

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

**TUESDAY, MARCH 25, 2008
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:08 p.m.

Mayor Green stated there was no reportable action from the Closed Session scheduled earlier this evening.

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

I.b Roll Call

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

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS - None

IV. ORAL COMMUNICATIONS

Karen Yifru and Mary Schlarb spoke about the Children's Memorial Flag project, and in support of flying the Children's Memorial Flag on the 4th Friday of April every year, to commemorate children who have died by violence in Alameda County and across the United States. Mayor Green stated the Council would be issuing a proclamation in the near future proclaiming April 2008 as Child Abuse Prevention Month.

Ying Yang, Changhe Shang, Jingru Shang, Wu Lu, Li Yu and Kevin Gao spoke in support of Falon Gong, and the *Human Rights Torch Relay* event scheduled for April 5 in San Francisco. Ming Cheng (through a translator) spoke in support of Falon Gong and Chinese human rights. Mayor Green acknowledged the concerns expressed by the speakers, noting the matter was a complex issue. Mayor Green suggested proponents provide text to the City Clerk that Council could consider for a future resolution presentation.

V. CONSENT CALENDAR

Item 5.j was removed from the Consent Calendar.

It was moved by Councilmember Navarro, seconded by Councilmember Dutra-Vernaci, to approve Consent Items 5.a through 5.k 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 Meeting of March 10, 2008
- 5.c Approved Minutes for the Regular Meeting of March 11, 2008
- 5.d Waived reading the full text of the ordinance and approved the second reading and adoption of **Ordinance No. 707-08** Amending Chapter 1.24 of the Union City Municipal Code to Designate City Hall as the Public Place for Posting Public Notices and Amending Ordinance No. 239-84 Designating Three Public Places for Posting of Public Notices (Introduced March 11, 2008)
- 5.e Waived reading the full text of the ordinance and approved the second reading and adoption of **Ordinance No. 708-08** for Municipal Code Amendment AT-01-08 to Amend Title 18, Zoning, to Remove Recreational, Entertainment, and Health Uses as Conditionally Permitted Uses in The Light Industrial (ML) and Research and Development Campus (RDC) Zoning Districts and to Remove Adult Day Care Uses as Conditionally Permitted Uses in the Special Industrial (MS), Neighborhood Commercial (CN), Community Commercial (CC), and Specialty Commercial (CS) Zoning Districts (Introduced March 11, 2008)
- 5.f Adopted **Resolution No. 3609-08** Rejecting Bids for One Hybrid 4-Door Sedan, City Project No. 08-04
- 5.g Adopted **Resolution No. 3610-08** Awarding a Contract for the Purchase of one Medium-Duty Diesel Dump Truck, City Project No. 08-05
- 5.h Adopted **Resolution No. 3611-08** Accepting Work for Union City Boulevard Landscape Improvements & Union City Boulevard/Whipple Road Intersection Improvements, City Project No. 02-17 & 06-12
- 5.i Adopted **Resolution No. 3612-08** Accepting Work for the 11th Street Enhancement & Decoto Road Connector Project, City Project No. 05-09 & 05-72
- 5.k Adopted **Resolution No. 3613-08** Authorizing a Joint-Use Agreement for Use of Shared Facilities Between the New Haven Unified School District and the City of Union City (James Logan High School Tennis Center)

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

- 5.j Adopt a Resolution Authorizing a Community Recreation Agreement between the New Haven Unified School District and the City of Union City

Mayor Green noted the addition of a desk item entitled *Exhibit "C", Community Recreational Program Agreement James Logan High School Tennis Complex*. Deputy City Manager Acosta stated the desk item had been inadvertently omitted from the packet. Deputy City Manager Acosta responded to questions and comments from Councilmembers.

It was moved by Mayor Green, seconded by Vice Mayor Fernandez, to adopt **Resolution No. 3614-08** authorizing a Community Recreation Agreement between the New Haven Unified School District and the City of Union City. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Appeal of a Planning Commission condition of approval regarding signage for Use Permit, UP-01-08, to allow a “Mathnasium” tutoring center to locate in a Special Industrial, MS, Zoning District at 33412 Alvarado-Niles Road

Assistant Planner Schultz presented the staff report and responded to questions from Councilmembers. Economic and Community Development Director Leonard responded to questions from Councilmembers.

Mayor Green opened the public hearing. Applicant Jeff Wang spoke in support of the appeal. There were no speakers in opposition to the appeal. Mayor Green closed the public hearing. Councilmembers provided comment.

It was moved by Mayor Green, seconded by Councilmember Valle, to deny the appeal and uphold the Planning Commission’s decision to approve UP-01-08, as conditioned, to ensure conformance with the center’s sign program while allowing for franchise identity, and adopt **Resolution No. 3615-08** approving Use Permit UP-01-08, as conditioned. Motion carried unanimously.

