

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
APRIL 27, 2004, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Fernandez called the meeting to order at 6:00 p.m.

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

There being no public comments, the Council met in closed session on the following:

CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the California Government Code)

Agency designated representatives: City Manager Larry Cheeves; Deputy City Manager
Tony Acosta; Rich Digre, Administrative Services
Director

Employee Organization: Local 790, Police Officers Association, Professionals,
Fire, Management

B. CONFERENCE WITH LEGAL COUNCIL - POTENTIAL LITIGATION
(Pursuant to subdivision (b) of Section 54956.9)

Number of cases: One

ADJOURNMENT

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

Mayor Green called the meeting to order at 7:28 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 stated there was no reportable action taken in the closed session earlier in the evening.

Mayor Green read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, April 6, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

B. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, April 13, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

C. Approval of minutes of the Special City Council meeting of Tuesday, April 20, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Presentation of Certificates to winners of Leisure Services Art Contest

The Summer 2004 Activity Guide displays the artwork, of elementary and middle school students. The art contest produced over 200 wonderful entries. Certificates will be awarded to the artwork winners from three divisions; kindergarten to second grade, third to fifth grade and middle school.

Certificates and plaques were awarded to artwork winners of the Leisure Services Art Contest.

B. Resolution recognizing staff from the Leisure Services and Public Works Departments from the California Parks and Recreation Society District III Awards

The Leisure Services and Public Works' Departments have been selected as 2003 California Parks and Recreation Society (CPRS) District III Award of Excellence winners in Aquatics, Skate Park Design, Concert Series, and the Halloween Carnival. The Activity Guide received the Award of Merit. These awards acknowledge that the City represented the finest in recreation programming, park and facility design and promotional materials in CPRS District III population category of 50,000 to 100,000.

Councilmember Elias moved, seconded by Vice Mayor Fernandez to adopt resolution, read in its entirety, and numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2624-04

Valerie Crawford, retired Leisure Services Director, commented on the great work being done by the staff of the Leisure Services Department and thanked the Council for the opportunity to continue to be a part of the City.

C. Resolution in honor of Sandra Holder for her service on the Human Relations Commission

Sandra Holder was first appointed to the Human Relations Commission in March 1999. This resolution honors her work on this Commission.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci, to adopt resolution, read in its entirety, and numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2625-04

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

Item D was continued to May 11, 2004.

D. **Resolution in honor of Dispatcher Clerk of the Year**

The Records and Communications Section of the Police Department continue to recognize members of their Section who display individual effort and professionalism. The Union City Police Officer's Association has chosen Raquel Barragan as the Dispatcher/Clerk of the Year for 2003.

E. **Proclamation proclaiming April 12-18, 2004 as Telecommunicator's Week**

The National Telecommunicator's Week was first conceived by the Contra Costa County Sheriff's Office in 1981. Over the years, many agencies across the nation have developed similar programs to recognize public safety dispatchers and the United States Congress has dedicated the second week of April as National Telecommunicator's Week.

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

AYES: 5 NOES: 0 ABSENT: 0

Sgt. Robert Martin thanked the Council, on behalf of all the dispatchers, for their hard work and dedication.

F. **Proclamation proclaiming May 9-15, 2004 as National Police Week**

In 1962, President John F. Kennedy signed a proclamation that designated May 15th as Peace Officers' Memorial Day and the week in which that date falls as "Police Week". Today, thousands of law enforcement officers from around the world gather in Washington D.C. at the National Peace Officers' Memorial to honor those who serve and to remember those who made the ultimate sacrifice.

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

AYES: 5 NOES: 0 ABSENT: 0

Police Chief Ulibarri introduced Lt. Rod Romano who accepted the proclamation on behalf of the Union City Police Department.

ORAL COMMUNICATIONS

Comments from the floor on non-agenda items will be accepted for a period of ½ hour maximum. Speakers are limited to three minutes each. Persons wishing to speak must complete a Speaker Card available at the rear of the Council Chambers or from the Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XIII of the agenda if they wish.

Ruben and Veronica Parra commented on a letter sent to her mother and requested police response.

Laurie Pascual, 3045 Miraloma Way, commented on car thefts in her neighborhood; under staffing of the Police Department; and the hazards of chloramine in the water.

