

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 12, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:08 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 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, September 28, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

- B. Approval of Minutes of the special City Council meeting of Tuesday, October 5, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

- A. Resolution in honor of Lt. Rod Romano upon his retirement from the Police Department

Mayor Green moved, seconded by Councilmember Valle to approve resolution read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2738-04

Mayor Green read the resolution in its entirety and presented it to Lt. Rod Romano who thanked the Council for the honor.

Barry Ferrier thanked Rod Romano for the good example he has displayed.

B. Resolution in honor of Sgt. Jim Ticer upon his retirement from the Police Department

Mayor Green moved, seconded by Councilmember Valle to approve resolution read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2739-04

Sgt. Ticer was unable to attend the meeting; the resolution will be mailed to him.

C. Resolution in recognition of Tommie Lindsay, winner of the McArthur Foundation Award

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2740-04

Mayor Green read the resolution in its entirety and presented it to Tommie Lindsey who thanked the Council for the honor.

At 7:30 p.m., Council recessed for a reception in Tommie Lindsey's honor.

Council meeting reconvened at 7:45 p.m.

D. Annual Report Presentation by Union Sanitary District

Pat Gacoscos, Union City representative on the District Board, introduced Rich Curry who gave a presentation on the annual report for Union City.

ORAL COMMUNICATIONS

Carol Dutra-Vernaci spoke as President of East Bay Division of League of California Cities read letter in support of Proposition 1A.

Jerry Catanzano spoke regarding Shorty Garcia Park.

Hugh McNamara spoke about the importance of the November 2nd election and encouraged all to vote.

Susie Garcia spoke about a recent performance morale report regarding the Fire Department and requested to see this report.

There was Council concurrence for comments regarding Shorty Garcia Park to be referred to the Park and Recreation Commission.

Ms. Garcia was directed to file a public records request with the City Clerk.

HEARINGS

A. HEARING RE: **SD-03-04, ELITE BAKERY BUILDING**

Initiated by Twelve Star Builders, the applicant is appealing a decision by the Planning Commission to deny Site Development Review (SD-03-04) for construction of a new bakery with one additional retail tenant space and office space above; and Variance application (V-05-04) to allow a 12 foot front yard setback, where 25 feet are required and to allow 18 parking spaces where 20 are required. The vacant parcel is located on Dyer Street close to the Alvarado Boulevard intersection, and is identified as APN: 483-76-9-1 the property is zoned CC, Community Commercial.

Tina Gallegos, Planner, gave the staff report.

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

Grace Robbins stated she represents her parents who own Elite Bakery. Ms. Robbins spoke in favor of this project and commented on various concerns raised by the Council.

Barry Ferrier spoke in favor of this project.

Hugh McNamara spoke in favor this project.

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

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

Mayor Green moved, seconded by Councilmember Elias to approve applicant's appeal and approve the site development review SD-03-04 with green tile roof, and to include the conditions recommended by staff as a desk item to the Planning Commission which required improved architectural details on the back of the building and side, restricted the entry/exit from the proposed driveway to a right in and a right out; and amended condition on landscaping to require that the final landscape plan be prepared by a state licensed landscape architect.

AYES: 5 NOES: 0 ABSENT: 0

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

ADOPT RESO.
NO. 2741-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UNION CITY APPROVING VARIANCE, V-05-04

ADOPT RESO.
NO. 2742-04

REPORTS FROM CITY MANAGER

There was Council concurrence to address Item B at this time.

B. Report on Draft Implementation Plan for Contempo

Councilmember Dutra-Vernaci left the meeting at 9:24 p.m.

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

Councilmember Dutra-Vernaci returned to the meeting at 9:28 p.m.

Donna Feuille, Contempo HOA, thanked staff for the meetings and stated she feels that viable solutions can be found; however, she commented that one police officer assigned to area is not enough.

COR leader, expressed a desire to work with city to get another police officer assigned to this area.

Sheila Chraft thanked Council and staff for the work; commented on Homeowner Board vacancies that have now been filled and the increase in youth crimes in the area.

Brian Shaw commented on vandalism on Solar Circle.

Hugh McNamara commented on the problem of motivating people to serve their community.

Sheila Chraft commented on the survey and spoke in opposition to reconfiguring area.

Donna Feuille spoke in opposition to any consideration of reconfiguring area; and also commented on lighting issues.

Brian Shaw commented on Section 8 units in area, and the lay out of area.

Jerry Catanzano commented on possibilities of solar lighting; questioned if crisis intervention employees could be involved in process.

There was consensus of Council to return in January with report to include information as to how this community compares to others of similar size.

A. Report regarding U.S.citizenship requirements for City Commissions

Michael Riback, City Attorney gave the staff report.

There was Council concurrence for staff to return at next meeting with additional information on how other cities requirements.

C. Presentation by Sherry Lund regarding Strategic Planning Process (Resolution)

Larry Cheeves, City Manager, introduced Sherry Lund who gave a presentation on Strategic Planning.

Barry Ferrier stressed the need for public input with this process.

Jerry Catanzano also stressed the importance of public input in this process.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2743-04

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT WITH SHERRY LUND ASSOCIATES

D. Report on the condition of buildings in the LHP (Landmark Historic Preservation) Overlay Zone

Aki Honda, Planner, gave the staff report.

