

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

**TUESDAY, JANUARY 08, 2008
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:07 p.m.

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

I.b Roll Call

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

Absent: None

Mayor Green announced there was no reportable action from the Closed Session held earlier this evening.

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS - None

IV. ORAL COMMUNICATIONS - None

V. CONSENT CALENDAR

Consent Calendar item 5.i was removed from consideration.

It was moved by Councilmember Navarro, seconded by Councilmember Dutra-Vernaci, to approve Consent Items 5.a through 5.h and Item 5.j, as recommended by staff. Motion carried unanimously.

5.a Waived 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 December 11, 2007

5.c Approved the Second Reading and Adopted **Ordinance No. 699-08** to Renumber Chapter 9.18 of the Union City Municipal Code, Commonly Referred to as the "Social Host Ordinance", to Chapter 9.42 of the Union City Municipal Code (Introduced December 11, 2007)

- 5.d Rejected Claim No. 718, as submitted by State Farm Insurance as subrogee for Patricia Davis, as Recommended by the City's Claims Administrator
- 5.e Rejected Claim No. 724, filed by Marie Coveney, as Recommended by the City's Claims Administrator
- 5.f Adopted **Resolution No. 3572-08** Authorizing the Mayor to Accept Grant Deeds for Two Pedestrian Access Easements and an Emergency Vehicle Access Easement from Avalon Bay Communities, Inc.
- 5.g Adopted **Resolution No. 3573-08** Accepting Work for Rosas Brothers Construction for Whipple Road Sidewalk Improvements, City Project No. 03-14
- 5.h Adopted **Resolution No. 3574-08** Accepting Improvements for Line M Box Culvert Construction, City Project No. 04-23
- 5.j Adopted **Community Redevelopment Agency Resolution No. 370-08** Authorizing the Acceptance of Grant Deed for the dedication of property from KB HOME South Bay, Inc., and making findings in connection therewith

Consideration of Item 5.i removed from the Consent Calendar.

- 5.i Adopt a Resolution Accepting Dry Creek Park Development, City Project No. 03-16

Public Works Director Cheng responded to questions from Councilmembers. It was moved by Councilmember Dutra-Vernaci, seconded by Vice Mayor Fernandez, to adopt **Resolution No. 3575-08** accepting Dry Creek Park Development, City Project No. 03-16. Motion carried unanimously.

VI. PUBLIC HEARINGS

Mayor Green announced that public hearing item 6.b would be considered before item 6.a.

- 6.b Appeal of a Planning Commission decision denying Use Permit UP-04-07 to operate a day program for up to 30 adults with developmental disabilities in a 4,320 square foot tenant space located at 33456 Alvarado-Niles Road (Appellant requesting continuance to January 22, 2008)

Mayor Green stated ex-parte discussions with the applicant had occurred earlier this date. Vice Mayor Fernandez and Council Member Dutra-Vernaci also disclosed ex-parte discussions with the applicant. Economic and Community Development Director Leonard stated the applicant may have new information.

Mayor Green opened the public hearing. Applicant Ron Dodgen formally withdrew his appeal of the Planning Commission decision, and expressed his appreciation for the efforts of staff. There were no other speakers on the matter. Mayor Green closed the public hearing. Due to applicant's withdrawal of the appeal, no further action was required from the City Council.

- 6.a Adopt a Resolution approving General Plan Amendment AG-01-07 to Replace an Existing Section of the Community Design Element with a New Element on Environmental Sustainability (Continued Public Hearing from December 11, 2007)

Assistant Planners Lum and Schultz presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Barry Ferrier and Hugh McNamara expressed various concerns regarding signal light synchronization and traffic congestion at Union Landing. There were no other speakers on the matter. Mayor Green closed the public hearing.

City Attorney Riback provided an overview of information his office had compiled regarding a mandatory green building ordinance. Councilmembers discussed the importance of promoting mandatory green building, including program options and incentives. Staff will return no later than the first meeting in March with proposed implementation programs for the new Element.