- 6.b Appeal of a Planning Commission Decision Approving Variance V-02-08 to Allow an Off-Site Sign for Diamond Mine Mini Storage Located on a Vacant Lot on Union City Boulevard North of Maiden Lane

Assistant Planner Lum presented the staff report and responded to questions from Councilmembers. Appellant Mayor Green spoke in support of the appeal. Economic and Community Development Director Leonard stated there exists a special program permitting off-site signage on major roadways for non-profit organizations located on disadvantaged, set-back locations (i.e., Tri-CED, Chamber of Commerce).

Mayor Green opened the public hearing. There were no speakers in support of the appeal. Teresa Montanelli and Joe Medina, manager of Diamond Mine Mini Storage, spoke in opposition to the appeal. There were no further speakers on the matter. Mayor Green closed the public hearing. Councilmembers provided comment.

Councilmember Dutra-Vernaci stated she has been a customer of, and currently rents a storage space from, Diamond Mine Mini Storage. Councilmember Dutra-Vernaci stated she had been advised by the City Attorney that no conflict of interest exists preventing her from considering the matter.

It was moved by Mayor Green, seconded by Councilmember Navarro, to grant the appeal to reverse the Planning Commission’s decision to approve Variance V-02-08, on the basis that the required findings in support of the variance could not be made; and that approval of the variance would constitute a “special privilege” granted to the applicant that other business owners do not enjoy; and, to adopt **Resolution No. 3616-08** denying Variance V-02-08 to allow an off-site sign for Diamond Mine Mini Storage.

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

VII. CITY MANAGER REPORTS - None

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 he had visited a new employer in the city named Multis, and noted its grand opening was scheduled for Thursday, March 27, 2008.

Councilmember Navarro stated he had attended the opening day of Little League baseball.

Councilmember Dutra-Vernaci provided information about Alameda County Housing Authority Section 8 statistics for cities.

Councilmember Valle reported the Alameda County Library Commission had been informed the Governor has proposed reducing library funding statewide.

Councilmember Valle stated he had attended an ACAP Board meeting last week where funding for youth violence intervention was discussed.

Mayor Green spoke about the Green Business Directory and noted Union City was not well represented, having only 4 or 5 businesses currently approved as Green Businesses. Mayor Green restated the importance of having the Chamber of Commerce become actively involved in boosting support for businesses 'going' green.

Mayor Green reported attending an ABAG meeting last week where a number of cities and counties were selected to receive a green business award. Union City facilities, such as the Corporation Yard, need to strive to achieve a green business rating.

Mayor Green reported attending a Dumbarton Rail Committee meeting, and noted a large meeting was planned for July 2008 to consider a number of issues including information regarding ridership poll projections.

- 13.b Referral from Councilmember Valle to schedule a discussion regarding the Tropics Mobile Home Park on a subsequent agenda

Councilmember Valle stated he had been notified by members of the Tropics Mobile Home Park Executive Board that some seniors and disabled residents were not maintaining their property. Councilmember Valle requested staff arrange to meet with residents about the matter prior to returning with a staff report to Council. City Manager Cheeves stated staff could arrange to meet with park residents over the next several weeks, and then return to Council with a report at its second meeting in April.

XIV. GOOD OF THE ORDER

Councilmember Navarro asked about the status of the ridership count for residents attending the Sikh temple on Sunday's. Public Works Director Cheng stated staff would be returning to Council with a report at its April 8 regular meeting, but estimated the current count at between 35-40 riders per Sunday (less than the 70 promised).

Councilmember Navarro stated the television show *Bay Area Backroads* had featured Union City's Draigon dog park as one of the best dog parks in the Bay Area.

Councilmember Navarro stated the vacant lot, where the Diamond Mine sign is located, was a mess and full of weeds.

Vice Mayor Fernandez spoke about the advantages of considering parking garages in future developments.

Mayor Green stated Bay Friendly landscaping grant monies were available. Public Works Director Cheng reported Stop Waste is currently reviewing three Union City projects. Mayor Green recommended staff develop a green business preference program for bidding and procurement when awarding city contracts.

Vice Mayor Fernandez stated the large tree on Vallejo Street was likely to be removed as the result of development in that area, and suggested its lumber could be used for building materials rather than having the tree mulched. Economic and Community Development Director Leonard stated an ordinance had been written regarding the recycling of used building materials, and suggested the ordinance could be modified to include standing trees that have to be removed for development.

Mayor Green inquired about the status of the police substation. City Manager Cheeves stated incremental headway had been made, with the approval of a footprint and preliminary foundation plans, and that design work was continuing.

Mayor Green inquired about the status of the horse stable area. Deputy City Manager Acosta provided a brief update.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Renee Elliott
City Clerk