

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JANUARY 27, 2004, 6:15P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:45 p.m.

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

There was no one present to speak under oral communications.

The Council met in closed session on the following:

CLOSED SESSION:

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Pursuant to Section 54957 of the California Government Code)

Title: Interim City Manager

Meeting adjourned at 7:05 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 27, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:10 p.m. and led the audience in the salute to the flag.

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

Mayor Green reported that in the closed session, Council voted unanimously to appoint Larry Cheeves as City Manager. A reception in honor of City Manager Cheeves' appointment will take place on Tuesday, February 17, 2004 prior to the budget work shop.

Mayor Green read the rules for conduct of the meeting.

which was funded by Washington Hospital.

Sandra Holder commented on essential support needed for Yes for Measure K

Miles Price, Boardmember of Union Historical Museum, requested City move the Sa home so it can be protected as an historical building.

Chuck Lehnus questioned City's code regarding cementing front yards to park cars.

Leonor Amaya requested names of Intervention Counselors hired and their responsibilities.

Mayor Green suggested the Park and Recreation Commission explore options regarding the saving of the Sa home.

At the Mayor's request, Mark Leonard, Community/Economic Development Director, responded to resident's concern regarding cemented front yards in that staff will check into any Code violations.

Police Chief Randy Ulibarri responded to Mayor Green's request to comment on the crisis prevention program that was instituted at Council's direction. Police Chief Ulibarri stated that the Department has two intervention counselors, Pat Abadesco and Christi Potter, they maintain a normal work schedule however are on call 24 hours per day. The Counselors follow-up on every domestic violence call and every disturbance call to help people access counseling services and resources they normally would not have available to them.

There was Council concurrence to have a report on the Crisis Intervention Program at their February 24, 2004 meeting.

HEARINGS

A. HEARING RE: ZONING TEXT AMENDMENT AT-01-04 (Introduction of Ordinance)

Initiated by the City of Union City, a request to modify the Chapter 18.40, Industrial Districts. The Zoning Text Amendment proposes comprehensive changes to update the permitted and conditionally permitted uses in the Industrial Districts. Changes to the permitted and conditionally permitted uses focus on removing antiquated or undesirable uses and more clearly defining appropriate warehouse and distribution uses. Modifications to the Section 18.40.150, Performance Standards are also proposed. Notice is also given that the above project is considered Categorically Exempt per Section 15601(b3) of the California Environmental Quality Act (CEQA) Guidelines.

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

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

Barry Ferrier stated this ordinance reinforces the efforts put into the General Plan by the

citizens and commented on the industrial acreage still available.

Tim Jandik, representing Chamber of Commerce, expressed the Chamber's support for this Ordinance and urged Council's support.

Jack Balch, local builder/developer, commented on recent developments, stated this ordinance will help them to do business in Union City.

Tom Wagner, Harvest Properties, developer of Central Avenue project, spoke in favor of this ordinance.

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

Councilmember Elias moved, seconded by Councilmember Valle to introduce Ordinance, reading of title to suffice.

AYES: 5 NOES: 0 ABSENT: 0

The title of the Ordinance introduced by this motion and as read by the City Attorney is as follows:

ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-01-04	INTRO ORD. NO. 619-04
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At 8:20 p.m. Council recessed, reconvening the meeting at 8:47 p.m.

REPORTS FROM CITY MANAGER

A. Update on FY 2004/05 Budget (Resolution)

Rich Digre, Administrative Services Director, gave the staff report.

Mayor Green moved to amend the resolution by the removal of the last paragraph. This motion was seconded by Councilmember Elias.

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 EXPRESSING OPPOSITION TO THE PROPOSED FUNDING REDUCTIONS TO LOCAL GOVERNMENT CONTAINED IN THE GOVERNOR'S PROPOSED FISCAL YEAR 2004-05 STATE BUDGET	ADOPT RESO. NO. 2569-04
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B. **Resolution establishing a low income exemption to the Public Safety Parcel Tax (Measure K)**

This resolution establishes a low income exemption to Measure K using Federal income standards already developed by the Department of Housing and Community Development.

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

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

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 ESTABLISHING A LOW INCOME EXEMPTION TO THE PUBLIC SAFETY PARCEL TAX (MEASURE K)	ADOPT RESO. NO. 2570-04
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C. **Update on the affordable housing lottery process**

This report provides an update on the City's affordable housing program.

Vern Smith, Housing Coordinator, gave the staff report.

There was no action on this report.

D. **Calendar for interviews to fill Commission vacancies**

Linda West, City Clerk, gave the staff report.

There was Council concurrence to set the dates for Senior Commission and Human Relations Commission interviews for March 30, 2004, Park and Recreation Commission and Arts Council for June 29, 2004, and September 21, 2004 for Planning Commission interviews.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES

A. **Human Relations Commission recommendation regarding sister city relationship with Chiang Rai (Resolution)**

Human Relations Commissioners Pat Gacoscos and Lee Guio gave the report.

Ruben Uriate, member of Sister City Committee, commented on a planned cultural evening event and sister city communications.

