

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 26, 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
Absent: Vice Mayor Fernandez

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, October 12, 2004

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

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

- B. Approval of Minutes of the special City Council meeting of Monday, October 18, 2004

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

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

Vice Mayor Fernandez arrived at the meeting at 7:12 p.m.

PROCLAMATIONS/PRESENTATIONS - NONE

ORAL COMMUNICATIONS

Irene Wolfe commented on problems with the Fire Department.

Robert Eberhardt commented on problems with the Fire Department.

Susie Garcia commented on response to public records request.

George Adas commented about forgotten veterans.

HEARINGS

A. HEARING RE: INTENTION TO VACATE A PORTION OF RIGHT OF WAY IN THE CITY OF UNION CITY (Resolution)

Elimination of a driveway entrance and street realignment requires vacation of a portion of Union Landing Boulevard right-of-way. The proposed vacation smooths an abandoned driveway entrance affecting 0.17 acres.

Larry Cheeves, City Manager, gave the staff report.

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

There being no public comment, the hearing was closed.

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 OF ADOPT RESO.
UNION CITY VACATING A PORTION OF PUBLIC RIGHT-OF- NO. 2748-04
WAY OF UNION LANDING BOULEVARD

B. HEARING RE: ZONING TEXT AMENDMENT AT-05-04 (Introduction of Ordinance)

Initiated by the City of Union City, a proposal to amend Chapter 18.44, Planned Unit Development, to permit planned unit developments on mixed-use (commercial and residential) parcels smaller than five acres in the Community Commercial (CC) and Specialty Commercial (CS) Districts within the Old Alvarado and Mission Boulevard neighborhoods with density limitations based on the RM 1500 standards. Also, proposed is an amendment to add a section to Chapter 18.36, Commercial District, to specifically address special design and siting criteria for the Mission Boulevard commercial corridor.

Councilmember Dutra-Vernaci stepped down from the item due to a conflict of interest.

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

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

There being no public comment, the hearing was closed.

Councilmember Elias moved, seconded by Councilmember Valle to introduce ordinance.

AYES: 5 NOES: 0 ABSENT: 0

Assistant City Attorney John Bakker read the title of the ordinance introduced by this motion as follows:

ORDINANCE OF THE CITY OF UNION CITY AMENDING
TITLE 18 OF THE UNION CITY MUNICIPAL CODE TO ALLOW
A PLANNED UNIT DEVELOPMENT DESIGNATION ON
MIXED-USE PROJECTS WITHIN THE OLD ALVARADO AND
MISSION BOULEVARD NEIGHBORHOODS, ZONING TEXT
AMENDMENT AT-05-04

INTRO ORD.
636-04

REPORTS FROM CITY MANAGER

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

A. Presentation by Robert Mowat regarding Flight 93 Memorial

A Flight 93 Memorial has been proposed by Michael Emerson to be installed and maintained in Sugar Mill Landing Park at no expense to the City. Staff, along with the Park and Recreation Commission, is recommending approval of this project.

Michael Emerson gave a presentation regarding the Flight 93 Memorial.

Robert Mowat described the planned Memorial and its concept.

Carole O'Hare's mother, Hilda Marcin, Flight 93 hero, spoke on behalf of her mother and the heroes' families, and stated her concern about the proposed story that will be reflected by this Memorial. Her concern is that all writings are shown to and approved by the families, and the communication issues with Michael Emerson and the families are worked out. Ms. O'Hare requested any decision on this delayed for approximately one month.

Alice Hoglan, mother of Mark Bingham, stated that a brief meeting prior to Council meeting this evening worked out a number of issues; however suggested putting off decision until Mr. Emerson has had an opportunity to express his intentions to the families.

Derrill Bodley, (daughter Deora Bodley, Flight 93 hero) supports idea but requested extending decision.

Helene Fried, Design Competition Advisor for the National Park Memorial planned for Pennsylvania, stated her intention in speaking was to inform the Council about the Federal plans and cited a website for information about the project...www.flight93memorialproject.org.

Douglas Johnson, Martinez, stated this is about respect.

Barry Ferrier stated it's an honor to consider this Memorial and suggested switching the sides of the path so that people viewing the Memorial are visible from the street.

There was Council concurrence to continue this to the December 14th Council meeting.

B. Report on Theft of Curbside Recyclables

This report examines the issue of theft of recyclables from curbside bins.

Councilmember Valle stepped down from this item due to conflict of interest.

Roberto Munoz, Solid Waste and Recycling Coordinator, gave the staff report.

Hugh McNamara commented on shredding personal documents and stated he takes his recyclables to Tri-Ced due to the theft of these items.

Irene Wolfe stated this is a big problem in the Tropics Mobile Home Park and requested police presence on Wednesday nights.

Jim Lewis stated he caught two scavengers in his area last night.

