

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
OCTOBER 28, 2003, 6:00P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:08 p.m.

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

There was no one present at the meeting to speak under oral communications.

Council met in closed session on the following:

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to Section 54956.9 of the California Government Code)

PG&E vs. City of Union City

B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Number of Cases: One

C. **LICENSE/PERMIT DETERMINATION**
(Pursuant to Section 54956.7 of the California Government Code)

Title: Driver's Permit to Operate Union City Paratransit Bus

ADJOURNMENT

Meeting adjourned at 7:40 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 28, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:55 p.m. and led the audience in the salute to the flag.

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

Mayor Green announced there was no reportable action taken in closed session.

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 14, 2003

Dave Bhatia requested closed session comments to be included.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Valle to approve minutes as amended to include speaker's comments.

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

B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, October 21, 2003

Councilmember Valle moved, seconded by Vice Mayor Elias to approve minutes as submitted.

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

PROCLAMATIONS/PRESENTATIONS

A. Presentation of proclamations to members of the Union City Kicks Soccer Team

Vice Mayor Elias moved, seconded by Councilmember Valle to approve proclamations, read in their entirety.

Mayor Green read the proclamations in their entirety and presented them to the Union City Kicks Soccer Team.

B. Proclamation in honor of Engineer/Paramedic Sean Burrows, 2003 Firefighter of the Year

This item will be continued to the November 10, 2003 Council meeting for presentation. Engineer/Paramedic Sean Burrows is in Southern California helping to fight the fires.

ORAL COMMUNICATIONS

Margaret Edgelow thanked City for leveling manhole covers on Alvarado Niles, and commented on mud that occurs when in rains at BART.

Santosh Wadhwa expressed his desire to serve on Senior Citizens Commission.

John Haley commented on oral communications at adjourned regular meetings.

Miles Price suggested naming senior housing complex after Leisure Services Director Bill May.

Dave Bhatia commented on scheduled Council meeting times.

Council directed Interim City Manager Larry Cheeves to send letter to Representative Blalock regarding BART issue.

Mayor Green requested and received Council concurrence to move to Consent Calendar/Resolutions, Item A to this point on the agenda. There was Council concurrence to then address Reports From City Manager, Item A.

CONSENT CALENDAR/RESOLUTIONS

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ENDORSING MEASURE A (NOVEMBER 4, 2003 CONSOLIDATED DISTRICT ELECTION)

In recognition of the ongoing need to fund school improvements throughout New Haven Unified School District, the Board of Education has placed Measure A on the November 4, 2003 ballot. Staff is recommending approval of a resolution which endorses Measure A.

Steve Wallcave, treasurer for Yes for Kids. Thanked Council for endorsing Measure A.

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

AYES: 4

NOES: 0

ABSENT: 1 (MF)

ADOPT

REPORTS FROM CITY MANAGER

A. Report and Recommendations regarding the Solid Waste Procurement Process

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

Wendy Peterson, representing Tri-CED Recycling, stated her availability should the Council have any questions.

1. Resolution rejecting proposals received on February 22, 2002 for Solid Waste Collection and Disposal, and Organic/Waste Collection and Recycling, and authorizing further negotiations for Recyclable Materials Collection

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

AYES: 3 NOES: 0 ABSENT: 2 (MF/RV) ADOPT
RESO. NO. 2517-03

2. Resolution authorizing an agreement with Hilton, Farnkopf, and Hobson, LLC for Solid Waste, Organic Waste and Recycling Service Procurement Services in an amount not to exceed \$200,000

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

AYES: 3 NOES: 0 ABSENT: 2 (MF/RV) ADOPT
RESO. NO. 2518-03

At this time Council returned to the printed agenda.

HEARINGS

A. **HEARING RE: SHORT RANGE TRANSIT PLAN (SRTP) (Resolution)**

The purpose of the SRTP is to evaluate the performance of the City’s transit system, document service improvements and develop a ten-year finance plan. This plan provides Union City with a framework for future planning needs and meets all federal and regional planning and programming requirements. This year’s SRTP covers fiscal years 2004 through 2013. After Council approval, the Plan will be submitted to the Metropolitan Transportation Commission (MTC) as the official planning document for Union City Transit.

Wilson Lee, Transit Manager, gave the staff report.

Sam Corbin, Urbitran, presented project overview of the plan.

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

John Haley commented on convenience of bus riding, maximum parameters for this service, and encouraged use of passes.

Barry Ferrier commented on coordination between BART hours and our system hours, and suggested publishing coupons in the Leisure Services brochure.

