

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

**TUESDAY, JANUARY 22, 2008
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:31 p.m.

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

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

I.b Roll Call

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

Absent: Councilmember Valle (out of town)

II. UNFINISHED BUSINESS – None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Proclaiming January 2008 as "National Blood Donor Month"

Mayor Green read the proclamation aloud and presented it to American Red Cross representative Theresa Evangelista.

3.b Proclamation Expressing Support for the 2008 New Tang Dynasty TV Chinese New Year Spectacular

Mayor Green read the proclamation aloud and presented it to representatives of the New Tang Dynasty TV.

IV. ORAL COMMUNICATIONS

Helen Kennedy, President of the 50th Anniversary Celebration Committee, presented a sign (donated by Sign-O-Rama) which will be hung behind the dais in the Council Chambers to promote the upcoming 50th Anniversary of the City of Union City.

V. CONSENT CALENDAR

Consent Item 5.d was removed from consideration.

It was moved by Councilmember Navarro, seconded by Councilmember Dutra-Vernaci, to approve Consent Items 5.a, 5.b, 5.c, and 5.e through 5.m, as recommended by staff.

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

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 January 8, 2008

5.c Waived reading the full text of the Ordinance, conducted the second reading of the title of the Ordinance, and Adopted **Ordinance No. 700-08** Amending Title 18, Zoning, of the Municipal Code, 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 (Introduced January 8, 2008)

5.e Adopted **Resolution No. 3579-08** approving proposed amendment to contractual services agreement with Olberding Environmental and appropriating additional funds for ongoing ecological monitoring of the Masonic Homes expansion project located at 34400 Mission Boulevard

5.f First Reading of an Ordinance amending Section 2.04.400 of the Union City Municipal Code (UCMC) providing for payment of salaries of the Mayor and City Council of the City of Union City, and repealing Ordinance No. 671-06

Waived reading the full text of the Ordinance, and conducted the first reading of the title of the proposed Ordinance amending Article XI, Section 2.04.400 of the Union City Municipal Code, providing for payment of salaries of the Mayor and City Council, and repealing Ordinance No. 671-06.

5.g Adopted **Resolution No. 3580-08**, and **Community Redevelopment Agency Resolution No. 372-08**, Authorizing the Execution of Amendment No. 4 to the Agreement for Legal Services with Meyers, Nave, Riback, Silver & Wilson

5.h Adopted **Resolution No. 3581-08** Appointing Members to the Union City Youth Commission, with terms expiring December 31, 2008:

Niraj Arthana
Ronak Bhatt
Annie Chen
Michael Cheng (re-appointment)
Samuel Gomez (re-appointment)
Rajiv Narayan (re-appointment)
Christine Tsai
Kevin Yuan

Bhargav Bahmbhatt
Justin Chan
Henry Chen
Angelin Cheng (re-appointment)
Greg Jiang (re-appointment)
Yessenia Palomino
Maurice Velazco (re-appointment)

Alternates: Mary Del Rosario
Crystal Deng
Tanayoh Thaweetrai
Inder Grewal

- 5.i Adopted **Resolution No. 3582-08** of the City Council of the City of Union City Authorizing the Renewal of the Microsoft Software Assurance Licensing Agreement
- 5.j Adopted **Resolution No. 3583-08** awarding the contract for Decoto Road Connector Signalization, City Project No. 07-05, to Barry Foster Electrical Contractor of Berkeley, California, in the amount of \$128,444
- 5.k Adopted **Resolution No. 3584-08** Accepting Public Improvements for Tract 7405, Pacific State Steel Corporation Site; KB HOME South Bay Inc.
- 5.l Adopted **Resolution No. 3585-08** Accepting and Appropriating funds seized and forfeited by the Drug Enforcement Administration
- 5.m Adopt Resolutions Allocating Additional Funds for Computer Server Room Project, City Project No. 05-22

A revised draft Redevelopment Agency resolution was received as a desk item on this matter.

Council/Agency Members adopted **Council Resolution No. 3586-08** appropriating funds in the amount of \$122,000.00, and **Redevelopment Agency Resolution No. 371-08** appropriating funds in the amount of \$50,000.00, for the computer room upgrade project, City Project No. 05-22.

Consideration of item 5.d removed from the Consent Calendar

- 5.d Resolutions Appointing an Alternate Planning Commissioner to a Regular Seat on the Planning Commission and Appointing an Alternate Planning Commissioner

It was moved by Mayor Green, seconded by Councilmember Navarro, to remove Commissioner Saini from the full-time Planning Commissioner position and to:

- 1) Adopt **Resolution No. 3587-08** appointing Roy Panlilio to a full-time position on the Planning Commission, with a term expiring October 31, 2009; and
- 2) Adopt **Resolution No. 3588-08** appointing Raymond Gonzales, Jr. to an alternate position on the Planning Commission, with a term expiring October 8, 2011.