There was Council concurrence to direct staff to return at next meeting with legislation revising the Union City Municipal Code to provide for a revised bail schedule and infraction ordinance applicable to curbside recyclable theft.

Councilmember Valle returned to the meeting at this time.

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 requested to remove Item H from the consent agenda.

Mayor Green requested to remove Item L.

Members of the audience requested Items A and K removed from the consent agenda.

Councilmember Elias moved, seconded by Councilmember Valle to approve the remaining items, B-G, I, and J, numbered appropriately.

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

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-10-04 FOR A MIXED-USE RESIDENTIAL AND COMMERCIAL PROJECT ON MISSION BOULEVARD

ADOPT RESO.
NO. 2749-04

The applicant is requesting Site Development Review approval to construct a mixed-use project with a new veterinary office and six living units. The subject site is located at 33659 Mission Blvd. and is identified as Assessor's Parcel Number APN: 486-0006-033-00. This project is considered Categorically Exempt under Section 15332, Class 32 of the CEQA guidelines.

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING TENTATIVE PARCEL MAP TPM 8477

ADOPT RESO.
NO. 2750-04

Tam Lam, 33743 8th Street, is requesting approval of a Tentative Parcel Map to subdivide a property located at 33743 8th Street (APN: 486-0027-005-07) into two parcels. Parcel 1 will be 7,625 square feet and Parcel 2 will be 5,000 square feet. No new structures are being proposed at this time.

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING DESTRUCTION, WITHOUT DUPLICATION, OF RECORDS THAT HAVE EXCEEDED THEIR LEGAL RETENTION

ADOPT RESO.
NO. 2751-04

The City Clerk's office is seeking authorization to purge records which have exceeded their retention period pursuant to the Records Retention Schedule adopted by the City Council.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY MODIFYING THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUNDING (SLESF) GRANT ADOPT RESO 2752-04

Staff is recommending modifications of the appropriations previously made by the City Council for the State 2003 Supplemental Law Enforcement Services Funding Grant. These modifications are to remain in compliance with regulations pertaining to the listed grant. The Police Department is recommending the residual funds be utilized to purchase equipment for a high speed wireless connection to augment and enhance the wireless report system of the new Records Management System; to upgrade software necessary for the high speed network to interface with the Records Management System and to replace the existing VHS interview room recording system with a digital recording system.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING NON-COMPETITIVE PROCUREMENT FOR THE HIGH SPEED NETWORK CONNECTION ADOPT RESO. NO. 2753-04

Staff is recommending approval to seek non- competitive procurement for a high speed wireless network connection to enhance the capabilities of the new Automated Reporting system component of the Records Management System and to purchase a software upgrade necessary for the high speed connection to operate.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING NON-COMPETITIVE PROCUREMENT FOR DIGITAL RECORDING SYSTEM FOR THE POLICE DEPARTMENT INTERVIEW ROOMS ADOPT RESO. NO. 2754-04

Staff is recommending approval to seek non-competitive procurement for a digital recording system to replace and upgrade the existing VHS recording system in the interview rooms of the Police Department.

I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING ADDITIONAL FUNDS FOR CONTRACT CHANGE ORDER NO. 1, 2C JACK AND BORE CONSTRUCTION, CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION PROJECT, (PSSC) ADOPT RESO. 2755-04

Resolution of the Redevelopment Agency of the City of Union City AUTHORIZING ADDITIONAL FUNDS FOR CONTRACT CHANGE ORDER NO. 1, 2C JACK AND BORE CONSTRUCTION, CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION PROJECT, (PSSC) ADOPT RDA RESO. NO. 304-04

Staff is requesting authorization for additional funds for the Line M Detention Basin with Anderson Pacific Construction for Contract Change Order No. 1 to allow jack and bore construction under the 2C property in the amount of \$290,000.

J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 5 WITH MARK THOMAS AND CO., INC. FOR CONSTRUCTION ADMINISTRATION, CONSTRUCTION INSPECTION, SURVEYING AND MATERIAL TESTING FOR CITY PROJECT NO. 02-42, 11TH STREET SEGMENT 2, (PSSC) ADOPT RESO. NO. 2756-04

This resolution authorizes execution of Contract Amendment No. 5 with Mark Thomas and Co., Inc. in the amount of \$479,444 for construction contract administration, construction inspection, construction staking and material testing for 11th Street, (PSSC).

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-11-04, PETS MART, COURTHOUSE DRIVE

The applicant, Glenn Shearer, representing PetsMart, is requesting Site Development Review to construct an 17,400 square foot pet supply store with a vet clinic. The subject site is located on a vacant pad between Best Buy and Babies R Us in the Union Landing Shopping center, between Union Landing Boulevard and Courthouse Drive, Assessor Parcel Number APN: 463-60-48. A Program EIR was adopted for Union Landing in 1995, and a draft Negative Declaration was prepared to address the construction of the 316,000 square feet of retail commercial, which includes the project site. Therefore, no additional environmental review is required.

