

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

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

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:15 p.m.

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

I.b Roll Call

Present: Councilmembers Dutra-Vernaci, Navarro and 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

3.a Resolution Congratulating the Union Sanitary District for its Receipt of the 2008 EPA Clean Water Act Recognition Award for Outstanding Pretreatment Program

Mayor Green read the resolution aloud and presented it to Union Sanitary District General Manager Richard Currie, who expressed appreciation for the recognition and acknowledged the presence of Union Sanitary District Board of Director Pat Gacoscos and Union Sanitary District Environmental Compliance Manager Michael Dunning.

Mayor Green announced Proclamations and Presentations Item 3.c would be considered before Item 3.b

3.c Resolution Celebrating the 2009 New Tang Dynasty Television Chinese New Year Spectacular

Mayor Green read the resolution aloud and presented it to a representative of the New Tang Dynasty Television Chinese New Year Spectacular. The representative thanked the City Council for its continued support, and extended an invitation for anyone wishing to attend the event.

3.b Resolutions Expressing the Appreciation of the City Council of the City of Union City for the Outstanding Effort, Teamwork and Accomplishments of the Union City Citizens for

Public Safety Leading to the Passage of Measure UU on the November 4, 2008 General Municipal Election Ballot

Mayor Green read the resolution aloud and presented it to the following recipients for their outstanding efforts leading to the passage of Measure UU:

Committee Chair Lynne Mattos
Committee Treasurer Jo Ann Lew
Committee Member Mary Schlarb
Committee Member Gary Singh
Committee Member Barry Ferrier
Committee Member Emily Duncan
Committee Member Gertrude Gregorio

Councilmembers provided congratulatory comments. Committee Chair Lynne Mattos expressed appreciation on behalf of all of the committee members, and recognized Mark Evanoff and Helen Kennedy for their contributions.

IV. ORAL COMMUNICATIONS

Libby Yu spoke about the persecution of Falun Gong practitioners, and expressed appreciation for Council's support.

V. CONSENT CALENDAR

Consent Calendar Item 5.e was removed from consideration.

It was moved by Councilmember Valle, seconded by Vice Mayor Fernandez to approve Consent Items 5.a through 5.d, 5.f, and 5.g 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 November 11, 2008
- 5.c Adopted **Resolution No. 3729-08** Canceling the December 23, 2008 City Council Meeting
- 5.d Rejected Claim No. 752, submitted by Alfredo Anat Jr., as Recommended by the City's Claims Administrator
- 5.f Adopted **Resolution No. 3730-08** Authorizing the Sale, Recycle, Donation, and/or Disposal of Unneeded/Surplus Office Furniture, Telephones, and Equipment Racks No Longer Being Used by City Staff
- 5.g Adopted **Resolution No. 3731-08** Awarding a Contract for the Purchase of Three (3) Patrol Cars for the Union City Police Department, City Project No. 08-20

Consideration of Item 5.e removed from the Consent Calendar

- 5.e Adopt a Resolution for Approval of Submittal of the FY 2009/2010 Bicycle Transportation Account (BTA) Funding Application for the Installation of Bike Lanes at Union City Boulevard from Smith Street to Alvarado Boulevard

City Manager Cheeves introduced City Engineer Louie who responded to questions from Councilmembers.

It was moved by Mayor Green, seconded by Vice Mayor Fernandez to adopt **Resolution No. 3728-08** Authorizing the Filing of an Application for Statement of California Bicycle Transportation Account (BTA) Funding and Committing Local Match Funds for the Installation of Bike Lanes at Union City Boulevard from Smith Street to Alvarado Boulevard. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Introduction of Ordinance - Zoning Text Amendment, AT-05-08, to Amend Three Provisions within Chapter 18.40, Industrial Districts, to be More Consistent with the Goals and Policies of the Union City General Plan: Increase Allowable Height from 50' to 75' Subject to Use Permit Approval in ML Zoning Districts; Allow up to a 25 Percent Reduction in Required Off-Street Parking in ML Zoning Districts Subject to Implementation of Transit Demand Management Programs; Addition of a Provision to Allow the Planning Commission to Determine Off-street Parking Requirements for Uses not Specifically Listed within the Chapter

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.