Larry Cheeves, City Manager, commented that a presentation will take place at the May 11 Council meeting regarding chloramine in the drinking water.

Police Chief Ulibarri commented that car thefts are on the rise in the City, as in all of Alameda County, and there has been a request by Alameda County Police Chiefs for the DA's office to actively prosecute car thieves.

Chief Ulibarri requested Captain Stewart discuss and work with Mr. and Mrs. Parra regarding their concerns.

HEARINGS

A. HEARING RE: **ANNEXATION NO. 5 OF TERRITORY TO THE COMMUNITY FACILITIES DISTRICT 96-1 (DIPSA), FOR THE PACIFIC STATES STEEL CORPORATION (PSSC) PROPERTY** (Resolutions)

Pursuant to the Resolution of Intention, the Council determined that the public convenience and necessity require that certain territory, as more particularly described in the Resolution of Intention, be annexed to the existing CDF, all as provided in the Mello-Roos Community Facilities Act of 1982. The Resolution of Intention provides that the special taxes heretofore caused to be levied in the CFD for financing the public facilities and services provided through the CFD shall be levied in the territory proposed to be annexed, subject to the public hearing and landowner election proceedings as specified in the Act.

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

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

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

Councilmember Dutra-Vernaci moved, seconded by Councilmember Valle to adopt resolution, read in its entirety, and numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS ADOPT RESO. NO. 2626-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN ADOPT RESO. NO. 2627-04

B. **HEARING RE: STRATEGIC ACTION PLAN, ZONING TEXT AMENDMENT AT-03-04, AND ZONING MAP AMENDMENT A-01-04 FOR STATION MIXED USE DISTRICT**

Joan Malloy, Planning Manager, gave the staff report.

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

John Haley commented on Route 84 impact, one car/resident, reasonable density consideration, and landscaping.

Erma Andrade commented on mixed housing plan and public input.

John Shelton, owner of adjacent property, Bradford & Zwissigg, expressed their support for the Strategic Action Plan, and the need to include median density; stated the height of buildings should be reasonable; project should include pedestrian access; and, there should be ample parking.

Barry Ferrier commented on the parking and a publicly owned garage and density.

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

1. **STRATEGIC ACTION PLAN** (Resolution)

A request to accept a Strategic Action Plan for the Station Area that will be a guide for future planning and implementation efforts in the greater Station Mixed Use District area.

Councilmember Dutra-Vernaci 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 ADOPT RESO.
OF UNION CITY ACCEPTING THE STATION NO. 2628-04
DISTRICT STRATEGIC ACTION PLAN

2. **ZONING TEXT AMENDMENT AT-03-04** (Introduction of Ordinance)

a. Add new Chapter 18.38 Station Mixed Use District

The proposal is to add Chapter 18.38, Station Mixed Use District, to provide for high-density, mixed use development in the area around the Union City BART Station. The text shall include permitted and conditionally permitted uses, performance standards, setbacks, design criteria, and other standards for development.

b. Modify Chapter 18.36, Commercial Districts

The proposal is to add a new section to Commercial Districts known as Section 18.36.190, Sidewalk Café Standards to allow café seating within public sidewalk areas.

Councilmember Valle moved, seconded by Vice Mayor Fernandez to introduce ordinance, with the following amendments:

- 1) Parking for rental units shall be 1.5 parking stalls/unit; and 1.5 parking stalls per one bedroom or studio ownership unit; 2.0 parking stalls per two bedroom or more ownership unit, with one bicycle space per every three units; all units would require one motorized cycle space per every 25 units. There would no be guest parking.
- 2) Request that the Litke property, except for the site of the previous bowling alley, be reclassified to a CC (Community Commercial) zoning district and a CR (Retail Commercial) General Plan designation;
- 3) Increase the density in a limited portion of the CSMU District above the current 80 units/acre cap
- 4) Consideration should be given for fire apparatus for higher buildings
- 5) Need for enhanced Mello Roos

Future Issues - add policing to the future maintenance District; retain as many of the trees on the Litke property as possible; future zoning text amendment to require City Council approval of all Use Permits.