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

VI. PUBLIC HEARINGS

Mayor Green introduced Item 6.d at this time.

- 6.d Introduce an Ordinance approving Zoning Text Amendment, AT-04-07, to remove full service, in-line and stand-alone, restaurants from the list of conditionally permitted uses in the Sub-regional Commercial, SRC, sub-area of the Union Landing Commercial, CUL Zoning District (Staff requests continuance to February 12)

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to continue the public hearing for Zoning Text Amendment AT-04-07 to the February 12, 2008 City Council meeting.

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

- 6.a Public Hearing to consider the Adoption of a Resolution for acceptance and appropriation of the State of California 2007-2008 Citizens Option for Public Safety (COPS) grant and Amending the City's Position Authorization Lists for Fiscal Years 2007/08 and 2008/09

Police Chief Stewart 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 Councilmember Navarro, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3589-08** accepting and appropriating the 2007-2008 State of California Citizens Option for Public Safety (COPS) Grant, and amending the City's Authorized Position Lists for Fiscal Year 2007/2008 and for Fiscal Year 2008/2009.

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

- 6.b Appeal of a Planning Commission Decision Approving ASD-24-07 to Install a Manufactured Single-Family Residence at 33855 14th Street

Assistant Planner Lum presented the staff report and responded to questions from Councilmembers. Councilmembers provided comment.

Mayor Green opened the public hearing. The following individuals spoke in opposition to the appeal and in favor of the project: Michael A. Smith; Juan Martinez; Tropics Mobile Home resident Michael Quinn; and, Ms. Contreras (property owner). There were no other speakers on the matter. Mayor Green closed the public hearing. Councilmembers provided comment. Assistant City Attorney Rodriguez clarified the grounds for reversal of approval.

It was moved by Mayor Green, seconded by Vice Mayor Fernandez, to grant the appeal to reverse the Planning Commission's decision to approve Administrative Site Development Review ASD-24-07 and deny applicant's request to install the manufactured home, and adopt a resolution denying Administrative Site Development Review ASD-24-07 to construct a manufactured home at 33855 14th Street.

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

Mayor Green announced there was no majority vote to approve the appeal, so the Planning Commission's decision to approve Administrative Site Development Review ASD-24-07 was upheld.

- 6.c Adopt a Resolution approving Site Development Review, SD-04-07, a request by Rauschenbach, Marvelli, Becker Architects on behalf of Pappas Investments to construct a 17,045 square foot building on a vacant pad located at 31300 Courthouse Drive in the Union Landing Shopping Center

Assistant Planner Schultz 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 Councilmember Dutra-Vernaci, seconded by Vice Mayor Fernandez, to hold the public hearing and adopt **Resolution No. 3590-08** approving Site Development Review SD-04-07.

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

- 6.e Introduce an Ordinance, Municipal Code Text Amendment, AT-03-07, to Amend Title 12 (Public Improvements) & Title 17 (Subdivisions) to Clarify and Augment the City's Regulations Regarding Utility Undergrounding, and to Amend Title 18 (Zoning) to Include Provisions Regarding the Parking of Vehicles with Vehicle Signs on Major Thoroughfares within the City and Adopt a Resolution Approving a Utility Undergrounding Policy Statement & Sidewalk Installation Policy Statement

Economic and Community Development Director Leonard, and 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.

In response to an inquiry regarding a timeline for addressing the undergrounding of utilities in existing developments, City Manager Cheeves stated staff would return in

March 2008 with a list of options for Council consideration as an amendment to the Fiscal Year 2008/2009 budget.

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

- (1) accept the Planning Commission's recommendation
- (2) waive full reading of the text of the proposed ordinance
- (3) introduce an ordinance to implement Municipal Code amendment AT-03-07, which amends Title 12 (Public Improvements), Title 17 (Subdivisions) and Title 18 (Zoning) of the Municipal Code
- (4) adopt **Resolution No. 3591-08** adopting two policy statements regarding utility undergrounding and sidewalk installation.

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

6.f Adopt an Urgency Ordinance Setting a 45-Day Moratorium on the Issuance and Approval of Entitlements for the Area Bounded by Horner Street, Veasy Street, and Benson Road

Redevelopment Agency Manager Evanoff presented the staff report and responded to questions from Councilmembers. Assistant City Attorney Rodriguez clarified the 45-day moratorium timeframe.

