

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, NOVEMBER 26, 2002, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:40 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

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

- A. Approval of minutes of the Regular City Council meeting of Tuesday, November 12, 2002

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Fernandez to approve minutes as submitted.

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

- A. Appointment of Vice Mayor
Required Action: Motion

Mayor Green moved, seconded by Councilmember Valle to appoint Ben Elias as Vice Mayor.

AYES: 5 NOES: 0 ABSENT: 0

- B. December 4, 2002 tree lighting and holiday gala at Masonic Home
Required Action: Information Only

Santa Claus arrived at the meeting to spread holiday cheer and invited all to attend the tree lighting and holiday gala at the Masonic Home on December 4, 2002.

ORAL COMMUNICATIONS

Don Heinsen, President of New Haven Teacher's Association, requested Council's help with School District proceedings regarding Superintendent.

Councilmember Valle moved, seconded by Mayor Green to agendaize urgent item of actions of New Haven Unified School District School Board closed session.

John Haley stated this is a separate elected agency and the Council should let democracy do its job.

Barry Ferrier stated that the Council needs to express their concerns to the School District.

Councilmember Valle moved, seconded by Vice Mayor Elias to have the Mayor speak before the School Board at their meeting this evening to express (in a diplomatic way) the Council's desire for the board to refrain from any decisions at this time. This should be done only if there is a unanimous vote of the Council.

AYES: 3 NOES: 2 (MF/CDV) ABSENT: 0

The vote taken was not unanimous; therefore no action was taken.

HEARINGS

At 8:15 p.m. Mayor Green moved, seconded by Vice Mayor Elias to convene the Redevelopment Agency in a joint meeting with the City Council.

A. HEARING RE: **MISSION GATEWAY** (Resolutions and Introduction of Ordinances)

Initiated by Mid Peninsula Housing Coalition, this project proposes to construct 120 units of affordable apartment housing, known as Mission Gateway. The project is proposed to be located along the southwest side of Mission Boulevard between Tamarack Drive and Whipple Road on a total of 4.5 acres.

Vern Smith, Housing Coordinator gave the staff report.

Jim Yee, architect representing Mission Gateway, spoke about the existing site and the details of the proposed project.

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

Resident at 33303 Mission Blvd spoke in favor of the project.

Resident at 33303 Mission Blvd, representing the elderly of El Arroyo Park, stated they are

looking forward to this project and thanked Council for this project.

John Haley stated this is a very attractive project, but questioned affordability and if the City would be responsible for the landscaping.

Norma Hastings, 33123 Hemlock Drive, stated she is an original owner of property on the other side of this project, and questioned what has been done about the possible flooding issue.

Member of COR, 33845 Washington Avenue, spoke in favor of this project.

Erma Andrade, COR, spoke in favor of affordable housing and this project.

Mary Schlarb, COR, spoke in favor of affordable housing and this project.

Resident at El Arroyo spoke of the positive aspects of this project.

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

Gayle Herrero, Pinto Court resident, expressed concerns about size and density, noise levels, increase in traffic on Mission and Tamarack, and parking permits.

There being no further public comments, Mayor Green closed the hearing.

Mayor Green moved, seconded by Councilmember Valle to approve General Plan Amendment AG-04-02.

AYES: 5 NOES: 0 ABSENT: 0

- 1) **General Plan Amendment (AG-04-02):** to redesignate portions of the site from R29-60 (Residential 29-60 Dwelling Units/Acre) to R17-29 (Residential 17 to 29 Dwelling Units/Acre); CR, (Retail Commercial) to R17-29 (Residential 17 to 29 Dwelling Units/Acre); and CO, (Office Commercial) to R17-29 (Residential 17 to 29 Dwelling Units/Acre).

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY RECOMMENDING TO THE CITY COUNCIL OF UNION CITY APPROVAL OF GENERAL PLAN AMENDMENT AG-04-02	ADOPT RESO. NO. 2304-02
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- 2) **Zoning Map Amendment (A-05-02)**: to reclassify a large portion of the project site from CC, (Community Commercial) to RM-1500, (Multi-Family Residential) to bring the site into conformance with the General Plan.

Mayor Green moved, seconded by Vice Mayor Elias to approve General Plan Amendment AG-04-02.

AYES: 5 NOES: 0 ABSENT: 0

The title of the ordinance introduced by this motion is as follows:

ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-05-02	INTRO ORD. 598-02
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- 3) **Zoning Text Amendment (AT-02-02)**: to amend the text of the Union City Zoning Ordinance to allow residential uses to be located above commercial uses along Mission Boulevard in the CC, (Community Commercial) zoning district.

