

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
APRIL 8, 2003, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:07 p.m.

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

Mayor and Council met in closed session on the following:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
Potential Case: One

Mayor Green arrived at the meeting at 6:30 p.m.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 33459 Mission Boulevard, APN 486-0003-33, APN 486-0003-32;
33435 Mission Boulevard, APN 486-0003-039-01;
33205-33303 Mission Boulevard, APN 087-0091-51;
33103-33125 Mission Boulevard, APN 087-0091-016-03, APN 087-0091-016-04

Negotiators: Redevelopment Agency Manager, Assistant Executive Director, Executive Director, Agency Counsel

III. ADJOURNMENT

Meeting adjourned at 7:06 p.m.

Valerie Crawford, Leisure Services/Transit Director thanked the Council for the recognition and introduced the staff responsible for the awards.

1. Leisure Services Winter 2002 Activity Guide Award for “Best Single Brochure”
2. Leisure Services Department Logo for “Best Logo”
3. The New Americans and Senior Citizen book for “Best Special Program Brochure”
4. Drigon Dog Park for “Park Planning and Design”
5. UC Clubhouse for “Personal Development Health/Wellness Award”

C. Presentation regarding South Bay Salt Pond Restoration Project

Carl Wilcox from the California Department of Fish and Game presented information regarding the South Bay Salt Pond Restoration Acquisition Project and the short/long term plans.

ORAL COMMUNICATIONS

Margaret Edgelow commented on the look of the BART station

Kenneth Ryan stated Fremont City Council will be discussing the rezoning of Route 84 tonight and suggested a joint planning meeting.

Resident at Monte Vista commented on the lack of signal at Osprey and Alvarado-Niles Road and commented on access to Quarry Lakes.

Larry Cheeves stated that a signal will be installed this summer at Osprey and Alvarado-Niles and the access road to the Regional Park facility will also be improved this summer.

CONSENT CALENDAR/RESOLUTIONS

Councilmember Fernandez moved, seconded by Councilmember Valle to approve Items A-E, resolutions numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY RECONFIRMING ROUTE 84 ALIGNMENT BETWEEN MISSION BOULEVARD AND ALVARADO-NILES ROAD AND ALLOCATING OF FUNDS FOR LOCAL MATCH TO CONSTRUCT THE FACILITY
- ADOPT
RESO. 2381-03

This resolution reconfirms the alignment of Route 84 as agreed to at the February 10 joint meeting with the City of Fremont.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT OF THE UNION CITY FY 2004-2013 SHORT RANGE TRANSIT PLAN TO URBITRAN ASSOCIATES
- ADOPT
RESO. 2382-03

The Metropolitan Transportation Commission (MTC) requires each transit operator to prepare, adopt, and submit to MTC a SRTP. The SRTP is a management, planning and policy document for transit operators as well as a means to satisfy Federal Transit Administration (FTA) and MTC requirements. Staff received two RFP's for this project and is recommending awarding contract to Urbitran Associates.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING NON-COMPETITIVE PROCUREMENT FOR THE RECORDS MANAGEMENT SYSTEM COMPONENT OF THE COPS MORE 2002 GRANT
- ADOPT
RESO. 2383-03

This resolution is requesting approval to seek non-competitive procurement for the Records Management System Component of the COPS MORE 2002 grant contingent upon approval from the United States Department of Justice.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT TO APEX CONSTRUCTION OF LOS GATOS FOR TEEN CENTER RENOVATION AND EXPANSION AT KENNEDY PARK, CITY PROJECT NO. 02-15
- ADOPT
RESO. 2384-04

This project consists of renovating the existing Teen Center located on "J" Street at Kennedy Community Park to comply with Americans with Disability Act (ADA) guidelines, expanding the recreation room, and providing building related necessities.

Item E was rejected by the above stated motion.

E. Rejection of Claim No. 511

Emanuel Cooper filed a timely claim regarding an alleged wrongful arrest.

At this time Council addressed Redevelopment Agency, Item A.

REDEVELOPMENT AGENCY

A. Funding for Library Bond Act Application (Resolution)

This report identifies the source of the \$250,000 necessary to complete the tasks required for an application for construction funding from the Library Bond Act.

Larry Cheeves, Interim City Manager, gave the staff report.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 275-03

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 THE ADVANCEMENT OF FUNDS TO PREPARE AN APPLICATION FOR A LIBRARY GRANT

HEARINGS

A. **HEARING RE: MCKESSON CORPORATION, 33950 7TH Street, APN 087-021-15; 087-021-06-03**: The following applications were initiated by Jeff Vines, on behalf of the McKesson Corporation, to replan, subdivide, and develop the 8.7 acre property located on 7th Street adjacent to Shorty Garcia Park. A Negative Declaration concerning environmental impact was prepared for items D and E below:

Aki Honda, Planner, gave the staff report.

