

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
OCTOBER 22, 2002, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:03 p.m.

ROLL CALL: Present: Councilmembers Elias, Fernandez, Vice Mayor Dutra-Vernaci, Mayor Green
Absent: Councilmember Valle

Council met in closed session on the following:

**"CONFERENCE WITH REAL PROPERTY NEGOTIATORS"
(Pursuant to Government Code Section 54956.8)"**

PROPERTY:	TURK ISLAND LANDFILL
CITY NEGOTIATORS:	CITY MANAGER, CITY ATTORNEY
NEGOTIATING PARTIES:	UNION CITY SPORTS FACILITY ASSOCIATES, LLC
UNDER NEGOTIATION:	TERMS AND CONDITIONS OF POSSIBLE PURCHASE OPTION AND PURCHASE-SALE AGREEMENTS

Meeting adjourned at 7:40 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 22, 2002, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:48 p.m. and lead the audience in the salute to the flag.

ROLL CALL: Present: Councilmembers Elias, Fernandez, Valle, Vice Mayor Dutra-Vernaci,
Mayor Green
Absent: None

City Attorney Michael Riback reported a closed session was held for the purpose of briefing Council on a possible property acquisition regarding Turk Island and return to Council at a public meeting on October 29, 2002 for public input. No action was taken other than the authority to release a technical report prepared by the engineering firm of CH2MHill concerning the landfill.

Mayor Green read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Regular City Council meeting of Tuesday, October 8, 2002

Councilmember Elias moved, seconded by Councilmember Fernandez to approve minutes as submitted.

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Proclamation recognizing October 22, 2002 as International Stuttering Awareness Day

Mayor Green read the proclamation in its entirety and presented it to Will Fuentes and Philip Catalan who thanked the Council for the recognition.

ORAL COMMUNICATIONS

Mandeep Singh, truck driver, requested proper parking spaces to park trucks.

Gerbashan Dhillon, representing truck drivers, requested parking spaces to park trucks.

John Haley spoke about settlement Washington Township received regarding PSSC and requested follow-up; also spoke about eliminating fireworks east of Mission Boulevard; and, spoke about the use of vehicle replacement fund.

Larry Cheeves, Public Works Director, responded to Council questions regarding possible parking sign changes.

Captain Greg Stewart stated that the police have responded to complaints by the Chamber of Commerce regarding parking obstructions by large trucks.

There was Council concurrence for staff to work with surrounding cities on a regional solution to this problem. In the interim, Larry Cheeves, Public Works Department, will be the contact person to determine temporary parking sites.

HEARINGS

- A. HEARING RE: **AG-02-02, GENERAL PLAN AMENDMENT; A-02-02, ZONING MAP AMENDMENT; AND SP-02-02, SPECIFIC PLAN AMENDMENT FOR THE MCKESSON SITE** (Introduction of Ordinance, Resolutions) (continued from August 27, 2002)

Initiated by Jeff Vines, on behalf of the McKesson Corporation, as applicant, a request for a General Plan Amendment (AG-02-02), a Zoning Map Amendment (A-02-02) and Specific Plan Amendment (SP-02-02) on properties currently identified as 33950 7th Street (APN 087-021-15 and 087-021-06-03) located on the northeast side of 7th Street, southeast of Decoto Road. The proposed applications request the following amendments: 1) a General Plan Amendment to redesignate the property from OS, Open Space, to R3-6, Residential, 3-6 units per acre; 2) a Zoning Map Amendment to rezone the property from OS, Open Space, to RS6000 D (DIPSA); 3) a DIPSA Specific Plan Amendment to redesignate the property in the DIPSA Land Use Plan from OS, Open Space, to R3-6, Residential 3-6 units per acre; and 4) a DIPSA Specific Plan Amendment to rezone the property from OS, Open Space, to RS6000 D in the DIPSA Zoning Districts. The proposed project site comprised of two (2) adjacent and vacant properties is approximately 8.68 acres.

These applications were continued from the August 27, 2002 City Council meeting in accordance with the City Council's direction to allow staff to work with the applicant, the McKesson Corporation, to discuss alternatives to provide additional open space/park land

benefits on the project site.

Mark Leonard, Community Development Director, gave the staff report.

Vice Mayor Dutra-Vernaci left the meeting at 8:45 p.m. and returned at 8:49 p.m.

At this time, Mayor Green opened the hearing for public comment. Those speaking in favor of the project:

Warren Sattler, representing McKesson stated Alternative E is not a compatible use for them. and suggested putting fire station at corner of 7th and Decoto.

Craig Champion, Braddock and Logan, selected as builder by McKesson for this property, stated locating a fire station near this property will have a serious effect on the value of the homes. They are proposing a smaller lot size of 3100 square feet, with set backs same as RS4500 district.

Jerry Catanzano spoke in favor of locating fire station on this site.