It was moved by Councilmember Valle, seconded by Vice Mayor Fernandez, that the City Council review the draft Environmental Sustainability Element, hold the public hearing, and adopt **Resolution No. 3577-08** approving an Amendment to the General Plan to Replace *Community Design Element, Section F, Environmental Sustainability* with a new Element on Environmental Sustainability, as modified to include proposed implementation programs. Motion carried unanimously.

- 6.c Appeal of a Planning Commission Decision denying Zoning Text Amendment AT-02-07, Use Permit UP-03-07, and Variance V-03-07, initiated by Pappas Union City regarding the Courthouse Drive Shopping Center in Union Landing (30935-31097 Courthouse Drive). Actions for Council consideration:

- A. Adopt the Mitigated Negative Declaration for the proposed project consistent with the requirements of the California Environmental Quality Act (CEQA) Guidelines
- B. Introduce an ordinance for Zoning Text Amendment AT-02-07 to allow day spas and in-line fast-food/quick service restaurants as conditionally permitted uses in the Sub-regional Specialty Commercial (SRSC) sub-area of the Union Landing Commercial (CUL) Zoning District
- C. Adopt a resolution approving parking Variance V-03-07 to allow the Courthouse Drive shopping center in Union Landing to provide 14 fewer parking spaces than approved by V-01-04A; and Use Permit UP-03-07 to expand the square footage allowed for restaurant uses in the center from 5,000 sq ft to 6,649 sq ft, and to allow for Massage Envy, Teriyaki Experience, and Sleep Train to locate in the center

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

Mayor Green opened the public hearing. The following individuals spoke in favor of the project: John Pappas, Brian and Mary Eikes (Massage Envy), Jonathan Schaffer (Massage Envy), Barry Ferrier, and Hugh McNamara. There were no speakers in

opposition of the proposed project. Mr. Pappas returned to the podium and responded to questions from Councilmembers. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to:

- (1) Hold the public hearing;
- (2) Adopt the negative declaration for the proposed project;
- (3) Introduce an ordinance amending Title 18, Zoning, and approving Zoning Text Amendment AT-02-07 to allow day spas and in-line fast-food/quick service restaurants as conditionally permitted uses in the Sub-regional Specialty Commercial (SRSC) sub-area of the Union Landing Commercial (CUL) Zoning District; and,
- (4) Adopt **Resolution No. 3576-08** approving Use Permit UP-03-07 and Variance V-03-07, Massage Therapy Clinic (d/b/a Massage Envy) and Teriyaki Experience, in the Courthouse Drive shopping center at Union Landing. Motion carried unanimously.

Mayor Green recessed the meeting at 8:50 p.m.

Mayor Green reconvened the meeting at 9:03 p.m.

VII. CITY MANAGER REPORTS

- 7.a Acceptance of Comprehensive Annual Financial Report (CAFR) and Recommendations to Management for Fiscal Year Ended June 30, 2007 and Establishment of a Committee of the Council to Review the Auditor's Findings and Reports

Administrative Services Director Digre recognized the efforts of Supervising Accountant Gayle Okada, presented the staff report and responded to questions from Councilmembers. Administrative Services Director stated the committee would need to meet approximately 2 to 3 times per year, for 1 - 2 hours per session, most likely in June, October and December. Mayor Green and Councilmember Dutra-Vernaci stated they would volunteer for the Sub-Committee.

It was moved by Councilmember Navarro, seconded by Councilmember Valle, to adopt **Resolution No. 3578-08** accepting the Comprehensive Annual Report (CAFR) and establishing a Committee of the Council to Review the Auditor's Findings and Reports. 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 Mayor and Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Fernandez stated a joint meeting with the School Board is scheduled for January 28, 2008.

Councilmember Navarro stated he would be attending the Airport Noise Forum meeting on January 16, 2008.

Councilmember Dutra-Vernaci stated the Alameda County Housing Authority had reported Union City Section 8 housing in December 2007 was 741, December 2006 was 773.

Councilmember Valle reported he had been elected Chair of the Associated Community Action Program Committee, which meets at the Social Services offices on Winton, and their first meeting is scheduled for January 2008.

Councilmember Valle stated he would be working with the Alameda County Library Commission on a strategic plan for statewide and countywide library funding. Deputy City Manager Acosta responded to questions from Councilmembers and provided the current status of the Library Bond issue for 2008.

