, filed by Gerald and Hamidah Ha, as Recommended by the City's Claims Administrator
- 5.e Rejected Claim No. 710, as submitted by Paul Bower, as Recommended by the City's Claims Administrator
- 5.l Adopted **Resolution No. 3409-07** Approving Final Tract Map 7800, 33377 Croatian Way, North Side of Pacific Street, Thomas R. White, Owner

- 5.n Adopted **Resolution No. 3410-07** Authorizing the City Manager to Enter into a Contract Agreement for Professional Services with Jones & Stokes to Prepare an Environmental Document for the Proposed Barry Swenson Mixed-Use Project Located on Blocks 2, 3 & 4 of the Intermodal Station District
- 5.o Adopted **Resolution No. 3411-07** Supporting Eden I&R as the 2-1-1 Provider in Alameda County for Identifying Available Social Service Programs in the County and to Appropriate the amount of \$25,000 each year for Fiscal Year 2007-08 and Fiscal Year 2008-09
- 5.p Adopted **Resolution No. 3412-07** Approving Revisions to the Memorandum of Understanding between the City and the Union City Police Officer's Association for the period from July 1, 2007 through June 30, 2008
- 5.q Adopted **Redevelopment Agency Board Resolution No. 367-07** Authorizing a Grant Agreement with Contempo Homeowners Association to Install Internal Lighting Improvements

Consideration of Items 5.f through 5.k, and Item 5.m, removed from the Consent Calendar.

- 5.f Adopt Resolution Designating the Voting Delegate and Alternate Voting Delegate for the League of California Cities Annual Conference in Sacramento, September 5-8, 2007

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3413-07** designating Councilmember Dutra-Vernaci as the Voting Delegate to the League of California Cities Annual Conference in Sacramento, California, and designating Vice Mayor Navarro as the Alternate Voting Delegate to said League Annual Conference. Motion carried unanimously.

- 5.g Adopt a Resolution Approving the Purchase of Six (6) Police Department Patrol Cars, City Project No. 07-16

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3414-07** approving the specifications for the purchase of six (6) Police Department Patrol Cars, City Project No. 07-16, and to identify within the resolution the funding source for said project. Motion carried unanimously.

- 5.h Adopt a Resolution Approving Specifications for the Purchase of One (1) Sports Utility Vehicle for the Fire Department, City Project No. 07-17

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3415-07** approving the specifications for the purchase of one (1) Fire Department Sports Utility Vehicle, City Project No. 07-17, and to identify within the resolution the funding source for said project. Motion carried unanimously.

- 5.i Adopt a Resolution Approving Plans and Specifications for Emergency Generator for Fire Station No. 1, City Project No. 02-27

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3416-07** approving the specifications for furnishing of one new emergency generator at Fire Station No. 1, City Project No. 02-27, and to identify within the resolution the funding source for said project. Motion carried unanimously.

- 5.j Adopt a Resolution Approving Plans and Specifications for 2007-08 Tree Pruning and Removal Program, City Project No. 07-15

Public Works Superintendent Sealana responded to questions from Councilmembers. It was moved by Councilmember Fernandez, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3417-07** approving plans and specifications for the 2007-2008 tree pruning and removal project, City Project No. 07-15. Motion carried unanimously.

- 5.k Adopt a Resolution Approving Final Tract Map 7668, 4312 Dyer Street at Meteor Drive, Pacific Gold LLC, a California Limited Liability Company

Hugh McNamara inquired about the number of off-street parking spaces required for the development. Economic and Community Development Director Leonard stated there was limited parking (6-7 spaces) along Meteor Drive, plus 2 spaces per unit for inside parking.

It was moved by Councilmember Dutra-Vernaci, seconded by Vice Mayor Navarro, to adopt **Resolution No. 3418-07** approving the final Tract Map 7668. Motion carried unanimously.

- 5.m Adopt a Resolution Awarding Contract for the 2006-07 Slurry Seal Program, City Project No. 07-01

Mayor Green stated Lewis Street was in poor condition and should be included in the Slurry Seal program. City Manager Cheeves noted that prior to being sealed, Lewis Street would need reconstruction work due to tree root damage. Staff will include Lewis Street in its work program.

Barry Ferrier commended the City for the crack seal work done on his neighborhood street.

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3419-07** awarding a contract to Valley Slurry Seal Company for the 2006-07 Slurry Seal Program, City Project No. 07-01. Motion carried unanimously.

Mayor Green announced a recess at 8:35 p.m.

Mayor Green reconvened the meeting at 8:45 p.m.

VI. PUBLIC HEARINGS

- 6.a Public Hearing to Adopt a Resolution Authorizing the City of Union City to record a Nuisance Abatement Lien and Special Assessment against 2800 Pelican Drive, Union City, California with the Alameda County Recorder's Office

Neighborhood Preservation Coordinator Kirby presented the staff report and an amended nuisance abatement cost report, and responded to questions from Councilmembers. Coordinator Kirby stated he had received notification that Attorney Joseph Kafka was opposing the matter on behalf of his clients Mr. and Mrs. Lyberopoulos.

