

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
APRIL 23, 2002, 5:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

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

WORK SESSION - UNION LANDING

Council met at the Police Substation at Union Landing to observe/study improved traffic circulation and parking options.

Staff was directed to continue to work with property owners and return to Council in June with additional options.

Meeting adjourned at 6:26 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, APRIL 23, 2002, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

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, April 9, 2002

John Haley requested a change to page 6, third paragraph to read "Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to require Callahan Properties to *meet* with staff, contract with a third party to assist the City with due diligence, capping fees at \$100,000, and for the City to change rating of Turk Island *project from medium to high priority for the purpose of initiating*

and completing the study, after which there would be further determination as to whether or not it merited a high rating for the purpose of procurement”.

Councilmember Elias moved, seconded by Councilmember Valle to approve minutes as amended.

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Resolution in honor of Patti Ritto, Dispatcher of the Year

Councilmember Elias moved, seconded by Councilmember Valle to approve resolution, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2155-02

Mayor Green read the resolution in its entirety and presented the resolution to Patti Ritto who thanked Council for the recognition.

B. Resolution in honor of Lindsay Roberts, Board Member, Union Sanitary District, for her service to the City of Union City

Councilmember Elias moved, seconded by Councilmember Valle to approve resolution, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2156-02

Mayor Green read the resolution in its entirety and presented the resolution to Lindsay Roberts who thanked Council for the recognition.

C. Resolution recognizing April 27, 2002 as National Rebuilding Day (Christmas in April)

Councilmember Elias moved, seconded by Councilmember Valle to approve resolution, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2157-02

Mayor Green read the resolution in its entirety and presented the resolution to Rick Swarts, Executive Director Tri-Cities in April organization, who thanked Council for the recognition and commented on current projects in Union City.

ORAL COMMUNICATIONS

Jim Gunther, recently appointed ACWD Director, stated he is pleased to have recently moved here and looks forward to working with staff and Council.

Ken Arroy, 33841 6th Street, American Legion Baseball, commented on difficulty in renting City facilities, and requested assistance.

Hugh McNamara questioned if the City had any plans to take precautionary measures on Union City Boulevard at site of recent accident.

John Haley commented on urgent item placed on last Council agenda regarding priority status on Turk Island Landfill and Callahan properties.

HEARINGS

- A. HEARING RE: **AG-01-02, GENERAL PLAN AMENDMENT, ZONING MAP AMENDMENT A-01-02; VTTM -7369, VESTING TENTATIVE TRACT MAP - NAKANO NURSERY** (Introduction of Ordinance and Adoption of Resolution)

Initiated by Kenneth L. Riding of the Riding Group, representing the NAKANO Family Trust, a request for a General Plan Amendment to redesignate the Nakano Nursery property from R-3-6, (Residential 3 to 6 units per acre) to R-6-10, (Residential 6 to 10 units per acre), a Zoning Map Amendment to rezone the property from RS-6000 (Single-Family Residential) to RS-4500, (Single-Family Residential), and a Vesting Tentative Tract Map for the subdivision of the entire 4.8 acre property into 33 single-family residential lots with a minimum lot size of 4,500 square feet. The project site is located south of Alvarado-Niles Road between Hop Ranch Road and Dowe Avenue (Assessor Parcel Number 475-153-15-2).

Ralph Kachadourian, Planner, gave the staff report.

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

Ken Riding, President of Riding Group, applicant, commented on history of the project and their position on the issues, and willingness to work with staff regarding the Victorian Home, and suggested alternative one with a gate.

Greg Brent, 2727 Kildair Court, stated his support for this project, but also expressed concern for the property if homes are not built.

Resident at 33001 Hop Ranch Court, stated there is overwhelming support in the neighborhood for this project.

Jim Gunther, 2726 Dowe Avenue, stated this is an acceptable use of this property and is in favor of the project.

Art Cipriano, 2722 Dowe Avenue, stated this project is best for neighborhood and will be an asset.

Myrla Raymundo, President of Union City Historical Museum, requested complete analysis of Victorian home so that it can be preserved.