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

Warren Sattler, McKesson Corp. spoke in favor of this project and commented on their study of this project.

Darrel Bolognesi, Braddock & Logan, spoke in favor of the project.

Jerry Catanzano spoke in favor of the majority of this project as it relates to the fire station.

Barry Ferrier spoke in favor this project.

Bruce Stanley spoke in favor of this project and commented on the need for a drainage system.

There being no further comments in favor of this project, Mayor Green requested comments from those speaking in opposition.

Jerry Catanzano commented on concerns regarding the park design and requirement for developer on artificial turf.

Cathi Sweeney stated the need for Council to look at the long range aspect of this project.

Margaret Edgelow asked Council to seek excellence in this project.

Ken Ryan commented on the access within this project and urged support of the decision of the Planning Commission.

Resident at 34015 7th Street, stated his concern about the water contamination on this site and the effects on the future property owners.

Hugh McNamara commented on the design of the homes.

There being no further comments in opposition, Mayor Green gave an opportunity for rebuttal comments.

Warren Sattler commented on the interesting architectural design and the access to the project.

Darrell Bolognesi stated the DIPSA plan requires that everything should be oriented away from 7th Street.

At this time there was a presentation by the architect of this project, Jill D. Williams, The KTG Y Group, as to the designs of the homes.

Councilmember Elias left the meeting at 9:24 p.m. and returned at 9:25 p.m.

Councilmember Valle left the meeting at 9:29 p.m. and returned at 9:31 p.m.

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

- 1) **General Plan Amendment AG-02-02-** Redesignate the project site from an OS, Open Space, designation to an R6-10 (Residential, 6-10 dwelling units per acre) for the proposed 62 new residential lots and to a CF, Civic Facilities, designation for the new fire station lot. The park extension to Shorty Garcia Park will remain an Open Space designation. **(Resolution)**

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2385-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AMENDING THE GENERAL PLAN AG-02-02

- 2) **Zoning Map Amendment A-02-03-** Rezone the subject property from an OS, Open Space, zoning classification on the Zoning Map for the residential portion of the project site and to a PF, Public Facilities, zoning classification for the fire station lot. The park extension to Shorty Garcia Park will remain as Open Space zoning classifications. **(Introduction of Ordinance)**

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

AYES: 5 NOES: 0 ABSENT: 0 INTRO
ORD. 608-03

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-02-02

- 3) **Specific Plan Amendments SP-02-02 and SP-03-02, to the DIPSAs Specific Plan-**

DIPSA Land Use Map- Change the property to an R6-10 land use designation and the fire station lot to a CF, Civic Facilities, land use designation, matching the General Plan.

DIPSA Zoning Map- Redesignate residential lots from OS, Open Space, to RS(s) 3000 and redesignate the fire station lot to PF, Public Facilities.

DIPSA Text- Incorporate a new RS(s)3000 Zoning Classification and new development standards for the new RS(s)3000 zoning classification. **(Resolution)**

Mayor Green moved, seconded by Councilmember Valle to adopt resolution, numbered appropriately.

AYES: 4 NOES: 1 (CDV) ABSENT: 0 ADOPT
RESO. NO. 2386-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING AMENDMENTS TO THE DECOTO INDUSTRIAL PARK STUDY AREA (DIPSA) SPECIFIC PLAN SP-02-02 AND SP-03-02, INITIATED BY JEFF VINES, MCKESSON CORPORATION

- 4) **Vesting Tentative Tract Map, VTTM-7393**- Subdivide the project site into 58 small lot single-family residential lots with a minimum lot size of 3,080 square feet; four duplex lots on corner sites; a 35,760 square foot lot (Parcel E) for a new fire station to be constructed and serve as a relocated site for the fire station on 10th Street in the Decoto area; and a 23,463 square foot lot (Parcel D) to serve as a park extension to Shorty Garcia Park. Lot 13 is intended to be used for the relocation of the groundwater treatment facility. All access to the residential portion of the subdivision will be provided from Myrtle Lane. **(Resolution)**

Mayor Green moved, seconded by Councilmember Valle to adopt resolution, numbered appropriately.