Tom Kells, 4428 Delores Drive, Athletic Director at St. Anne's CYO, spoke in favor of Option E and the location of the fire station on this property; in favor of minimum size lots; not in favor of townhouse; in favor of low income housing; in favor of turf on Shorty Garcia Park and, in favor of 40' easement instead of park.

Barry Ferrier spoke in favor of locating fire station on the site and commented on density issues.

Bruce Stanley, Park and Recreation Commission, Sports Advisory Committee, spoke of interest in Option E; pocket parks; use of easement for park amenities in Decoto area; residents to be made aware of park lighting; and the usefulness of turfing fields

Chuck Fleck, 2432 Aspen Loop, would prefer all park, but alternate E is the best proposal; commented on egress issues and wanting a stop light at Daggett and Mission.

There being no further comments in favor of this proposal, the Mayor called for those speaking in opposition:

Carmen Saldivar questioned what guarantee do the residents have that this property is clean of hazardous materials.

Jerry Catanzano stated he cannot support use of park land in lieu fees for artificial turf.

John Haley commented on affordable housing concerns and park lands.

Margaret Edgelow supports idea of looking at all available land making sure residents get park and open space needed for quality of life, stated you do not want artificial turf near barbecues and there are other concerns so this area would need monitoring.

Cathi Sweeney expressed her support for the fire station; stated concern about open space and that increased density could work well in this location.

Tadelle Yifru spoke in favor of open space in this area and would like new turf on fields.

J. J. Amaya spoke of contamination on McKesson site; supports fire station in area; spoke in opposition to housing and would like it to remain open space.

At 9:49 p.m. Council recessed, reconvening the meeting at 10:06 p.m.

The public hearing was open for comments for those speaking in rebuttal:

Warren Sattler, McKesson, spoke of a revised alternative E, i.e. builder deeds 0.55 acres to City, tot lot constructed, remainder planted in grass, builder pays park in lieu fee of \$247,000, builder contributed additional 202,960 for a maximum of total of \$450,000 to install artificial turf. Contribution decreases by 120,000 if deed notification for lights is a condition. 51 single family homes, six duplex and three triplex.

Craig Champion, developer, can make a design for smaller homes which would allow 28% higher density.

At this time the public hearing was closed for public comment.

Public hearing was reopened for a comment by applicant, Warren Sattler who stated they could prepay for the turf with the city to pay him back.

Mayor Green moved, seconded by Councilmember Elias to return this item to the Planning Commission. There was Council direction to secure this site for a fire station, include .55 acres for tot lot, obtain funds from developer to be applied to turf both fields, for alternative set of increased density plans and to include affordable housing.

AYES: 4 NOES: 1 (RV) ABSENT: 0

This item will return to Council at their December 10 meeting.

B. HEARING RE: **VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY, PARCEL MAP 7999, ELDER CARE ALLIANCE, ALVARADO-NILES ROAD** (Resolution)

Elder Care Alliance has requested vacation of a 26.30 foot wide portion of the Alvarado Niles Road right-of-way south of Oregon Street. The proposed vacation is approximately 860 feet long. The proposed right-of-way vacation permits expansion of the site to accommodate a three-story independent living facility and a two-story assisted living facility while maintaining the necessary 110 foot right-of-way for Alvarado-Niles Road.

Larry Cheeves, Public Works Director, gave the staff report.

Mayor Green opened the hearing for public comment.

Margaret Edgelow heard there would be space for ambulances and paratransit, but not for public bus stops and requested consideration for such.

There being no further public comments, the public hearing was closed at this time.

Councilmember Valle moved, seconded by Councilmember Elias to approve this resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolution adopted by this motion is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY VACATING A PORTION OF PUBLIC RIGHT-OF- WAY, PARCEL MAP 7999, ELDER CARE ALLIANCE, ALVARADO-NILES ROAD	ADOPT RESO. NO. 2273-02
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In accordance with Council policy, there was Council concurrence to continue this meeting past the midnight hour.

REPORTS FROM CITY MANAGER - NONE

REDEVELOPMENT AGENCY

A. HEARING RE: **RESOLUTION OF NECESSITY 33205 - 33303 MISSION BOULEVARD, APN 087-0091-51**

Mid Peninsula Housing Coalition has requested the Agency Board to secure the acquisition of the property before it enters into a Disposition, Development and Loan Agreement (DDLA) with the Agency to develop Mission Gateway affordable housing.

Mark Evanoff, Redevelopment Agency Manager, gave the staff report.

Agencymember Valle moved, seconded by Agencymember Fernandez to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The titles of the resolution adopted by this motion is as follows:

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF UNION CITY, ALAMEDA COUNTY, CALIFORNIA	ADOPT RDA RESO. NO. 264-02
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AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Councilmember Valle requested Item F removed from the consent agenda. Mayor Green requested Item G removed from the consent agenda and Margaret Edgelow requested Item E removed from the consent agenda.