Those speaking in opposition to this project:

Resident at 2733 Cormorant Court, in favor of alternative no. 2 to retain hammerhead to preserve character of court.

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

Brian Kelly, Fire Chief, commented on reason for emergency vehicle access.

Councilmember Valle moved, seconded by Mayor Green to introduce ordinance, reading of title suffice.

AYES: 5 NOES: 0 ABSENT: 0 INTRO. ORD.
NO. 580-02

AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-01-02

Councilmember Valle moved, seconded by Mayor Green to approve resolutions, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAP 7369
UNION CITY APPROVING VESTING TENTATIVE TRACT (V T T M -

7369) INITIATED BY KEN RIDING, THE RIDING GROUP

ADOPT RESO. NO. 2158-02

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING AN AMENDMENT TO THE UNION CITY GENERAL PLAN (AG-01-02) INITIATED BY KEN RIDING, THE RIDING GROUP

ADOPT RESO. NO. 2168-02

At 8:25 p.m. Council recessed, meeting reconvened at 8:50 p.m.

There was Council concurrence to address CONSENT CALENDAR/RESOLUTIONS at this time.

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Items B and H removed from the consent agenda.

Vice Mayor Dutra-Vernaci requested item E removed from the consent agenda.

Councilmember Fernandez moved, seconded by Councilmember Elias to adopt Items A, C, D, F, G and I, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The title of the Items adopted by this motion are as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR 2000-2001 WHEELCHAIR RAMPS, CITY PROJECT NO. 00-06

Sposeto Engineering, Inc. has completed the improvements for 2000-01 Wheelchair Ramps Project, in accordance with the plans and specifications approved for this project and has supplied the city all bonding requirements.

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ESTABLISHING A VOLUNTARY CONTRIBUTION CHECK-OFF PROGRAM

This resolution establishes a voluntary contribution check-off program to provide the opportunity for City employees and City Council members to support the activities of Action for Better Cities (ABC).

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING SUBMITTAL OF APPLICATION FOR GRANT FROM THE LAND AND WATER CONSERVATION

ION FUND PROGRAM

This resolution requests authorization to apply for a grant from the Land and Water Conservation Fund program. The funds are from the State Park and Recreation funds which will be used for renovation of the gazebo at Alvarado Park.

ADOPT

RESO. NO. 2159-02

ADOPT

RESO. NO. 2160-02

ADOPT

RESO. NO. 2161-02

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING 2002-2003 ACTION PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2002-2003 ACTION PLAN AND APPLICATION FOR THE UNION CITY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ADOPT RESO. NO.
2162-02

A resolution for adoption of the 2002-03 Community Development Block Grant Action plan.

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE SUBMITTAL OF APPLICATION FOR A GRANT FROM THE 2000 STATE GRANT FUNDING, MURRAY HAYDEN URBAN PARKS AND YOUTH SERVICE PROGRAM

ADOPT RESO. NO. 2163-02

This resolution request authorization to apply for a grant from the Murray-Hayden Urban Parks & Youth Services Program in the amount of \$489,000 to demolish and rebuild the Teen Center in Kennedy Park.

I. Introduction of Ordinance: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY REPEALING CHAPTER 10.37 AND ADDING CHAPTER 10.37 TO THE UNION CITY MUNICIPAL CODE RELATING TO HUMAN HABITATION OF VEHICLES

INTRO. ORD. 581-02

This ordinance repeals Ordinance No. 578-02 and adds Chapter 10.37 to the Union City Municipal Code which prohibits the human habitation of vehicles and campers on city streets, on public property, or in private parking areas designed to be used for temporary parking of vehicles during the conduct of retail business.

The title of Item B is as follows:

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY RELEASING OBLIGATION FROM BRIDGE BENEFIT DISTRICT 4

This resolution releases obligation to the Cerruti Family Limited Partnership from payment of assessment fees under Bridge Benefit District No. 4.

Mayor Green removed this item to receive clarification that there would need to be a reformation of another district for the southern bridge.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2164-02

The title of Item E is as follows:

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DEFERRING
CITY COUNCIL MINUTES

IMPLEMENTATION OF RE-ENGINEERING THE LANDSCAPE AND LIGHTING DISTRICT TO 2003/2004

This resolution authorized deferring implementation of a re-engineering analysis for the Landscape and Lighting Assessment District from 2002/2003 to 2003/2004.