Jaime Jaramillo, member of Sister City Committee, commented on meetings of Friends of Sister City Committee and their involvement in bringing back a more active relationship with

the City's Sister Cities, and responded to questions regarding relationships with the current sister cities.

Resident, student at Logan High School, expressed support for relationship with Chiang Rai.

Mayor Green moved, seconded by Vice Mayor Fernandez to adopt resolution establishing a formal sister city relationship with Chiang Rai, Thailand.

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 ESTABLISHING A SISTER CITY RELATIONSHIP WITH CHIANG RAI, THAILAND	ADOPT RESO. NO. 2571-04
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CONSENT CALENDAR/RESOLUTIONS

(All matters listed under the Consent Calendar are considered routine City Council or Redevelopment Agency items by the City Staff and may be enacted by the City Council/Agency by one motion in the form listed below. There will be no separate discussion of these items unless, before the City Council/Agency votes on the motion to adopt, Members of the City Council/Agency, staff, or the public request specific items to be removed from the Consent Calendar for separate action).

Mayor Green requested Items A, B, F and J removed from the consent calendar.

Vice Mayor Fernandez moved, seconded by Councilmember Elias to adopt Items C-E, G-I, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING OLD ALVARADO/CESAR CHAVEZ PARK GAZEBO, CITY PROJECT NO. 01-06	ADOPT RESO. NO. 2572-04
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Staff is requesting acceptance of the Old Alvarado/Cesar Chavez Park Gazebo project completed by Younger-Wunar, Inc. This project consisted of replacing the existing deteriorated wooden gazebo with a structure made of metal and wrought iron.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING SEVEN HILLS PARK PLAY LOT RENOVATION, CITY PROJECT NO. 01-05 ADOPT RESO. NO. 2573-04

Staff is requesting acceptance of the Seven Hills Park Play Lot Renovation completed by G&G Builder. The project consisted of demolition and disposal of existing play equipment, sidewalk and resilient sand material. New play equipment, custom steel fabrication, electrical, installation of existing benches/signs and resilient surface materials have been installed. The park has a race car theme consisting of custom made benches that look like the front of a '57 Chevy, colored flames and race track embedded in the resilient surfacing, and a miniature hot wheels track.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7182 ADOPT RESO. NO. 2574-04

Ponderosa Homes II has completed the required public improvements for this Tract which is located at the terminus of Rocklin Drive, West of Union City Boulevard. This Tract was a large lot in Tract 7058 which subdivided an approximate 46.2 acre parcel into 126 single family dwelling lots and future elementary site. The 15.5 acre site, which includes a portion of the school site, is subdivided into 70 lots. Full improvements of paved roads, curb, gutter, sidewalk, underground utilities and street lights have been provided.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-08-03 FOR THE MEJIA PROPERTY ADOPT RESO. NO. 2575-04

Initiated by Armando Benozza, on behalf of the property owners, Pedro and Lourdes Mejia, the applicant is requesting Site Development Review approval to construct a 1,144 square foot addition to an existing office building and convert a 1,017 square foot enclosed patio area into office area that would bring the total office building square footage to 4,795 square feet. The proposed addition is a one-story addition. The project site is located at 30545 Union City Boulevard on the southwest corner of Union City Boulevard and Tara Court and is identified as Assessor's Parcel Number APN 482-006-07. The property has a General Plan designation of MS, Special Industrial. This project is considered Categorically Exempt per the California Environmental Quality Act (CEQA) per Section 15301, Class 1(e) (Existing Facilities).

H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE ALAMEDA COUNTY EMERGENCY DISPATCH CONSORTIUM AGREEMENT FOR FIRE DISPATCH SERVICES

ADOPT RESO.
NO. 2576-04

There is a need to improve fire department interoperability; reduce costs, and reduce liability exposure by joining the Alameda County Emergency Dispatch Consortium. The member agencies of the consortium operate a joint fire dispatch center that provides interoperability and reduced costs. This resolution authorizes an agreement with the Consortium for fire dispatch services.

I. RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AWARDING CONTRACTS FOR DEMOLITION AND REMEDIATION OF 34100 7TH STREET (FORMER NOR-CAL STEEL) AND ENCUMBERING TAX-EXEMPT HOUSING FUNDS TO COMPLETE THIS PROCESS

ADOPT RDA
RESO.NO. 288-04

This resolution awards contracts for demolition and remediation from the former Nor-Cal Steel site. This action is consistent with the Agency's direction for purchase of the property and ultimate redevelopment for affordable housing and City park. Staff is recommending the Agency Board award the contract to VEM Engineering, Inc. to perform the demolition of this property and award the contract to URS Corporation for the remediation.

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING CITY MANAGER TO EXECUTE AN AGREEMENT WITH ALTA PLANNING + DESIGN FOR PROFESSIONAL DESIGN SERVICES FOR CITY PROJECT 03-21, SAN FRANCISCO BAY TRAIL PROJECT

The San Francisco Bay Trail is a planned recreational corridor that will encircle San Francisco and San Pablo Bays with a continuous 450 mile network of bicycling and hiking trails. Staff has been working with ABAG, EBRPD, CalTrans and Alameda County Public Works to determine the scope and implementation of a trail system on the west side of Union City Boulevard to connect the northern end of the S.F. Bay Trail in Hayward to the southern end in Fremont. Staff is recommending approval of an agreement with Alta Planning+Design for professional design services for the San Francisco Bay Trail Project Study.