Mayor Green opened the public hearing. Hugh McNamara and Tony Gonzalves spoke in favor of the moratorium. There were no speakers in opposition to the moratorium. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to hold the public hearing and adopt **Ordinance No. 701-08** as an interim ordinance adopted as an urgency measure pursuant to California Government Code Section 65858 making findings and establishing a moratorium on the issuance and approval of entitlements for the Horner Street, Veasy Street and Benson Road Area.

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

Mayor Green recessed the meeting at 9:22 p.m.

Mayor Green reconvened the meeting at 9:35 p.m.

VII. CITY MANAGER REPORTS

7.a Request for Comments on the Intermodal Station District Mixed Use Project Located on Blocks 2, 3 & 4 of the Intermodal Station District

Senior Planner Campbell presented the staff report and responded to questions from Councilmembers.

Mid Peninsula Housing representative Yoomie Anh responded to questions regarding a parking management plan.

Police Chief Stewart, responding to questions regarding potential impacts on public safety, stated concerns would include traffic impacts and the project's proximity to mass transit.

Deputy City Manager/Leisure Services Director Acosta, responding to questions regarding potential impacts on Leisure Services, stated occupancy demographics would likely dictate any increased demands for activities.

Fire Chief Rodriguez, responding to questions regarding the need for increased equipment and training, stated a coordinated early response plan with neighboring cities would be critical for combating high-rise fires.

David Gibbons of Barry Swenson Builder, and Dennis Cook of Steinberg Architects, complimented staff and requested support for the project.

Councilmembers provided comments regarding the phasing, development program, building massing and site plan.

7.b Fiscal Year 2007-08 2nd Quarter Report on Budget to Actual Results; Budget Adjustments for FY 2007-08 and FY 2008-09; Check Disbursement Listing for the period October 1 through December 31, 2007; and Status Update on Current Capital Projects

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers.

Barry Ferrier commended staff for its financial planning and reserves management.

By consensus of the members present, the City Council adopted **Resolution No. 3592-08** amending the operating budget for fiscal years 2007/2008 and 2008/2009.

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 the joint meeting with NHUSD board members is scheduled for January 28, 2008.

Councilmember Navarro reported he was unable to attend the recent Airport Noise Advisory Forum Committee meeting.

Mayor Green stated the CMA had decided to go to a tier four with MTC.

Mayor Green provided a status update on the Union Pacific right-of-way.

Mayor Green stated he had been officially appointed as Vice President of ABAG.

XIV. GOOD OF THE ORDER

Councilmember Dutra-Vernaci stated she and Vice Mayor Fernandez had attended the Bay East Association of Realtors installation dinner, and this year's president is Union City resident Melrose Ford.

Councilmember Navarro stated clutter had been collecting, and vehicles had been parked, for a long time on Darcelle Street.

Vice Mayor Fernandez recommended signage be placed on the north side of the Alvarado Niles bridge crossing over 880 warning pedestrians there is no crosswalk on the north side, and encouraging them to use the south side of the bridge for crossing.

Mayor Green reported graffiti on the east side wall of Union City Boulevard, south of Delores.

Mayor Green inquired about the status of painting the building at the corner of Smith and Union City Boulevard. Economic & Community Development Director Leonard stated staff was working with the building owners to come up with a paint scheme to tone it down.

Mayor Green inquired about the status of the horse stables. Deputy City Manager/Leisure Services Director Acosta stated staff was scheduled to meet with a landscape architect this week to develop site concept schemes for forwarding to the county.

Vice Mayor Fernandez inquired about the progress of signage for Old Alvarado/Cesar Chavez Park. Deputy City Manager/Leisure Services Director Acosta, and City Manager Cheeves, provided an update on the status of work performed to date. Public Works Director Cheng stated work should conclude by the end of March 2008.

Mayor Green stated Union City had come in 4th in the MTC rating of street maintenance conditions throughout all of Alameda County.

Mayor Green inquired about funding available for the Olympian Clinic funding raising event on February 2, promoted by Ron Mickle and Coach Webb.

Mayor Green announced a work session to discuss youth violence issues is scheduled for Tuesday, January 29, 2008, at 7:00 p.m., at the Ruggieri Senior Center. City Manager Cheeves stated staff was working on providing audio in overflow areas as well as maximizing the available seating.

Mayor Green suggested the joint Council/NHUSD committee discuss the need for increased diversity in recruiting for positions on the Youth Commission. Deputy City Manager/Leisure Services Director Acosta stated staff will continue to work with school administrators requesting referrals for Youth Commission membership. Councilmember Dutra-Vernaci suggested recruitment information also be sent home to parents of students.

Mayor Green stated membership at the Sports Center had surpassed 2,000.

Mayor Green encouraged staff to consider participating in the Spring Sprint event scheduled for March 1.

XV. CLOSED SESSION – None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 11:00 p.m.

Respectfully submitted,

Renee Elliott
City Clerk