Vice Mayor Dutra-Vernaci requested this item removed from the consent agenda in order to draw attention to this item for the public and provided an explanation as to the deferment.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Item E, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2165-02

The title of Item H is as follows:

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH MARK THOMAS AND CO., INC. FOR PRELIMINARY ENGINEERING AND CONCEPT DESIGN FOR INTERMODAL STATION TRANSIT FACILITY (INTERMODAL STATION DISTRICT AND TRANSIT FACILITY PLAN)

This resolution authorizes the City Manager to execute Contract Amendment No. 01 and amend the existing contract agreement between the City and Mark Thomas and Co., Inc. for professional design services for the 11th Street Extension Project to include the preliminary engineering, concept design, environmental clearance and project cost estimates of the transit facility on the BART site as part of the Intermodal Station District and Transit Facility Plan.

Mayor Green removed this item to request that ACTA receive copies of this contract.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2166-02

REPORTS FROM CITY MANAGER

- A. **Fireworks Team Report and Recommendations** (Introduction of Ordinance and Adoption of Resolution)

This report makes recommendations for the regulation of the safe and sane fireworks and the

required municipal code changes regarding the use of fireworks and the enforcement of fireworks laws.

Brian Kelly, Fire Chief, gave the staff report.

John Tester commented on the proposed \$1900 fee, stating this fee would put smaller groups out of business and suggested percentage based fee; commented on prohibited use of fireworks in streets and recommended use allowed within 24" of street curb.

Ken Arroy, American Legion Baseball, stated staff recommendations are ridiculous, and is concerned about the suggested fee.

Bruce Stanley stated the City doesn't have options regarding funds, but the fireworks vendors do have options to pay the City's costs.

Don Biladeau stated City should provide strict enforcement of illegal fireworks.

Julian Hinojoza agrees with closing parks and suggested residency requirement of 50% for non-profits should be increased to 75%.

Solid Rock Church of Christ representative stated grandfathering the existing groups is not fair and suggested lottery system.

Ms. Anderson feels the fee is in effect a ban.

Resident, Oakdale Court, agrees on banning fireworks in parks, but not closing parks, and commented on block parties and the proposed fee.

Reverend Brown, representing Union City Pastors Alliance, stated desire for justice for the groups.

John Haley stated enforcement costs money, commented on equity of non-profit groups regarding sites.

Barry Ferrier spoke about fire and police's ability to respond to emergencies and stated the proposed fee is fair.

Justin Hinojoza commented on the proposed fee increase.

Tom Kells, Delores Drive, spoke about enforcement, suggested advertising on cable and in the newspaper regarding use and cleanup of fireworks and suggested a percentage fee.

Dennis Revell, Revell Communications, American Promotional Events, supplier of fireworks in Union City suggesting changing the discharge time to 10:00 p.m. consistent with noise abatement; cleanup

deadline should be changed to noon from 9 a.m.; suggests an appeal provision as it relates to any organizations right to sell or operate a booth; recommended minimum fine \$250 up to \$500; and commented on fee.

Mayor Green moved, seconded by Councilmember Elias to introduce ordinance, with the following amendments: On the Fourth of July “safe and sane” fireworks are permitted for use from 8:00 a.m. until 10:00 p.m. on the Fourth of July; All city parks shall close at 7:30 p.m. on the Fourth of July, except for city sponsored public fireworks displays; and fines shall be increased for the first offense from \$100 to \$250 or the maximum allowed by the presiding judge.