Mayor Green removed this item to comment on the alignment with Union City Boulevard as an alternative to the bike path.

City Manager Cheeves commented on the City's preferences for the Bay Trail.

Mayor Green moved, seconded by Councilmember Elias to approve Item A, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. 2577-04

The Title of Item B is as follows:

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING TO GO TO BID FOR UNION CITY BOULEVARD MEDIAN LANDSCAPE RENOVATION, CITY PROJECT NO. 02-17

Staff is requesting approval of plans specifications for demolition, landscaping, irrigation, paving, boulders and a monument at Union City Boulevard median between Kohoutek Way and Smith Street.

Mayor Green removed Item B to question how this median landscaping will be affected by the expansion of the turn lanes from Whipple to Union City Boulevard.

City Manager Cheeves responded that the landscaping will consist of low maintenance plants and the expansion of the turn lanes would be considered.

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

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. 2578-04

The title of Item F is as follows:

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW, SD-09-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING USE PERMIT UP-06-03

Initiated by Chapel of the Chimes, the applicant is requesting Use Permit approval for a Long Range Master Plan (UP-06-03) to guide the development of the Chapel of the Chimes property; and specific Site Development Review approval is requested for Phase 2, which includes expansion into the Hillside Terrace (SD-09-03)

Mayor Green removed this item to question the visual impact and get opinion regarding Hillside Area Plan.

Councilmember Elias moved, seconded by Vice Mayor Fernandez to continue this item to February 27, 2004 to receive clarification as to the visibility, grading, traffic impact, and legal opinion of complying with terms as set forth in the voter approved Hillside Area Plan.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. 2579-04

ADOPT
RESO. 2580-04

The title of Item J is as follows:

- J. RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A TERMINATION AGREEMENT TO THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH LENNAR COMMUNITIES, INCORPORATED

The City Council approved entering into a 180 day Exclusive Negotiating Agreement with Lennar Partners to develop the terms of a Disposition and Development Agreement for the former PG&E pipe storage site. Due to concerns about their proposed plan, staff is recommending ending our negotiating agreement. Lennar has informed the City they will not be able to build the considered project and agree the negotiations should end.

Mayor Green removed Item J to question if the City will have to go through the full process again with future developers.

Mark Leonard, Community/Economic Development Director, responded that the City will go through a more streamlined process of informational interviews, requesting proposals from qualified developers which will then go to the selection team.

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

AYES: 5

NOES: 0

ABSENT: 0

ADOPT RDA
RESO. 289-04

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

Councilmember Dutra-Vernaci stated the November measure will be entitled *The local taxpayers and public safety protection act* and commented on the components of the measure.

Councilmember Dutra-Vernaci attended the Policy Committee meeting and reported bonds would finance the \$14 billion of debt which matures in June. Money can be used if corresponding ballot measure passes.

GOOD OF THE ORDER

Vice Mayor Fernandez would like for Alameda County Flood Control District to be advised of the concern for the ivy that grows on the trees on the trail.

Councilmember Valle questioned if there is a street improvements schedule for this year?

City Manager Larry Cheeves responded monies used for road construction and overlays are not general fund monies, but gas tax monies. Because of cut backs we may be doing less. Streets are not specifically identified until a project is brought to Council.

Councilmember Valle requested staff to bring a listing of all City held properties and the current status of the properties. Councilmember Valle is interested in knowing the property assets and the dollar amounts of those assets.

Councilmember Dutra-Vernaci commented on a letter from resident who is concerned about people walking unleashed dogs on the trails and leaving dog waste on paths.

Councilmember Dutra-Vernaci received a complaint from a resident regarding cable television and how much time it has been out. Councilmember Dutra-Vernaci requested residents bring these issues to the City's attention.

Councilmember Dutra-Vernaci commented on letter from resident who feels that the City is trimming trees too aggressively and using improper pruning techniques.

Councilmember Dutra-Vernaci commented about receiving allocation of ISTEAs reauthorization funds. Mayor will speak to Pete Stark's office.

Councilmember Elias congratulated Larry Cheeves on his appointment as City Manager.

Mayor Green asked for response on Ithica traffic issue.

Mayor Green reported a resident is questioning the sequencing of lights on eastbound Whipple. Traffic is backing up solid from railroad to past Central

Mayor Green questioned if we have any jurisdiction on decibel levels of trains going through town.

City Manager Cheeves responded that this is regulated by the FTC.

Councilmember Dutra-Vernaci moved, seconded by Vice-Mayor Fernandez to adjourn meeting at 10:50 p.m. to February 9, 2004 at 5:00 p.m. for a joint meeting with the Fremont City Council.

AYES: 5 NOES: 0 ABSENT: 0