Economic and Community Development Director Leonard stated staff would return to Council in approximately 90 days to modify Commercial Zoning District Standards, including the Station Mixed Use Commercial (CSMU) Zoning standards, to add a provision regarding the implementation of Transit Demand Management programs in exchange for a 25% reduction in required parking.

It was moved by Councilmember Navarro, seconded by Vice Mayor Fernandez, to accept the Planning Commission's recommendation and introduce an ordinance approving zoning text amendment, AT-05-08, to amend Chapter 18.40, Industrial Districts, to be consistent with the goals and policies of the Union City General Plan, making the required findings. Motion carried unanimously.

- 6.b Resolution Approving Site Development Review, SD-03-08, To Construct a 402,000 Sq. Ft. Building for Southern Wine and Spirits at 1555 Atlantic Street (APNs 475-0130-023, 475-0121-011, 475-0121-012) and Use Permit, UP-10-08, For Establishment of a Warehouse/Distribution Use, To Increase the Allowed Height of the Building From 50 to 75 Feet and Designation of the Site as a Planned Unit Development

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

Mayor Green opened the public hearing.

Southern Wine and Spirits of America Vice President Larry Chaplin spoke in favor of the project, and expressed appreciation to the City Council and Planning Commission for its support. Mr. Chaplin responded to questions from Councilmembers.

Hugh McNamara spoke in favor of the project.

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

It was moved by Mayor Green, seconded by Councilmember Navarro, to approve Site Development Review, SD-03-08, and Use Permit, UP-10-08, making the required findings, and adopt **Resolution No. 3732-08** approving Site Development Review, SD-03-08, to construct a 402,000 square foot building for Southern Wine and Spirits at 1555 Atlantic Street (APNS 475-0130-023, 475-0121-011, 475-0121-012) and Use Permit, UP-10-08, for establishment of a warehouse/distribution use, to increase the allowed height of the building from 50 to 75 feet and designation of the site as a Planned Unit Development. Motion carried unanimously.

Mayor Green recessed the meeting at 9:08 p.m.

Mayor Green reconvened the meeting at 9:30 p.m.

VII. CITY MANAGER REPORTS – None

VIII. REDEVELOPMENT AGENCY

- 8.a Adopt Four Redevelopment Agency Resolutions Related to the Development of the Station District: 1) Adopt Resolution Amending the Barry Swenson Builder Exclusive Negotiating Agreement to Release Block 4 from the Agreement; 2) Adopt Resolution Authorizing an Exclusive Negotiating Agreement with Mid-Peninsula Housing Coalition to Develop Block 4; 3) Adopt Resolution Authorizing ROMA Design Group to Design Landscape and Streetscape for the Station District and to Design the Business Condos and Retail Pavilion; and 4) Adopt Resolution Authorizing RJA to Design the Civil Component and Utilities for the Station District

Redevelopment Agency Manager Evanoff presented the staff report and responded to questions from Agency Members. City Engineer Louie responded to questions from Agency Members, and clarified the application time frame process.

ROMA Design Group President Boris Dramov, Mid Peninsula Coalition President Matt Franklin, and Barry Swenson Builder Project Manager Jessie Thielen responded to questions from Agency Members and expressed appreciation and excitement regarding the project.

It was moved by Agency Chair Green, seconded by Agency Member Dutra-Vernaci, to:

- 1) Adopt **RDA Resolution No. 681-08** authorizing the First Amendment to Exclusive Negotiating Rights Agreement by and Between the Community Redevelopment Agency and Green Valley Corporation to Release Block 4;
- 2) Adopt **RDA Resolution No. 682-08** authorizing an Exclusive Negotiating Rights Agreement with Mid-Peninsula Housing Coalition to Develop Block 4 in the Station District;

- 3) Adopt **RDA Resolution No. 683-08** authorizing ROMA Design Group to design the streetscape and landscape for the Station District and to design the business condos and the retail pavilion; and
- 4) Adopt **RDA Resolution No. 684-08** authorizing a contract with Ruggeri-Jensen-Azar and Associates, Inc. (RJA) to design the civil component and utilities for the Station District.