AYES: 4 NOES: 1 (CDV) ABSENT: 0 ADOPT
RESO. NO. 2387-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
VESTING TENTATIVE TRACT MAP 7393 (VTM-7393) INITIATED BY JEFF
VINES, MCKESSON CORPORATION

- 5) Site Development Review, SD-03-03- Approval of the design and layout of 58 two-story, small lot, single-family detached homes and four (4) two-story duplex homes.
(Resolution)

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

AYES: 4 NOES: 1 (CDV) ABSENT: 0 ADOPT
RESO. NO. 2388-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
APPROVING SITE DEVELOPMENT REVIEW APPLICATION (SD-03-03) FOR
JEFF VINES ON BEHALF OF MCKESSON CORPORATION

At 10:00 p.m., Council recessed, reconvening their meeting at 10:22 p.m.

REPORTS FROM CITY MANAGER

- A. Process to issue requests for proposals to provide funding for public (social) services for the 2003/2004 Fiscal Year

This report provides a brief review of the Community Development Block Grant (CDBG) funded public service selection process, as requested by the City Council.

Councilmember Valle recused himself from this item due to conflict of interest.

Vern Smith, Housing Coordinator, gave the staff report.

Mayor Green moved, seconded by Vice Mayor Elias to approve staff recommendations as follows and to return at the April 22 meeting with new language for criteria that gives more weight to public services that meet an urgent need, e.g. immediate health and safety needs, life threatening issues, etc.

Determine a target amount available for public service funding; solicit applications for public service funding immediately; utilize amended criteria for review; return to Council June 10, 2003 with applications; HRC to review applications at their May 28 meeting; develop one year contracts with providers to coincide with City's two year budget.

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

At this time Council addressed Redevelopment Agency, Item B.

REDEVELOPMENT AGENCY

Item A was addressed earlier in the meeting.

B. PURCHASE AGREEMENT FOR PARCEL ON 5TH STREET AND WHIPPLE ROAD AND A DECLARATION OF A "NO PARKING AREA" (continued from March 25, 2003)

1. *Resolution authorizing the Interim Executive Director to execute a purchase agreement for property at Whipple Road and 5th Street, APN 486-0015-022.*

Glen Martinez commented on his opposition to the City's position.

Jerry Catanzano expressed his support of this purchase agreement.

Chair Green moved, seconded by Vice Mayor Elias to accept staff recommendation, adopt resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RDA
RESO. NO. 276-03

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 THE INTERIM EXECUTIVE DIRECTOR TO SIGN A PURCHASE AGREEMENT FOR PROPERTY AT WHIPPLE ROAD AND 5TH STREET, APN 486-0015-022

2. Resolution creating a no parking area and authorizing the posting of no parking signs on Whipple Road parcel.

Agencymember Elias moved, seconded by Agencymember Fernandez to adopt resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2389-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
CREATING A NO PARKING AREA AND AUTHORIZING THE POSTING OF
NO PARKING SIGNS ON WHIPPLE ROAD PARCEL

At this time, Council returned to the printed agenda.

Vice Mayor Elias left the meeting at 10:53 p.m.

B. Report on Comprehensive Annual Financial Report

This report transmits the Comprehensive Annual Financial Report (CAFR) and accompanying Report to Management covering Fiscal Year 2001-2002 (ending June 30, 2002). Staff is recommending Council accept the CAFR, which is commonly referred to as the City's audit report.

Deputy City Manager Tony Acosta gave the staff report.

Councilmember Dutra-Vernaci moved, seconded by Mayor Green to accept the report.

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

C. Release of the Dry Creek Cottage and Garden Interim Land Use Plan and Initial Study and proposed Mitigated Negative Declaration

Staff is recommending the City Council review the Interim Land Use plan and Initial Study and proposed Mitigated Negative Declaration for Dry Creek Cottage and Garden. Council comments on the Mitigated Negative Declaration would be incorporated into the City's response to the EBRPD.

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

Roe Aguilar, EBRPD, responded to question that maximum number of people for the park is 200; and offered a tour of the area for Council.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Fernandez to accept the report.

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

AUTHORITIES/AGENCIES - NONE

ORAL COMMUNICATIONS

Barry Ferrier commented on Alameda County Flood Control District property.

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 stated he and Larry Cheeves met with Flood Control District regarding clearing up ivies growing on trees.

GOOD OF THE ORDER

Councilmember Valle reported a meeting with Chair of Human Relations Commission and their request for a summit regarding gang issues.

Councilmember Vernaci asked about progress on the skate park.

Larry Cheeves responded that the skate park is scheduled for completion in July.

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting at 11:16 p.m.

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