AYES: 5 NOES: 0 ABSENT: 0

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

AN ORDINANCE OF THE CITY OF UNION CITY INTRO. ORD.
AMENDING TITLE 18 OF THE UNION CITY 624-04
MUNICIPAL CODE AT-03-04

At 9:20 p.m. Council recessed, reconvening their meeting at 9:41 p.m.

3. **ZONING MAP AMENDMENT A-01-04** (Introduction of Ordinance)

The proposal is to reclassify approximately 59 acres of land around the Union City BART Station to allow high-density, mixed use development. Properties identified as APN 87-19-1-1 (BART property); APN 87-19-4-2 (old PG&E pipe yard property on Decoto Road); APN 87-19-1-25 (14 Union Square); APN 87-19-1-26 (16 Union Square); APN 87-19-17 (33 Union Square) are proposed to be reclassified from Commercial BART District (CBD) to Station Mixed-Use District (SMU). Properties identified as APN 87-19-12-1 (1320 Decoto Road); APN 87-19-15 (4 Union Square); and APN 87-19-14-2 (2 Union Square) are proposed to be reclassified from Professional and Administrative Commercial (CPA) to Station Mixed Use (SMU).

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 is as follows:

AN ORDINANCE OF THE CITY OF UNION CITY INTRO. ORD.
AMENDING THE OFFICIAL ZONING MAP OF THE 625-04
CITY OF UNION CITY A-01-04

REPORTS FROM CITY MANAGER

A. **Fiscal Year 2003/04 Third Quarter Report on Budget to Actual Results**

This report provides an analysis of the City's General Fund finances (revenues and expenditures) during the first nine months of the 2003-04 fiscal year and compares the results with the financial plan contained in the Annual Budget. This report also provides financial projections for revenues and expenditures through the remainder of the fiscal year.

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

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

AYES: 5 NOES: 0 ABSENT: 0

B. Fiscal Year 2004-05 Budget - Updated budget projections (revenues and expenditures)

This report provides an analysis of the City's General Fund finances (revenues and expenditures) during the first nine months of the 2003-04 fiscal year and compares the results with the financial plan contained in the Annual Budget. This report also provides financial projections for revenues and expenditures through the remainder of the fiscal year.

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

John Haley questioned if this included cost of living totals and health care costs vs. workers compensation.

Mayor Green moved, seconded by Councilmember Elias to direct staff to continue with the proposed revenue enhancements and expenditure reductions as follows: carry forward Undesignated Fund Balance for 03-04 budget (\$330,000); Expenditure Reductions of crossing guards funding shift to schools (\$90,000); intervention counselors funding shift to RDA (\$158,000); Public Works Director position to remain vacant for five months (\$44,000); continue Leisure Services Director vacancy for one year (\$126,000); and continue efforts to implement a Business Improvement District at Union Landing (\$400,000).

AYES: 5 NOES: 0 ABSENT: 0

C. Recommendation of the Park and Recreation Commission for establishment of a Sports Field Maintenance Fund

In order to properly maintain Union City sports fields, a \$20,000 per year stipend will need to be raised through youth and adult user fees. This report discusses options for raising this stipend. This report provides additional cost information as requested by the City Council.

Tony Acosta, Deputy City Manager/Leisure Services Manager, gave the staff report.

Mayor Green moved, seconded by Councilmember Valle to approve the creation of a Sports Field Maintenance Fund for Fiscal Year 2004-05; approve the specific sports field use fees of: hourly fee for youth groups at \$1.00 per hour for softball and baseball and \$1.10 per hour for soccer; hourly fee for tournaments of \$25 per team; adult use fee at \$20 per hour; and light use fee to be determined and to prepare and submit amendments to the Master Fee Schedule implementing these fees with the adoption of the FY 05 municipal budget.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION
- ADOPT RESO.
NO. 2632-04

At the April 13, 2004 meeting Council approved, by minute action, a fee for candidates to pay a portion of the handling, printing, and translation of the Statement of Qualifications (candidate's statement). This resolution formally adopts the regulations pertaining to the payment of this fee.