Hugh McNamara expressed strong support for increased paratransit services, and suggested coordinating hours with BART.

Dave Bhatia spoke about fare increases, free fare days, and time performance.

Jerry Catanzano suggested use of daily passes.

There being no further comments in favor of this project, Mayor Green asked for comments against this project.

Margaret Edgelow spoke in opposition to fare increases because of people on fixed incomes; if fares are increased they should be equitable.

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

Councilmember Valle moved, seconded by Vice Mayor Elias to approve resolution, numbered appropriately. Mission driven, and increase fares by

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE UNION CITY TRANSIT SHORT RANGE TRANSIT PLAN FOR FISCAL YEARS 2004 THROUGH 2013 ADOPT RESO. NO. 2519-03

Council recessed at 9:55 p.m. reconvening the meeting at 10:15 p.m.

B. HEARING RE: ZONING MAP AMENDMENT A-01-03 (Introduction of Ordinance)

Initiated by the City of Union City, the proposal is to amend the Zoning Map to bring it into compliance with the General Plan regarding the 40.26-acre Accinelli property located at 4717 Lowry Road, Union City and is identified as Assessor's Parcel Number APN 543-0201-004-02. The General Plan was amended in February 2002 that redesignated this property from Agriculture to Residential, 3-6 units per acre, and Private Institutional. Approximately 32

acres of the property are proposed to be rezoned from Agriculture to Single-Family Residential, RS6000 and 8 acres are proposed to be rezoned from Agriculture to Private Institutional, PI. The City has determined that the above amendment is exempt from environmental review pursuant to Section 15061 (b3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed rezoning of the land is to bring it into compliance with the General Plan, as required by State Law.

Joan Malloy, Planning Manager, gave the staff report.

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

There were no speakers in favor of this ordinance.

Mayor Green called for those speaking in opposition to this ordinance.

David Bonaccorsi, speaking on behalf of John Accinelli, requested delaying this action until March 2004.

At this time, Mayor Green closed the hearing for public comment.

Mayor Green moved, seconded by Vice Mayor Elias to uphold Planning Commission action and moved to introduce ordinance, reading of title to suffice.

AYES: 3 NOES: 1 (RV) ABSENT: 1 (MF)

Mike Riback, City Attorney, read the title of the Ordinance for the record.

ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-01-03 INTRO. ORD. 615-03

C. HEARING RE: **APPEAL OF ASD-20-03, ADMINISTRATIVE SITE DEVELOPMENT REVIEW** (Resolutions)

The City of Union City has received a request from Andrew Miner, of PlanCom Inc., representing Cingular Wireless, to appeal the Planning Commission's denial of Administrative Site Development Review Permit application (ASD-20-03). On October 2, 2003, the Planning Commission denied ASD-20-03 on a 3-2 vote. The ASD application is a request to permit the installation of three (3) monopole antennas to be camouflaged as flag poles and ground mounted equipment to be screened by a new monument sign at the end of Hop Ranch Road at Cesar Chavez Middle School located at 2758 Hop Ranch Road (APN 475-153-070).

Aki Honda, Planner, gave the staff report.

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

Andrew Miner, PlanCom, Inc., spoke in favor of this project, and addressed the reason for the location of these antennas.

Nelson Ghogomu, Livermore, engineer for Cingular Wireless, provided information as to how the best location for their equipment is chosen.

Matt Runte, Walnut Creek, Planning Services, performed study and prepared report regarding maximum RF level of proposed site.

Vice Mayor Elias left the meeting at 11:26 p.m. and returned at 11:28 p.m.

Paul Chafer, NHUSD, shared process the school district went through in approving the application.

Mayor Green asked for comments of those speaking in opposition to this project.

Pam Bernard, 2733 Cormorant Court, stated her opposition because project would ruin the character of their community and presented a petition to the Council of those in opposition to this project.

Charles Foster White stated opposition due to lack of notification, noise level, preservation of nature and beauty of park.

Andrew Yup spoke in opposition to this antenna.

Melba Foster White stated her opposition to this antenna because the antennas are not included in the general plan, area is over-burdened with utilities, and concerns about other carriers adding to this area, as well flags won't be on display all the time.

Mayor Green called for rebuttal comments.

Andrew Miner stated this use is benign and low maintenance, low key, can be built in short time, and meetings were noticed.

Mayor Green closed the public hearing at this time.

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DENYING THE APPEAL AND CONCURRING WITH THE PLANNIN

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested to remove Items B and F from the consent calendar. Councilmember Valle requested to remove Item D.

Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci to approve resolutions C and F, and adopt Items G and H, numbered appropriately, reading of titles to suffice.

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

The titles of the resolutions adopted by this motion are:

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN ADOPT RESO.
NO. 2521-03

Braddock & Logan have requested the City of Union City institute proceedings to annex their property into the Community Facilities District No. 96-1 (DIPSA). The proposed Annexation No. 4 includes the Braddock & Logan property (recently purchased from McKesson Corporation) and the former Nor-Cal Steel site that is owned by the Agency.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING ORDER OF BUSINESS FOR CITY COUNCIL MEETING AGENDAS ADOPT RESO.
NO. 2522-03

*Staff has prepared an amended format to the current City Council agenda. The addition of a new section **XI. REPORTS FROM COMMISSIONS/COMMITTEES** will amend the order of business for City Council agendas.*

City Attorney Michael Riback read the titles of the Ordinances adopted by the earlier stated motion.

- G. Urgency Ordinance: ORDINANCE OF THE CITY OF UNION CITY REPEALING SECTION 12.08.275 OF THE UNION CITY MUNICIPAL CODE, RELATING TO THE TRENCH CUT FEE ADOPT URGENCY ORD. NO. 616-03

The City recently discovered that the methodology recommended to the City by a paving design consultant and relied upon by the city for establishing the amount of the permit fee, was flawed. In order to assure that no one is charged this fee in the interim, it is necessary that this ordinance take effect immediately, thus repealing Section 12.08.275 and the imposition and collection of this fee.

- H. Final Ordinance No. 614-03: ORDINANCE AMENDING TITLE 12, CHAPTER 28, SECTION 12.28.340, SKATE PARK DESIGNATION AND RULES, OF THE UNION CITY MUNICIPAL CODE FINAL ORD. NO. 614-03

This is the second reading of Ordinance 614-03 which will amend Chapter 28, Section 12.28.340 of the Union City Municipal Code to include penalties for violations of the ordinance. The modified ordinance would include actual fine amounts for first, second and subsequent violations occurring within one year. In addition, the word "willful" in regard to the commission of a violation has been removed for clarification purposes, as the intent of the violator is not a factor in establishing a violation.

The title of Item B is as follows:

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING BID AND AWARDED CONTRACT TO DATALUX CORPORATION FOR THE MOBILE DATA COMPUTER COMPONENT OF THE COPS MORE 2002 GRANT

A portion of the COPS MORE 2002 grant from the United States Department of Justice was the purchase of mobile data computers to replace the laptop computers that have been in use for over five years, are out of warranty and frequently fail to function. Staff is requesting authorization to approve the contract with Datalux Corporation to purchase the mobile computer systems and necessary components through funding available through the approved COPS MORE 2002 grant.

Mayor Green removed this item to receive information as to the amounts of the submitted bids.

Police Chief Randy Ulibarri responded that Datalux' bid was well under all other submitted bids.

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

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

ADOPT
RESO. NO. 2523-03

The title of Item D is as follows:

- D. RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-10-03, USE PERMIT UP-05-03 AND VARIANCE V-05-03

Initiated by CRJ Associates for Hirbond Enterprise Inc., the applicant is requesting a Site Development Review and Use Permit approval to establish a Mini-Mart within an existing Chevron service station. The applicant is also applying for a Variance to allow one (1) parking space less than what is required. The project site is located at 31890 Alvarado Boulevard, Union City, and is identified as Assessor's Parcel Number APN: 483-0040-033-00. The property is zoned CC, Community Commercial. The proposed project is considered categorically exempt per the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

Councilmember Valle questioned and received information that the landscaping would have the same quality as at the Shell and Chevron station.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve Resolutions, numbered appropriately.

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-10-03	ADOPT RESO. NO. 2524-03
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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING USE PERMIT UP-05-03	ADOPT RESO. NO. 2525-03
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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING VARIANCE V-05-03	ADOPT RESO. NO. 2526-03
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The title of Item F is as follows:

- F. Resolution of the Community Redevelopment Agency of the City of Union City AUTHORIZING EXECUTION OF A RIGHT OF ENTRY AGREEMENT WITH MID-

Councilmember Valle requested a report on the November 10th agenda regarding CRA.

Mayor Green questioned how things went on Make A Difference Day. Mayor Green also brought up the idea of having the Human Relations Commission assist with Make A Difference Day.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting at 12:27 a.m.

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