Vice Mayor Fernandez left the meeting at 11:06 p.m.

Councilmember Elias left the meeting at 11:07 p.m.

Vice Mayor Fernandez returned to the meeting at 11:08 p.m.

Councilmember Valle left the meeting at 11:08 p.m.

Councilmember Elias returned to meeting at 11:09 p.m.

There was Council concurrence to accept report and requested staff return with future report in approximately 18-24 months.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

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).

Councilmember Valle returned to meeting at 11:13 p.m.

Vice Mayor Fernandez requested items C and D removed from the consent agenda.

Councilmember Dutra-Vernaci left the meeting at 11:13 p.m. and returned at 11:16 p.m.

Councilmember Valle moved, seconded by Vice Mayor Fernandez to approve Items A, B, E and F, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The titles of the items approved by this motion are as follows:

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|----|---|----------------------------|
| A. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY IN SUPPORT OF CITIZENS FOR BART EARTHQUAKE SAFETY, YES ON MEASURE AA | ADOPT RESO.
NO. 2744-04 |
|----|---|----------------------------|

Measure AA is an earthquake insurance policy for the Bay Area which will protect the investment in the BART system by providing essential funding for the BART Earthquake Safety Program.

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|----|---|----------------------------|
| B. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING AN INTENTION TO VACATE RIGHTS-OF-WAY IN THE CITY OF UNION CITY AND SETTING A TIME AND PLACE FOR PUBLIC HEARING | ADOPT RESO.
NO. 2745-04 |
|----|---|----------------------------|

Pinn Brothers Construction has requested vacation for a portion of property on the west of existing Union City Boulevard right-of-way alignment south of Bettencourt Way. The proposed right-of-way vacation consists of three parcels, designated Parcel 1, Parcel 2, and Parcel 4. (Parcel 3, now right-of-way and being used for road purposes, will be granted separately to the City.

- E. Final Reading Ordinance 634-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 2 OF THE UNION CITY MUNICIPAL CODE** FINAL ORD. 634-04

The Council has expressed a desired to eliminate the requirement for a member of the City Council and a member of the New Haven Unified School District Board of Education to select one of its members to serve as an ex officio non-voting member of the Arts Council. This ordinance would eliminate the requirement for ex-officio members.

- F. Claims No. 592, 597, and 598

Staff is requesting rejection of Claim No. 592, filed by Josefina Capistrano, regarding alleged damage to home as a result of roots affecting private sewer lateral line.

Staff is requesting rejection of Claim No. 597, filed by Jason Freitas, regarding alleged damage to vehicle as a result of asphalt overlay work performed near vehicle when parked.

Staff is requesting rejection of Claim No. 598, filed by Ben Hung and Grant Yee regarding alleged bodily injury as a result of a vehicle accident with a Union City transit bus.

Claims No. 592, 597 and 598 were rejected by the earlier stated motion.

The title of Item C is as follows:

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS FOR 2004-05 TREE PRUNING AND REMOVAL PROJECT, CITY PROJECT NO. 04-22

This resolution approves a contract to perform annual pruning and selected removal of public trees upon the public right-of-way and on public properties. The city maintains approximately 18,000 public trees. Approximately 2,500 trees are serviced each year resulting in a service frequency of once every seven years.

Vice Mayor Fernandez questioned if this project includes the trees along the flood control channel.

Larry Cheeves, City Manager, responded that it does not.

Vice Mayor Fernandez moved, seconded by Mayor Green to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2746-04

The title of Item D is as follows:

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENT FOR MTC PAVEMENT MANAGEMENT PROGRAM IMPLEMENTATION AND PAVEMENT CONDITION UPDATE, CITY PROJECT NO. 04-21

This resolution authorizes the City Manager to execute a Contract with Santec Consulting Inc. for MTC Pavement Management Program Implementation and Pavement Condition Update.

Vice Mayor Fernandez questioned if a diagram or layout will be made available for citizens to identify if his/her area will be paved.

City Manager Larry Cheeves responded that they will have that capability in the future; however the information will be limited to the pavement condition of each street, not if their particular area or street will be included in the update.

Vice Mayor Fernandez moved, seconded by Mayor Green to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2747-04

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF SEPTEMBER

- A. Approval of disbursements for month of September 2004

Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to approve disbursements for month of September 2004.

AYES: 5 NOES: 0 ABSENT: 0

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Councilmember Valle requested and received concurrence from Council to meet with joint NHUSD subcommittee to discuss plans for a Youth Violence Summit to be held at the Ruggieri Center over the Martin Luther King Holiday.

Vice Mayor Fernandez reported attending a presentation and community workshop regarding the Intermodal Station and also stated there will be a meeting this Friday (October 15) at the library from 9-12 a.m.

B. Request by Councilmember Valle for discussion on signage at corner of Alvarado Niles Road and Western Avenue for a school crossing

Councilmember Valle requested to extend the time the pedestrian walk light is on and also requested a school crossing sign at Western.

There was Council concurrence for staff to proceed with the requests.

GOOD OF THE ORDER

Vice Mayor Fernandez requested the light in the Council Chambers be replaced.

At 11:22 p.m. Council moved into closed session.

CLOSED SESSION:

Councilmember Dutra-Vernaci left the meeting at 11:22 p.m.

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

One case.

Meeting adjourned at 12:03 a.m.