- F. Final Reading Ordinance No. 621-04: ORDINANCE OF THE CITY OF UNION CITY MUNICIPAL CODE BANNING THE USE OF SKATEBOARDS, IN-LINE SKATES, SCOOTERS AND BMX BICYCLES FROM CITY FACILITIES
- FINAL ORD.
621-04

The unregulated use of skateboards, in-line skates, scooters and BMX bicycles in City facilities is becoming increasingly problematic due to the use of these conveyances (especially skateboards) in ways that damage property and injuries to others. This Ordinance would ban the use of skateboards, in-line skates, and BMX bicycles from City facilities. Use of such devices could be allowed at any City facility (e.g., the Skate Park) where expressly permitted.

- G. Final Reading Ordinance No. 623-04: AN ORDINANCE AMENDING TITLE 2 OF THE UNION CITY MUNICIPAL CODE ESTABLISHING THE NUMBER OF COMMISSIONERS ON CITY COMMISSIONS, INCREASE SENIOR CITIZENS COMMISSION TO SEVEN, DECREASE HUMAN RELATIONS COMMISSION TO FIVE, AMEND PARK AND RECREATION COMMISSION TO SEVEN
- FINAL ORD.
623-04

There is a desire of the City Council to increase the number of members on the Senior Citizens Commission and to decrease the number of members of the Human Relations Commission to five. This ordinance will also amend Chapter 2.20 to correct an error in Ordinance 563-01 which should have established the number of members of the Park and Recreation Commission at seven.

The title of Item A is as follows:

A. **Resolution of the City Council of the City of Union City AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE USED OIL RECYCLING FUND UNDER THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT AND PARTICIPATION IN A COOPERATIVE PROJECT**

The California Oil Recycling Enhancement Act provides funds to cities and counties for establishing and maintaining local used oil collection programs that encourage recycling and proper disposal of used oil and oil filters. The California Integrated Waste Management Board is the responsible agency for the administration of program funds. This resolution approves submittal of the application for the 10th Cycled Used Oil Recycling Block Grant to be used for motor oil and oil filter collection and recycling services and public education activities.

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

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to approve Item A, numbered appropriately.

AYES: 4 NOES: 0 ABSENT: 1 (RV) ADOPT
RESO. NO. 2633-04

ORAL COMMUNICATIONS

There were no public comments.

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 reported on an email received from Chris McKensie of the League of California Cities regarding fact sheet about ballot measures, myths and answers.

Vice Mayor Fernandez attended Noise Forum where he stated that 50% of all noise complaints are generated from the City of Fremont.

GOOD OF THE ORDER

Councilmember Valle noticed motorized carts on road, small go-carts in his neighborhood and requested enforcement.

Chief Ulibarri will report to his traffic sergeant.

Councilmember Elias questioned if street sweeping signs are put up on a regular basis and questioned the regularity of sweeping on new streets.

Councilmember Dutra-Vernaci reported complaint from resident regarding scooters, increased number of scooters on roads and the noise from them. This resident would like some enforcement.

Councilmember Dutra-Vernaci received comments from a resident that the I880 off-ramps are not as nice in appearance as other cities and requested contacting CalTrans for a response.

Councilmember Dutra-Vernaci received comments of a resident on Tidewater regarding basketball poles becoming a traffic hazard.

Councilmember Dutra-Vernaci questioned status of old gas station on H Street. A complaint was received regarding too many cars parking on the property.

City Manager Larry Cheeves will check the City's records to see if the old gas tanks have been removed from this property.

Councilmember Dutra-Vernaci received complaint that too many people are running the red lights at the corner of Whipple and Mission early in the a.m.

Councilmember Dutra-Vernaci commented on the Crowne Plaza using Oakland South Union City as their location.

Mark Leonard, Community/Economic Development Director responded that the City cannot regulate the content of their signs.

Councilmember Dutra-Vernaci received comments from citizen on changing July 4 policies.

Police Chief Randy Ulibarri responded that any of the policies can be changed at Council's direction in time for implementation by July 4.

Mayor Green reported on meeting with Fremont Mayor Morrison regarding Route 84.

At 11:38 p.m. Councilmember Valle moved, seconded by Vice Mayor Fernandez to adjourn meeting to Tuesday, May 11, 2004.

AYES: 5 NOES: 0 ABSENT: 0