

**MINUTES FOR THE ADJOURNED REGULAR
AND REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JUNE 10, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Elias called the meeting to order at 7:11 p.m. and led the audience in the salute to the flag.

Vice Mayor Elias announced that no reportable action will be taken in the closed session which will take place at the end of the meeting.

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

Vice Mayor Elias read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, May 27, 2003

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

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

PROCLAMATIONS/PRESENTATIONS -NONE

ORAL COMMUNICATIONS

Dave Bhatia spoke about position of City Manager and parking at Union Landing.

Charles Cameron, Hayward resident, spoke about AC Transit public hearing regarding changing of bus routes and BART plus.

John Haley congratulated Vice Mayor Elias for businesslike manner in which last meeting was conducted and suggested moving reports up on an agenda if a large number of people are present for an item; also recommended adjourning meetings at 11:00 p.m.

Pastor Espinoza, Union City Apostolic Church, Spanish ministry, requested a waiver of a park fee.

Juan Villegos, Union City Apostolic Church, requested waiver of park fee.

Councilmember Valle moved to place Pastor Espinoza's request to waive their park facility use fee for June 15, 2003 on the agenda as an urgency item. Motion was seconded by Councilmember Dutra-Vernaci.

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

At this time Council address Pastor Espinoza's request to waive their park facility use fee for June 15, 2003.

John Haley suggested postponing this issue to next meeting for decision on waiving the fee.

Council suggested meeting with staff regarding this application.

HEARINGS - NONE

There was Council concurrence to address Reports from City Manager, Item D and Consent Calendar at this time.

REPORTS FROM CITY MANAGER

D. Report on preparations for Fourth of July

This report outlines the preparations that are being made for the July 4, 2003 holiday.

Police Chief Randy Ulibarri and Interim Fire Chief Chris Maxwell gave the staff report.

Dennis Revell, Revell Communications, American Promotional Events, presented packets of information to Council requesting consideration of a 5% use fee.

John Haley suggested public service ads and commented on implementation of a 5% use fee.

Barry Ferrier stated his concern is that July 4 is on a Friday this year which presents additional concerns.

Hugh McNamara commented on danger presented by the high grass.

Lee Webb, coach at James Logan High School, wants a breakdown of utilization of costs by City.

At this point Councilmember Dutra-Vernaci stepped down due to conflict of interest with one of her clients that sells fireworks.

There was Council concurrence to accept this report and for staff to return on June 24 with a breakdown of costs and to address the proposed use fee.

Councilmember Dutra -Vernaci returned to the meeting at this time.

There was Council concurrence to address the Consent Calendar at this time.

CONSENT CALENDAR/RESOLUTIONS

Vice Mayor Elias requested Items A-D removed from the Consent Calendar.

Councilmember Dutra-Vernaci requested Item E removed from the Consent Calendar.

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve Items F-J, numbered appropriately.

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

The title of the resolutions and ordinance approved by this motion are as follows:

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZATION TO GO TO BID FOR RENOVATION OF EXISTING POLICE STATION ON AN INTERIM BASIS, CITY PROJECT NO. 02-28 ADOPT
RESO. 2428-03

This project is to remodel the existing Police Facility on an interim basis. The project includes expansion of the women's locker room, interior reconfiguration, front counter and lobby area security upgrades and improvements to HVAC.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY SETTING THE PARAMEDIC SPECIAL TAX RATE FOR FISCAL YEAR 2003/2004 ADOPT
RESO. 2429-03

In 1997 the voters of Union City overwhelmingly passed Measure K, the Paramedic Special Tax which is only used to fund the Fire Department's paramedic program. Measure K provided for an increase in the annual assessment, not to exceed the local CPI. This resolution would adjust the rate by 2.2% to reflect the April 2002 to April 2003 increase in the Consumer Price Index (CPI) for All-Urban Consumers in the San Francisco Bay Area.