Councilmember Fernandez moved, seconded by Councilmember Valle to adopt items A-D, H-K, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The titles of the resolutions and ordinance adopted by this motion are as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7074, SOUTHEAST CORNER OF WHIPPLE ROAD AND BETTENCOURT WAY, RYLAND HOMES ADOPT RESO. NO. 2274-02

Tract 7074 is an approximate 6.43 acre parcel located at the southeast corner of Bettencourt Way and Whipple Road. The parcel was subdivided into 37 single family dwelling lots. Barrons Way and Canterbury Way were extended into the site and Cambridge Way was extended from its existing eastern terminus to connect with Union City Boulevard, aligning with Smith Street. Full street improvements, consisting of paved roads, curb, gutter, sidewalk, underground utilities and street lights, have been provided.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7059, SOUTH SIDE OF SERPENTINE DRIVE EAST OF ALVARADO-NILES ROAD, RYLAND HOMES ADOPT RESO. NO. 2275-02

Tract 7059 subdivided an approximate 4.4 acre parcel into 31 single family dwelling lots. The site is southeast of the intersection of Alvarado-Niles Road and Serpentine Drive. The site was previously Union City's corporation yard. Full street improvements on all streets within the development have been provided and include curb and gutter, sidewalks, wheelchair ramps, street lights, underground utilities and paving.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7410, NORTHEAST SIDE OF CAMBRIDGE WAY, WEST OF UNION CITY BOULEVARD, RYLAND HOMES ADOPT RESO. NO. 2276-02

Parcel Map 7410 was created by Ryland Homes as a three-lot subdivision to accommodate the construction of housing units for the displaced owners resulting from the proposed extension of Smith Street west from Union City Boulevard to Cambridge Way.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH HNTB CORPORATION FOR PROFESSIONAL DESIGN SERVICES FOR CITY PROJECT NO. 2001-32, UPRR PEDESTRIAN GRADE SEPARATION PROJECT AND CITY PROJECT NO. 2001-33, BART PEDESTRIAN GRADE SEPARATION PROJECT (INTERMODAL STATION DISTRICT AND TRANSIT FACILITY PLAN) ADOPT RESO. NO. 2277-02

This resolution allows the City to enter into two separate contracts with HNTB Corporation to prepare final plans and specifications to construct UPRR and BART Pedestrian Grade Separations making the existing BART Station accessible from the east side.

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY RE-ADOPTING THE RESOLUTION TO SUPPORT NILES CANYON ROAD (STATE ROUTE 84) AS A SCENIC HIGHWAY ADOPT RESO. NO. 2278-02

Caltrans has requested the cities of Union City and Fremont and Alameda County update previously adopted Resolutions of Intent for a Scenic Highway Designation of Niles Canyon Road.

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FIXING THE EMPLOYER'S CONTRIBUTION FOR EMPLOYEES AND THE EMPLOYER'S CONTRIBUTION FOR ANNUITANTS AT DIFFERENT AMOUNTS ADOPT RESO. NO. 2279-02

The POA currently contracts with Operating Engineers 3 (OE3) for its medical benefits. The membership of the POA recently voted to sever its relationship with OE3 and enroll in CalPERS instead. This resolution approves the enrollments of the Police Officers Association (POA) in the California Public Employees Retirement System (CalPERS) for health benefits coverage.

J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL TRACT MAP 7369 IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

ADOPT RESO.
NO. 2280-02

Tract 7369 is a 4.8 acre parcel which extends between Hop Ranch Road and Dowe Avenue approximately 200 feet southwest of Alvarado-Niles Road. It is proposed to subdivide the site into 30 single family dwelling lots and two duplex/townhouse lots. Full street improvements, consisting of paved roads, curb, gutter, sidewalk, underground utilities and street lights, will be provided. Braddock and Logan Group II, L.P., owner of Tract 7469, has complied with all conditions of the tentative map and all fees have been paid.

K. FINAL READING ORD. NO. 595-02: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY, A-03-02

FINAL ORD.
NO. 595-02

Initiated by Jeffrey Schroeder of Ponderosa Homes, a request for a Zoning Map Amendment to rezone the undeveloped 8.6± acre Cerruti Property from A (Agricultural) to RS-6000 (Single-Family Residential), and a Vesting Tentative Tract Map for a 43 lot single-family residential subdivision, known as Ponderosa Cove II, with 35 single family detached homes and 8 duplex units. The project includes Site Development Review for the architectural design and layout of four separate homes (one single-story and three two-story units) with floor plans ranging from 2,560 square feet to 3,642 square feet with four two-story duplex units with floor plans at 1,420 square feet and 1,685 square feet. The project includes a Use Permit to average the side yard setbacks of the homes. The current General Plan designation for the site is R3-6 (Residential 3 to 6 Dwelling Units/Acre) consistent with the RS-6000 Single-Family Residential zoning classification. The project site is located at 4897 Lowry Road, one-half mile northeast of Union City Boulevard (Assessor Parcel Number 543-201-5-2).