Mayor Green moved, seconded by Vice Mayor Elias to introduce ordinance for Zoning Text Amendment AT-02-02,

AYES: 5 NOES: 0 ABSENT: 0

The title of the ordinance introduced by this motion is as follows:

ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-02-02	INTRO ORD. 599-02
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- 4) **Tentative Parcel Map (TPM-8061)**: to merge seven separate parcels (Assessor Parcel Numbers 087-091-16-3, 16-4, 17, 22-2, 50, 51 and 52) into two parcels to accommodate the development.
- 5) **Site Development Review (SD-11-02)**: for the architectural design and site layout of the affordable housing project.
- 6) **Variance (V-06-02)**: to allow a minor reduction of the front yard setbacks of the buildings along the Mission Boulevard frontage.

Mayor Green moved, seconded by Councilmember Fernandez to approve Tentative

Parcel Map (TPM 8061); SD-11-02 AND V-06-02.

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 APPROVING TENTATIVE PARCEL MAP (TPM 9061) SITE DEVELOPMENT REVIEW (SD-11-02), AND VARIANCE (V-06-02) FOR THE MISSION GATEWAY PROJECT BY MID PENINSULA HOUSING COALITION	ADOPT RESO. NO. 2305-02
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REDEVELOPMENT AGENCY

Items A and B were addressed in a joint meeting of the City Council and Community Redevelopment Agency.

A. Report on Relocation Plan for Mission Gateway

This report describes how the business and residents displaced by the Mission Gateway development will be relocated.

Mayor Green moved, seconded by Councilmember Valle to approve the Relocation Plan for Mission Gateway.

AYES: 5 NOES: 0 ABSENT: 0

B. Adoption of Disposition, Development, and Loan Agreement between the Community Redevelopment Agency of the City of Union City and Mid Peninsula Housing Coalition for Mission Boulevard Gateway Development (Resolutions)

The Disposition, Development and Loan Agreement is the contract between the Redevelopment Agency and Mid Peninsula Housing Coalition to construct Mission Gateway.

Chair/Mayor Green moved, seconded by Agencymember/Councilmember Valle to approve Disposition, Development, and Loan Agreement between the Community Redevelopment Agency of the City of Union City and Mid Peninsula Housing Coalition for Mission Boulevard Gateway Development

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH MID-PENINSULA HOUSING COALITION, MAKING FINDINGS AND APPROVALS TO PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, APPROVING THE RELOCATION PLAN FOR THE ACQUISITION AND DISPOSITION OF THE PROPERTY, AND APPROVING THE EXPENDITURE OF AGENCY FUNDS FOR THE UNDERGROUNDING OF UTILITIES ALONG MISSION BOULEVARD, ALL IN CONNECTION WITH DEVELOPMENT OF THE MISSION BOULEVARD GATE DEVELOPMENT

ADOPT RDA
RESO. 266-02

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH MID-PENINSULA HOUSING COALITION, MAKING FINDINGS AND APPROVALS TO PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, APPROVING THE RELOCATION PLAN FOR THE ACQUISITION AND DISPOSITION OF THE PROPERTY, AND APPROVING THE EXPENDITURE OF AGENCY FUNDS FOR THE UNDERGROUNDING OF UTILITIES ALONG MISSION BOULEVARD, ALL IN CONNECTION WITH DEVELOPMENT OF THE MISSION BOULEVARD GATE DEVELOPMENT

ADOPT
RESO. NO.
2306-02

At 9:19 p.m. Council. recessed, reconvening meeting at 9:35 p.m.

REPORTS FROM CITY MANAGER

A. Quarterly Update on the City's financial status - July 1 through September 30, 2002

This report presents the financial status of the City's general fund operations for the quarter July 1 through September 30, 2002. It also presents information on sales tax collections for the period April 1 through June 30, 2002.

Sheila Mohan, Administrative Services Director, gave the report.

Barry Ferrier complimented staff for including information about other cities and counties and spoke about the business to business revenue for the City and the need for office space.

John Haley congratulated all involved for the successful process; but stated we still don't know what will happen at the State level.

This item was presented for information only. No action was taken.

B. 2003 State Legislative Agenda for Union City

This report provides the Council with a proposed State legislative agenda for the upcoming 2003 legislative session in Sacramento.

Tony Acosta, Deputy City Manager, gave the staff report.

Barry Ferrier commented on the bonding issue, the need to pay as we go.

John Haley stated long term debt is a killer for all involved.

AUTHORITIES/AGENCIES - NONE

parcels of 1.31 acres and 3.69 acres. The subdivision creates a smaller undeveloped light industrial parcel of the developed rear portion of the site located on the north side of Atlantic Street east of Central Avenue.