H. Resolutions of the City Council of the City of Union City Supporting and Opposing Proposed State Legislation:

Resolutions have been prepared establishing an advocacy position for the City on certain legislative bills currently pending in the State Legislature and have been identified by staff as having potentially significant impacts on Union City. SB 20 (Sher) would establish a program for the collection and recycling of electronic waste; AB 136 (Kehoe) would double the 4850 industrial injury "free period" for public safety employees; AB 1221 (Steinberg) would change the allocation of sales tax and property tax revenues to cities; and AB 789 (Mountjoy) would exempt vehicles with non-operative registration from local vehicle abatement and inoperative vehicle ordinances.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY SUPPORTING SB 20 (SHER), ESTABLISHING A PROGRAM FOR THE COLLECTION AND RECYCLING OF ELECTRONIC WASTE (E-WASTE)

ADOPT
RESO. 2430-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY OPPOSING AB 136 (KEHOE), DOUBLING THE 4850 "FREE PERIOD" INDUSTRIAL INJURY PAY FOR FIREFIGHTERS AND EXTENDING SAME TO POLICE OFFICERS

ADOPT
RESO. 2431-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CONDITIONALLY OPPOSING AB 1221 (STEINBERG), REALLOCATING SALES TAX AND PROPERTY TAX REVENUES

ADOPT
RESO. 2432-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CONDITIONALLY OPPOSING AB 789 (MOUNTJOY), EXEMPTING VEHICLES WITH NON-OPERATIVE REGISTRATION FROM LOCAL VEHICLE ABATEMENT AND INOPERATIVE VEHICLE ORDINANCES

ADOPT
RESO. 2433-03

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE REPLACEMENT OF THE FIRE RECORD MANAGEMENT SYSTEM ADOPT RESO. 2434-03

The Union City Fire Department is presently not in compliance with the California Health and Safety Code Section 13110.5 regarding statistical reporting of fire incident data. Staff is requesting authorization to purchase a new compliant Records Management System and appropriating \$28,000 from the Capital Facilities Improvement Fund to fund this project.

- J. Final Reading ORDINANCE NO. 611-03: ORDINANCE OF THE CITY OF UNION CITY DELETING SECTION 5.24.100, AMENDING SECTIONS 5.08.020 AND 5.16.030 AND ADDING SECTIONS 5.24.100 AND 5.24.110 TO THE UNION CITY MUNICIPAL CODE CONCERNING ISSUANCE OF BUSINESS LICENSES FINAL ORD. 611-03

This proposed ordinance addresses the “unlawful conduct issue” in a manner consistent with that used by a number of Bay Area cities, providing for specific criteria which must be met in order to deny, suspend or revoke a business’ business license.

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING A CONTRACT WITH SMWM TO PROVIDE SERVICES NECESSARY TO COMPLETE AN APPLICATION FOR LIBRARY CONSTRUCTION FUNDING FROM THE STATE LIBRARY BOND ACT, DUE JANUARY 2004

Staff solicited architects through an RFP process to assist staff in applying for a grant from the State Library Bond Act for a new library in Union City. Portions of the grant will be completed by the Alameda County Library staff and City staff while other portions must be done by an architectural firm. From the 13 responses to the RFP, SMWM was chosen as the firm best suited to help the City be successful in the application for funding.

Vice Mayor Elias removed this item from the Consent agenda to comment on the hope that the School District will agendize this item.

John Haley commented on the land availability and joining with Hayward for a high school.

Ken Ryan thanked Council for sending letter to School District and expressed his support of the Council's efforts.

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

AYES: 4 NOES: 0 ABSENT: 1(MG) ADOPT
RESO. 2435-03

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-04-03, SPORTMART

Initiated by SPORTMART, the applicant is requesting Site Development Review approval to construct a 27,952 square foot retail building in the Union Landing Shopping Center, at the corner of Courthouse Drive and Holly Way, adjacent to the existing Babies R Us store. The store will be built on an existing retail pad within the shopping center. Parking is provided. The project site address is 31200 Courthouse Drive and the Assessor Parcel Number is 463-60-50. A Program EIR was adopted for Union Landing in 1995 and a draft Negative Declaration was prepared in February 2000 to address the construction of 316,000 square feet of retail commercial space which included this pad.

Councilmember Valle removed this item from the Consent agenda to state that the west wall is too plain and requested enhanced landscaping, such as palm trees.

Barry Ferrier stated he doesn't like palm trees which don't provide a pedestrian friendly area and suggested shade trees.

John Haley commented on need for service areas standards.

Hugh McNamara would like to see garbage handled properly.

John Pappas stated sidewalk is already existing and requested to eliminate that requirement.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve resolution, numbered appropriately, and require applicant to have the frontage along Couthouse Drive reflect the landscape design aesthetic established by previous developments and shall include seat walls around trees similar to the seat walls in front of Babies R Us. Crepe Myrtle trees shall be the tree planted on the north and west elevation. The existing paving around the pad shall be enhanced to be similar to the development on Courthouse Drive and shall saw-cut existing concrete and insert pavers to create a banding effect.