The title of Item E is as follows:

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING CAPITOL CORRIDOR RAIL STATION STUDY AS PART OF UNION CITY INTERMODAL STATION DISTRICT AND TRANSIT FACILITY PLAN, CITY PROJECT NO. 01-35

Staff, along with Earth Tech, has been working closely with representatives of Capitol Corridor, ACE, Dumbarton Rail and BART to complete the Capitol Corridor Rail Station Study. Earth Tech will make a presentation on the results of the study.

Margaret Edgelow stated that she serves as a citizen watchdog for the Transit Advisory Committee and has the responsibility to report any action taken by the Council to that committee. She requested that this item be rescheduled to another meeting for a presentation to take place.

Mayor Green moved, seconded by Vice Mayor Dutra-Vernaci to continue this item to Unfinished Business on the November 12, 2002 Council agenda.

AYES: 5 NOES: 0 ABSENT: 0

The title of Item F is as follows:

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE AGREEMENT WITH OHLONE COMMUNITY COLLEGE

Health outreach and injury prevention are important aspects of maintaining and improving community health. Fire Stations, because of the unique positioning within the community, provide logical bases from which to provide health education and care. This agreement with Ohlone Community College will utilize student nurses to work with the fire department to provide health outreach programs.

Councilmember Valle requested information as to how the students would assist the Fire Department.

Marlene Rivers, Emergency Medical Services Chief, responded that the students would be utilized for example in giving flu shots for seniors.

Councilmember Valle moved, seconded by Councilmember Elias to adopt Item F, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
RESO. NO. 2282-02

The title of Item G is as follows:

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-08-02 AND USE PERMIT UP-04-02, WHIPPLE ROAD ASSOCIATES

Boyce Drake, of Associated Builders of Fresno, Inc., has revised architectural elevations in response to City Council comments on August 27, 2002. The Site Development Review and Conditional Use Permit applications are for the construction of a 22,500 square foot addition to an existing 80,250 square foot warehouse building. The project site has a zoning classification of ML, Light Industrial Zoning District and is located at 1601-1610 Whipple Road in the Central Technology Center (APN 475-143-1-1). This item was referred back to the Planning Commission for redesign.

Mayor Green pulled this item to state that this is a much better project than was previously presented to them.

Mayor Green moved, seconded by Councilmember Elias to adopt Item G, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
RESO. NO. 2283-02

ORAL COMMUNICATIONS

Barry Ferrier suggested having a work session in the next six months with the Planning Commission, reviewing pictures of nice developments with parks and landscaping which would assist the Council in determining their design preferences.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - NONE

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

A. Oral Reports by Councilmembers on Meetings of County or Regional Boards and Commissions

Councilmember Fernandez reported attending a Community Noise Forum for Oakland Airport and questioned amount of money spent by the City for this forum.

GOOD OF THE ORDER

Councilmember Elias asked if we could get a 24 hour health club in Union City.

Councilmember Elias questioned the status of PSSC coming before Council. Mark Leonard, Community Development Director responded that PSSC would come before Council in early December.

Vice Mayor Dutra-Vernaci requested a Mayoral proclamation for a local boy who will obtain the honor of eagle scout.

Vice Mayor Dutra-Vernaci received a call from a citizen who would like to make a contribution to the City for the dog park to place a bench or tree in husband's memory. Staff requested this individual contact Larry Cheeves, Public Works Director, for information.

Vice Mayor Dutra-Vernaci read a notice from the Department of Toxic Substance Control that clean up would begin which will include night hours. Larry Cheeves, Public Works Director stated staff has received a request from the DTSC to bring in clean fill dirt during night time hours so as not to cause imposition on traffic and children crossing streets. If any complaints are received, they will discontinue the night work hours.

Vice Mayor Dutra-Vernaci stated the League of California Cities is putting together its own set of bills regarding housing. They are also putting together a housing task force comprising of elected officials for the purpose of compiling ideas by January regarding housing elements and resources for housing.

Vice Mayor Dutra-Vernaci reported a citizen wondered if evening patrol officers could report street lights that are out.

Captain Stewart responded that officers have previously done this, but are not currently doing so. However, this can be requested.

Mayor Green questioned what type of notice the City receives on private events. Mayor Green stated it would be a good idea to request notice of events at the SDES hall.

At 12:29 a.m., Councilmember Fernandez moved, seconded by Councilmember Elias to adjourn meeting to Tuesday, October 29, 2002 for a work session and special meeting on purchase of the Turk Island property.

AYES: 5 NOES: 0 ABSENT: 0