Mayor Green opened the public hearing. Mr. Lyberopoulos Jr. stated his father had owned the property since 1975, and was requesting a continuance in order for his father to seek legal counsel. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to approve the Nuisance Abatement Cost Report, and adopt **Resolution No. 3420-07** confirming the costs of nuisance abatement and authorizing the imposition of a nuisance abatement lien and special assessment. Motion carried unanimously.

- 6.b Public Hearing regarding Appeal of a Planning Commission Decision approving Administrative Site Development Review (ASD-11-07) to allow the construction of a new two-story single-family residence on a vacant lot at the corner of Marsten Avenue and Union City Boulevard (APN: 482-0030-020-03)

Assistant Planner Schultz presented the staff report and responded to questions from Councilmembers. Economic and Community Development Director Leonard acknowledged property values had been enhanced in those areas where a bouquet canyon wall was required. Councilmembers noted that requiring a bouquet canyon wall would be more expensive than wooden fencing, but consistency is important along major streets and boulevards.

Mayor Green opened the public hearing. Property owner Saul Loza spoke in opposition to a requirement for a pre-cast bouquet canyon wall, but stated he would be amenable to constructing a concrete wall. Mr. Loza acknowledged the eight-foot high concrete wall would lower to three feet in height within 35 feet of the front property line along the property frontage of Union City Boulevard. Mr. Loza acknowledged the design of the wall would be subject to review and approval by the Economic and Community Development Department and match the bouquet canyon design used along Union City Boulevard. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Valle, to include a condition requiring a concrete wall matching the bouquet canyon design used along Union City Boulevard, and to adopt **Resolution No. 3421-07** approving administrative site development review ASD-11-07 for a new single-family residence at the corner of Marsten Avenue and Union City Boulevard. Motion carried unanimously.

VII. CITY MANAGER REPORTS (See page 1 of these Minutes)

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 Mayor and Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Navarro stated he would be attending a health symposium sponsored by Supervisor Steele's office on October 17, 2007. The event will be held in Union City Council Chambers beginning at 7:00 p.m.

Vice Mayor Navarro reported he will attend an Airport Noise workshop at the Oakland Airport on October 17.

Councilmember Valle reported he would be attending an Alameda County Library Foundation committee meeting on August 29.

Councilmember Dutra-Vernaci stated the League of California Cities and Housing Commission do not have meetings in August. She did attend a hearing in San Carlos on August 27 regarding regional rail plans.

Mayor Green stated he and Vice Mayor Navarro had discussed transportation issues (ACE train to Union City) over lunch with former Congressman Richard Pombo.

Mayor Green inquired regarding shifting library hours of operation. Deputy City Manager Acosta stated the Union City librarian had expressed an interest in lengthening library hours to accommodate the demand since the library is busy all of the time.

Mayor Green stated he had spoken at a Rotary Club meeting in Castro Valley.

Mayor Green inquired about the status of the police sub-station at Dyer and Alvarado. City Manager Cheeves stated next steps would include design work and discussions with Duckett-Wilson regarding costs and funding options.

Mayor Green reported attending an EDAB meeting and youth radio in Oakland.

Mayor Green reported attending an FIA parade in Fremont.

Mayor Green stated East Bay Regional Park District does not have any interest in renovating the horse stable area on the land that the county owns, but the Alameda

County Board of Supervisors may be supportive of improvements for recreational uses. Fire Chief Rodriguez stated staff was considering the possibility of using the area for fire training exercises as well.

Mayor Green stated he had testified for high speed rail at the regional rail meeting on the 15th.

Mayor Green reported participating as a panelist at an administrative services symposium with Administrative Services Director Digre.

Councilmember Fernandez reported attending a meeting with Pete Stark where Dumbarton funding was discussed.

XIV. GOOD OF THE ORDER

Councilmember Dutra-Vernaci requested BART be notified about suspicious activities occurring late at night involving kids in the BART parking lot.

Councilmember Dutra-Vernaci stated there was an over abundance of pine needles and trash on the sidewalk, and ivy growing on trees, on the east side of Alvarado-Niles Road between Hartnell and Sherman.

Councilmember Valle stated a resident had complained about the lack of notice for the closure of Arce Street, and suggested staff might hold neighborhood meetings in the future. Public Works Director Cheng stated staff would do a better job noticing in the future.

Councilmember Fernandez reported progress had been made in removing ivy from the trees along the Alameda County Creek trail.

Councilmember Fernandez stated staff should involve Council in neighborhood preservation issues before the \$15,000 level is reached.

Mayor Green stated lane number one northbound on Union City Boulevard had been shut down before 8:00 a.m. for median work, adding to the commuter congestion problems.

Mayor Green spoke favorably about the center-line bumps and striping that Cal Trans had completed in Niles Canyon, noting it provided very effective visible and audible warnings.

Mayor Green stated he had attended the successful, sold-out Sister City event, and a larger venue should be located for next year.

Mayor Green stated Board/Commission interviews were being scheduled for October 2.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 10:02 p.m.

Respectfully submitted,

Renee Elliott
City Clerk