Motion carried unanimously.

- 8.b Adopt Three Redevelopment Agency Resolutions for 1320 and 1328 Decoto Road, also known as Union Square: 1) Adopt a Resolution Authorizing a Memorandum of Understanding with the Chabot Las Positas Community College District Authorizing the Issuance of a Request for Qualifications to Construct an Office Building; 2) Adopt a Resolution Authorizing a Lease Agreement with the Chabot Las Positas Community College District to Rent Space to Conduct Classes; and 3) Adopt a Resolution to Authorize a Property Management Agreement with Professional Commercial Office Management, Inc. to be the Property Manager for Union Square

Redevelopment Agency Manager Evanoff began the presentation of the staff report and, in response to a question from the City Council, confirmed there were no representatives present from the Chabot Las Positas Community College District. By consensus, the matter was continued to December 9, 2008, at which time representatives from the Chabot Las Positas Community College District are expected to be present.

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND 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

Councilmember Dutra-Vernaci reported on fraud and debt recovery statistics provided by the Housing Authority of Alameda County, noting HACA had successfully collected over \$37,000 in fraud and debt recovery payments for the month of October 2008. Councilmember Dutra-Vernaci also reported the Section 8 Contract and HAP Report indicated Union City was down from 741 in October 2007 to 710 in October 2008.

Councilmember Dutra-Vernaci reported having attended a League of California Cities meeting, and spoke of a recommendation from the Legislative Analyst's Office for a permanent annual shift of \$400 million in redevelopment funds.

Councilmember Valle inquired about a school board meeting scheduled for the week prior. Deputy City Manager Acosta stated that, due to transition issues, the meeting had not occurred, and board members would be polled to determine a preferred day-of-the-week for scheduling meetings in 2009.

Mayor Green reported the Alameda County Waste Management Authority had extended an offer to the new Executive Director, who is expected to start December 17, 2008.

XIV. GOOD OF THE ORDER

Councilmember Valle wished everyone a Happy Thanksgiving.

Councilmember Dutra-Vernaci stated a resident had reported trees being cut on Alvarado-Niles Road and inquired about work being done on median trees on Alvarado-Niles Road. Public Works Superintendent Sealana reported only dead trees had been removed and others trees trimmed for clearance issues.

Councilmember Dutra-Vernaci reported the annual tree lighting at Nakamura Center is scheduled for 5:30 p.m. on Wednesday, December 3, 2008. Councilmember Dutra-Vernaci stated that all residents are encouraged to attend the event which is also a Chamber Mixer.

Councilmember Navarro inquired about attendance at the Skate Park. Deputy City Manager Acosta provided a brief update noting attendance was low but stable.

Vice Mayor Fernandez spoke of median landscaping and the conflicts associated with the spacing of trees and streetlights.

Mayor Green asked if the City had heard back from East Bay Regional Park District staff. Deputy City Manager Acosta provided a brief update, and noted there had been no response received from the District as yet. Mayor Green stated a formal request should be made to all agencies concerned. City Manager Cheeves stated he would place a telephone call to the agency.

Mayor Green reported a street light outage on Christine Drive, between Jennifer and Michele, and stated that since the last report two weeks ago, he discovered an additional three street light outages on the south side of Delores. Councilmember Navarro stated he would get the number of additional street light outages on his street.

Mayor Green stated he and Councilmember Navarro had met with a business owner who was looking to expand his usage at the Mexico Lindo facility. Economic and Community Director Leonard stated he would look into the matter, and spoke about the procedures associated with a zoning text amendment application.

Mayor Green wished everyone a Happy Thanksgiving.

Mayor Green adjourned the regular meeting back to Closed Session at 10:26 p.m.

XV. CLOSED SESSION – Consideration of Item IV continued from the 6:00 p.m. Closed Session.
CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
(Pursuant to Government Code Section 54956.9)
(Several Cases)

Mayor Green reconvened the Closed Session at 10:27 p.m. with the following attendance:

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

XVI. ADJOURNMENT

Mayor Green adjourned the continued Closed Session at 10:59 p.m. with no reportable action.

Respectfully submitted,

Cassie Castain
Administrative Assistant to the City Clerk