AYES: 4

NOES: 0

ABSENT: 1(MG)

ADOPT
RESO. 2436-03

The title of Item C is as follows:

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-05-03, PAPPAS PARCEL ALONG COURTHOUSE DRIVE

Initiated by John Pappas, on behalf of Pappas Union City L.P., the applicant is requesting Site Development Review approval to construct a 5,000 square foot building and a 37,470 square foot building for mixed-use retail. The property is a vacant 3.66 acre site located at the corner of Dyer Street and Courthouse Drive, and the Assessor Parcel Number is 463-60-51. A program EIR was adopted for Union Landing in 1995 and a Negative Declaration was prepared to address the construction of 316,000 square feet of retail commercial space, which included this parcel.

Vice Mayor Elias requested more information on access to property.

Mayor Green arrived at meeting at 8:45 p.m.

John Haley questioned use of 5,000 square foot building on same parcel.

In response, Mark Leonard, Community/Economic Development Director, stated the applicant is considering a bank for this parcel.

Kenneth Ryan commented on need for pedestrian access.

Mayor Green suggested conditioning barriers on Courthouse drive to direct pedestrian traffic in proper locations.

John Pappas, Pappas Investments, 2020 L Street, Sacramento, CA 95814, requested further clarification of barriers on medians.

David Blair, MCG Architecture, 785 Market Street, San Francisco, CA, commented on barriers.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Fernandez to approve project with added condition for applicant to install pedestrian barrier fencing in the median on Courthouse Drive the full length of the street from Dyer Street to Holly Way.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. 2437-03

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING REIMBURSEMENT OF CITY'S FAIR SHARE OF PAVING COSTS

New Haven Unified School District intends to award a contract to slurry seal the Alvarado Middle School parking lot including the Holly Center parking lot which by agreement the City maintains. The City's fair share of the cost is \$26,000.

Mayor Green questioned timeframe for completion of this project and use of parking lot during paving.

Interim City Manager Larry Cheeves responded that timing has been discussed with NHUSD and the paving will be done at a time when it is the least inconvenient for Holly Community Center.

Councilmember Valle moved, seconded by Vice Mayor Elias to approve Item D, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. 2438-03

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONSTRUCTION CONTRACT FOR QUARRY LAKES BIKE AND PEDESTRIAN PROJECT, CITY PROJECT NO. 02-08

This resolution authorizes the Interim City Manager to award and execute contract agreement with Redgwick Construction Company in the amount of \$580,244.60 for the construction of the Quarry Lakes Bike and Pedestrian Improvements along Quarry Lakes Drive, Osprey Drive and Alvarado-Niles Road.

Councilmember Dutra-Vernaci pulled this item to publically comment on this project and questioned the timeframe for completion.

Larry Cheeves responded the majority of the work will be done this summer, signal could be completed by September.

John Haley questioned if this will interfere with plans for Route 84, and zoning of vacant property at this site.

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

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
RESO. 2439-03

At this time, Council returned to the printed agenda.

REPORTS FROM CITY MANAGER

A. **Informational Status Report and Public meeting regarding the proposed Re-Engineering of the Landscape and Lighting Assessment District**

This report is to provide a brief status report on the pending re-engineering process for Landscape & Lighting Assessment District No. 2 and to frame issues which may arise during the public meeting and public hearing phase of the process.

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

John Haley stated Lighting and Landscape defines a city and suggested property owners get their ballots in.

Ken Ryan requested clarification on the mechanics of this balloting process, i.e. number of votes for Tropics Mobile Home Park, condos, and rental property owners.

Larry Cheeves stated the property owner of the mobile home park would have one vote; condo owners would have one vote but pay a smaller fee than single family home owner; apartments are similar to mobile home parks in that the owner of property is the voter and not the resident.

Hugh McNamara stated duplicate ballots can be issued and property owners should vote.

There was no action on this item.

B. **Regulation of Campaign Signs on Public Property**

This report sets forth the general legal framework within which the City can regulate signs in the public right-of-way and the likely consequence for exempting political signs.

Michael Riback, City Attorney, introduced Assistant City Attorney Kim Johnson, who will respond to any questions the Council may have. Attorney Riback gave the staff report.

Barry Ferrier commented on sandwich board signs for real estate sales on sidewalks.

Kenneth Ryan feels that the ordinance should be enforced or amended.

Mayor Green moved, seconded by Vice Mayor Elias for staff to apply same set of standards for all signs.

AYES: 5 NOES: 0 ABSENT: 0

C. **Presentation of draft Economic Development Brochure and update on Economic Development Activities**

This report provides an update of current Economic Development initiatives and to present the new marketing brochure.