AYES: 5 NOES: 0 ABSENT: 0 INTRO.
ORD. 582-02

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

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)

Mayor Green moved, seconded by Councilmember Elias to amend Fireworks Regulations as follows:

AYES: 5 NOES: 0 ABSENT: 0

- ! Change the deadline for cleanup on the Fifth of July from 9:00 a.m. to noon
- ! Implement an appeal process and return to the Council at the May 14th meeting with details; appeal should be to the City Manager who would have the final decision
- ! Principal membership for non-profit groups must maintain a membership of at least 20 members, 50% must be Union City residents
- ! Regarding street closures/ block parties, cannot be permitted on any arterial street, or collector streets. 70% of residents over age 18 on (defined) block would sign petition agreeing to street closure, with application for street closure made 21 days prior to closure
- ! Grandfathering in the 27 groups that held permits in 2001, capping the number of groups to a ratio of one per 3,000 residents

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADOPT
UNION CITY REGULATING THE USE OF STATE-APPROVED RESO. 2167-02
FIREWORKS

The following actions are in addition to the amendments as stated above and will be incorporated into

the the amendment of the Fireworks Regulations.

Vice Mayor Dutra-Vernaci moved, seconded by Mayor Green to require handout materials to be issued with each sale that describes proper use of Safe and Sane fireworks and general safety practices to be followed when handling fireworks.

AYES: 5 NOES: 0 ABSENT: 0

Vice Mayor Dutra-Vernaci moved, seconded by Mayor Green to ban fireworks in the streets.

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

Mayor Green moved, seconded by Councilmember Elias to approve a permit fee calculated by the City Manager each year based on a percentage of the applicant's gross revenues during the previous year from the sale of fireworks, not to exceed 7% of gross revenues. The percentage shall be derived from the City's estimated reasonable cost of public services related to the regulation of the sales, use, and cleanup of fireworks in the City divided by the gross revenues derived from sale of fireworks as disclosed by the applications for fireworks-sales permits for the current year.

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

There was Council concurrence for staff to return at the May 14th Council meeting with details of an Education component and implementation suggestions.

B. Report on Skatepark Operation Issues

The purpose to this report is to identify and evaluate issues to the operation and maintenance of the proposed skate park.

Valerie Crawford, Leisure Services/Transit Director, gave the staff report.

Councilmember Elias left the meeting at 11:50 p.m.

John Tester doesn't feel staffing is a priority and suggested staff find ways to fund.

Barry Ferrier would like to see the skatepark built now; suggested supervision at peak times only.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Valle to move forward with the

immediate construction, with directions to Park and Recreation Commission to discuss supplemental funding.

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

C. **Consideration of referral to the Arts Council a proposal for the creation of a public art display of young people**

This is a proposal by Council Member Richard Valle that the Arts Council review and recommend creation of a public art display recognizing the children of Union City as part of the proposed City gymnasium on Union City Boulevard.

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

Mayor Green moved, seconded by Councilmember Valle to refer a proposal for the creation of a public art display of young people to the Arts Council.

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

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

ORAL COMMUNICATIONS

John Tester announced Little League is having a hometown heros day, including a BBQ. Teams will be honoring local police and fire on May 4 at Hall Ranch Park and Logan High School.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTHS OF JANUARY AND MARCH

A. **Approval of warrants for payment - January and March 2002**

Councilmember Fernandez moved, seconded by Vice Mayor Dutra-Vernaci to approve warrants for payment for the months of January and March 2002.

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

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

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

Vice Mayor Dutra-Vernaci stated the East Bay Division of the League of California Cities will be holding Legislative Action Days “Leave our Assets Local” on May 15 in Sacramento.

Councilmember Fernandez attended the noise forum to address airport noise complaints.

Councilmember Valle stated the Arts Council will be holding “Sharing the arts in the community” on Sunday, June 30, 2002.

Councilmember Valle reported that Arts Councilmember Myrla Raymundo announced her resignation from the Arts Council effective immediately.

GOOD OF THE ORDER

Vice Mayor Dutra-Vernaci commented the grand opening of the playlot at Union Landing Park will be held on Saturday, April 27 at 10:00 a.m.

Vice Mayor Dutra-Vernaci questioned the timing of the signalization at Alvarado Niles Road and Osprey. Larry Cheeves, Public Works Director stated this has not been scheduled with East Bay Regional Park District, but staff will discuss with them, as well as the bike path.

Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting at 12:26 p.m. to Tuesday, April 30, 2002 for Human Relations Commission interviews.

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