ADOPT
RESO. NO.
2309-02

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDDING CONTRACT FOR ONE CNG POWERED AIR TYPE SWEEPER, CITY PROJECT NO. 02-24

This resolution awards a contract to Ricker Machinery Company of Oakland for one CNG powered Air Type Sweeper. The Sweeper will replace a diesel powered 1993 Elgin Crosswind Sweeper which has reached the end of its service life.

ADOPT
RESO. NO
2310-02

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW APPLICATION (SD-12-02) FOR JOYCE NOLAN, 3909 SMITH STREET

ADOPT
RESO. NO.
2311-02

Site Development Review for a 1200 sq. ft. building addition to an existing one-story office building located at 3909 Smith Street at Watkins Street, in the Old Alvarado District.

- H. Resolution of the City Council of the City of Union AUTHORIZING PARTICIPATION IN THE SUSTAINABLE COMMUNITIES GRANT & LOAN (SCGL) PROGRAM ADMINISTERED BY THE CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY (CPCFA)

ADOPT
RESO. NO.
2312-02

The City applied for participation in the SCGL Program and was awarded a \$350,000 grant and \$150,000 loan for the Phase II Rail Study of the Capitol Corridor Rail Station Study. This resolution accepts the grant and loan from the State.

- I. Final Reading Ordinance No. 596-02: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING UNION CITY MUNICIPAL CODE CHAPTER 15.20 (FIRE CODE), BY THE ADDITION OF SECTION 15.20.400 (REGULATIONS FOR THE USE OF FIREWORKS) FINAL ORD. 596-02

This is the second reading of Ordinance No. 596-02 which amends Section 15.20.400 of the Union City Municipal Code regarding the regulations for use of fireworks.

- J. Final Reading Ordinance No. 597-02: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADDING SECTION 12.28.340 TO THE UNION CITY MUNICIPAL CODE ESTABLISHING SKATE PARK RULES FINAL ORD. 597-02

This is the second reading of Ordinance No. 597-02 which adds Section 12.28.340 of the Union City Municipal Code establishing rules for the operation of the Skate Park.

The title of Item F is as follows:

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY REDUCING THE PLANNING APPLICATION FEES FOR THE BETHEL BAPTIST CHURCH EXPANSION PROJECT

Bethel Baptist Church has requested the City to waive the planning fees for their church expansion project on Dyer Street. The proposal is for a new 7,200 sq. ft. sanctuary, remodel the existing sanctuary, and a 4,359 sq. ft. addition for a multi-purpose room for assembly of worship, educational, and offices for church administration.

Mayor Green requested this item removed from the consent agenda to question the precedent this type of action sets. Staff responded that it only has occurred once in the last five years.

Mayor Green moved, seconded by Vice Mayor Elias to adopt Item F, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2313-02

The title of Item G is as follows:

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING
THE TOW SERVICE AGREEMENT FOR THE CITY OF UNION CITY

The Union City Police Department maintains a tow service agreement with all companies that provide towing services for the City. This resolution approves a tow fee increase from \$95.00 to \$110.00 per hour to reflect current rate conditions.

Councilmember Valle removed this item from the consent agenda to recognize the Moody's who have operated Union City Tow for a long time.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2314-02

ORAL COMMUNICATIONS

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF SEPTEMBER

A. Approval of warrants for payment for September 2002

Mayor Green moved, seconded by Vice Mayor Elias to warrants for payment.

AYES: 5 NOES: 0 ABSENT: 0

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

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

Councilmember Vernaci reported the Housing Commission is working on a housing bill with a revised Section 8 formula. Without this, there will be a potential shortfall to Alameda County of \$.84 million dollars.

Councilmember Vernaci reported the Housing Authority is looking for a new site and is analyzing the location at C and Grand Street.

GOOD OF THE ORDER

Vice Mayor Elias wished everyone a Happy Thanksgiving.

Councilmember Vernaci requested appointment to the Alameda County Mosquito Abatement District on the next agenda.

Councilmember Vernaci commented on article in The Week That Was regarding volunteers surveying street lights and questioned if this will be ongoing.

Chief Randy Ulibarri responded the Department has implemented a new program to do an annual survey that would coincide with October time change and will forwarded all information to the Public Works Department.

Councilmember Valle stated he would like to change the election cycle to coincide with state and federal general elections and would like this to be agendize on the December 10 agenda.

Mayor Green commented on the hosting of the Mayor's Conference at the Masonic Home.

Vice Mayor Elias moved, seconded by Councilmember Valle to adjourn meeting at 10:27 p.m.

Mayor Green moved, seconded by Vice Mayor Elias to adopt Item F, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0