Lori Taylor, Economic Development Coordinator, gave the staff report.

Following are the comments mentioned by the Council on items they would like changed in the marketing brochure: change picture of AC transit bus to UC Transit bus; pictures should depict ethnic diversity; eliminate white blank spots with pictures, etc.; educational component needs to be mentioned throughout brochure; write in complete sentences, don't start sentences with conjunctions; include more colleges, universities, technical schools such as DeVry, Heald, University of Phoenix; include a more direct number than 471-3232; brochure color should be different; All America City logo should be on brochure; highlight Union City more on the map; include action photos of kids; change picture taken near Zwizzig; landmarks in Union City should be included, such as Masonic Home, parks should be featured, theater shot without people is too industrial; sculpture picture should be the best one; inserts could include letter from Council to businesses; departments should be listed including City Manager's name; heart picture should be replaced with action shot; pictures of library; needs something to catch attention; include city's colors, statistics page should have current population;

Councilmember Fernandez left meeting at 10:09 p.m. and returned at 10:12 p.m.

Barry Ferrier stated concern that citizens have been left out of this process, commented on use of a CD, and suggested this become a quarterly presentation.

John Haley stated staff was doing a great job, stated content should have fixed elements and inserts should be variables, front page should include a "grabber", and there is a need for an advisory group of businesses and residents.

There was Council concurrence for staff to return with an amended brochure at second meeting of July.

Council recessed at 10:20 p.m. and reconvened 10:40 p.m.

Vice Mayor Elias was not present.

At 10:40 p.m. Council recessed in order to meet under their authority as the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

A. **Exclusive Negotiating Agreement with Commuter Park Redevelopment, LLC, for the development of the former PG&E Storage Yard and Consulting Services** (Resolution)

Staff is requesting authorization to execute a 180 day Exclusive Negotiating Agreement with Commuter Park Redevelopment, LLC, an affiliate controlled by Lennar Properties, to develop the terms of a Disposition and Development Agreement for the Intermodal Station District and new town center.

Lori Taylor, Economic Development Coordinator, gave the staff report.

Vice Mayor Elias returned to meeting at 10:48 p.m.

Kevin Hanson, Cliff Miller, and Shelby Campbell, Lennar Partners, addressed the increase in residential units and commented on office use and timeframe for total development of parcel and responded to Council questions.

Kenneth Ryan stated community representatives have been and appreciate being a part of this process and commented on the housing unit changes and urged Council support.

Barry Ferrier urged Council to support this Agreement and stated office space is important.

Agencymember Valle moved, seconded by Vice Chair Elias to approve resolution, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RDA RESO. 279-03

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY DESIGNATING A DEVELOPER FOR A MIXED USE DEVELOPMENT ON PORTIONS OF THE FORMER PG&E PIPE YARD PROPERTY, AND AUTHORIZING EXECUTION OF AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE DEVELOPER FOR NEGOTIATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT AND AUTHORIZING EXECUTION OF CONSULTING SERVICES AGREEMENT FOR PROFESSIONAL ASSISTANCE

Council meeting reconvened at 11:02 p.m.

AUTHORITIES/AGENCIES -NONE

ORAL COMMUNICATIONS

There were no oral communications.

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

There were no reports.

GOOD OF THE ORDER

Councilmember Valle suggested and there was Council concurrence for Council to attend School Board meeting on June 17 to encourage the School District to have a public hearing on the library bond application.

Council would then begin the scheduled Human Relation Commission interviews at 6:30 p.m. It was requested for the City Manager to notify school district of the Council's intentions.

Councilmember Fernandez commented on median planting.

Vice Mayor Elias commented on empty magazine stands throughout city that need removing.

Vice Mayor Elias questioned status of negotiations with Waste Management.

Deputy City Manager Tony Acosta stated staff would return to Council on July 22 with a report.

At 11:21 p.m., Council adjourn to closed session.

ADJOURN TO CLOSED SESSION:

CLOSED SESSION:

B. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Section 54957.6)

Agency designated representatives: Tony Acosta, Interim Administrative Services Director, Larry Cheeves, Interim City Manager, Michael Riback, City Attorney

Employee organization: International Association of Firefighters Local 1946

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Section 54957)

Title: City Attorney

At 12:00 a.m., Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting to Friday, June 13, 2003 at 8:30 a.m. for a tour of the Meyers property.

AYES: 5 NOES: 0 ABSENT: 0