Mayor Green reported the Mayors Conference would be held in Fremont tomorrow night, and the new East Bay Community Foundation Executive Director and President, Nicole Taylor, would be speaking on plans for 2008.

Mayor Green stated LAFCO and East Bay Regional Park District (EBRPD) will be on the agenda for the next Mayors Conference meeting to be at 6:30 p.m. on February 13, 2008, at the Union City Sports Center. The EBRPD will discuss a parcel tax for which they will be seeking support on a city-by-city basis.

Mayor Green announced a vacancy on the Committee for Aging, which meets at what was formally known as the Eastmont Mall in Oakland.

XIV. GOOD OF THE ORDER

Councilmember Valle spoke about the need for a mid-intersection ramp at the crosswalk leading to Searles School, on Colgate and G Streets.

Councilmember Valle stated the industrial round table would be reconvening, and he was looking forward to the first meeting at Carter Industries.

Councilmember Dutra-Vernaci spoke about overgrown trees over the light poles on Queensboro Way (pole number 3577), and on Queen Ann Drive (pole number 3580).

Councilmember Dutra-Vernaci inquired about Union City's share of the Prop 1B Local Streets and Roads funds that will be available January 15, 2008. Public Works Director Cheng

reported that, according to MTC, Union City would be receiving \$1.3 million. Union City will have three years to utilize the funds on street rehabilitation, in general.

Councilmember Dutra-Vernaci stated the final transit-oriented development guidelines had been released by the California Department of Housing and Community Development (HCD), and asked staff about funding availability. Community Development Director Leonard stated staff would look into the matter.

Councilmember Dutra-Vernaci reported the County had implemented the 2-1-1 phone line, a system you can call for information about specific services such as health care, aging issues, and social services provided by the County.

Councilmember Navarro thanked the Police and Fire Departments for an excellent job with traffic control, and for assisting people involved in an accident which occurred on Union City Boulevard.

Councilmember Navarro informed Council that Deputy City Manager Acosta met with the County today regarding the Civil Service Marriage Program. Deputy City Manager Acosta reported civil wedding ceremonies will begin at City Hall on Valentine's Day, February 14, 2008. The fees collected from this program will go toward the *Serving Our Kids Program* to provide scholarships and program access for low income youth and children in our community.

Vice Mayor Fernandez expressed concern for additional sidewalk availability for pedestrians walking along Alvarado Niles on the bridge which crosses over 880. City Manager Cheeves stated this was a Caltrans project and that they were unwilling to provide sidewalks on both sides. City Manager Cheeves will contact Caltrans to see if there is anything that can be done.

Vice Mayor Fernandez spoke about the timing of traffic lights along Whipple and Dyer, and stated the light timing may be too short.

Mayor Green reported he had attended the Mayors Conference last month with City Manager Cheeves where they discussed the Public Arts Program in Emeryville. Mayor Green spoke of Emeryville's success rate, commented on the different structural elements in comparison to Union City, and requested staff explore the possibility of an ordinance modification for the Public Arts Program.

Mayor Green inquired about the area of Horner Street between Union City Boulevard to Watkins Street that did not have full street/sidewalk improvements. Economic and Community Development Director Leonard, and Public Works Director Cheng, responded to questions from Councilmembers and stated staff would return in May with a right-of-way survey and roadway width alignment study on Horner Street from Union City Boulevard to Watkins Street.

Mayor Green commented on an accident which had occurred on Union City Boulevard and Delores. City Manager Cheeves stated an e-mail had been received with a number of concerns and suggestions. Councilmembers and staff discussed improvement options for that location.

Mayor Green adjourned the regular meeting back to Closed Session, in memory of the five Union City 2007 homicide victims, at 10:05 p.m.

- XV. CLOSED SESSION** – Consideration of Item V continued from the 6:00 p.m. Closed Session.
CLOSED SESSION – ANNUAL PERFORMANCE EVALUATION – CITY ATTORNEY
(Pursuant to Government Code Section 54957)

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 10:25 p.m.

Respectfully submitted,

Cassie Castain
Administrative Assistant