Thad Johnson, representing property owner Pappas, stated objections to conditions 28 and 30 for this project.

Glenn Shear, representing Petsmart, commented on condition 24 and 30, feels these conditions are enforcement issues and should not be contingent upon getting permits.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2757-04

The title of Item H is as follows:

H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS FOR WHIPPLE ROAD SIDEWALK RECONSTRUCTION, CITY PROJECT NO. 03-14

This project involves the construction of sidewalk along the southside of Whipple Road from Ithaca Street to Second Street. The project will also provide landscaping and irrigation for the median at Ithaca, at the corner of Third Street and Whipple Road, and corner of Fifth Street and Whipple Road.

Councilmember Valle removed this item to express a concern regarding crossing the railroad tracks and felt this was an ADA issue.

Councilmember Dutra-Vernaci left the meeting at 9:01 p.m.

Jerry Catanzano expressed his approval of this project.

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

AYES: 4 NOES: 0 ABSENT: 1 (CDV) ADOPT RESO.
NO. 2758-04

The title of Item K is as follows:

K. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROPRIATING THE PROCEEDS FROM THE SALE OF SURPLUS UNION CITY TRANSIT BUSES FOR THE PURCHASE OF REPLACEMENT TRANSPORTATION VEHICLES FOR THE LEISURE SERVICES DEPARTMENT

The approval of this resolution will appropriate the proceeds from the sale of surplus Union City Transit (UCT) busses #610 and #611 to the Equipment Replacement Fund (Fund 7400) to be reserved for the future replacement of transportation vehicles assigned to the Leisure Services Department. This will also authorize similar actions for future revenues generated by the sale of surplus UCT busses.

Councilmember Dutra-Vernaci returned to the meeting at 9:05 p.m.

Councilmember Elias left the meeting at 9:05 p.m.

Margaret Edgelow questioned if the vehicles that will be purchased with these funds will be accessible.

Tony Acosta, Deputy City Manager, responded that they will be accessible vehicles.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2759-04

The titles of Item L are as follows:

L. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE MURRAY-HAYDEN PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR THE HOLLY COMMUNITY CENTER TOT PLAY AREA AND MINI-GYM RENOVATIONS TO INCLUDE CLIMBING APPARATUS

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE MURRAY-HAYDEN PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR THE ARROYO PARK BASKETBALL COURTS

The resolutions authorizes the Leisure Services Department and the City Manager to apply for funds in the amount of \$112,300 for the renovation of the Arroyo Park basketball courts from the Youth Soccer and Recreation Development grant program and to apply for funds in the amount of \$190,900 for the renovation of the Holly Community Center Tot Play Area and Mini-Gym to include climbing apparatuses from the State Urban Parks and Healthy Communities grant program.

Mayor Green pulled Item L to comment on the proposed climbing apparatus, the height of the fiberglass boards, and the possibility of a badminton court to be included.

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

AYES: 4 NOES: 0 ABSENT: 1 (BE) ADOPT RESO.
NO. 2760-04

ADOPT RESO.
NO. 2761-04

Councilmember Elias returned to the meeting at 9:09 p.m.

ORAL COMMUNICATIONS

Adrian VanSant commented about serious issues regarding the Fire Department and questioned why the Dr. Murphy reports are not public?

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 Valle reported the Youth Violence Summit has been planned for January 15 to coincide with Martin Luther King.

Councilmember Dutra-Vernaci reported Senator Tom Torlekson spoke at the League of California Cities East Bay Division meeting and expressed his views on happenings in Sacramento and personal things he would like to see happen.

Councilmember Elias reported attending the ACAP meeting where approximately 122 applications for funding for projects or organizations in the Tri-City area were reviewed. Eden Housing received funding for two projects.

B. Request by Councilmember Elias to direct staff to submit plans for amenities at Shorty Garcia Park

Jerry Catanzano stated the Council has not followed through and have staff follow previous Council direction.

There was direction to place this item on the November 9 agenda to provide approved plans and direct additional amenities to the Park and Recreation Commission.

Barry Ferrier commented on the way the park looks now.

GOOD OF THE ORDER

Vice Mayor Fernandez thanked staff for the improved lighting.

Councilmember Dutra-Vernaci commented on email from resident on 14th Street regarding issues in that neighborhood.

The closed session scheduled below did not occur due to successful negotiations with the property owner.

CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

(Pursuant to Section 54956.9)

Property: 33205 to 33305 Mission Boulevard, APN 087-0091-51

Agency Negotiator: Larry Cheeves, Executive Director; Mark Leonard, Assistant Executive Director; Mark Evanoff, Redevelopment Agency Manager, Agency Counsel

Under Negotiation: Price and Terms

Meeting adjourned at 9:30 p.m.