

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
November 22, 2005**

Mayor Green called the meeting to order at 7:10 p.m. and advised that there was no action to report from the 6:00 p.m. closed session.

I. PLEDGE OF ALLEGIANCE – Mayor Green led the flag salute.

II. ROLL CALL – Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green

III. UNFINISHED BUSINESS – None

IV. APPROVAL OF MINUTES

A. Minutes of October 25, 2005

Motion: It was m/s by Navarro/Fernandez to approve the minutes as submitted.
Motion carried unanimously.

B. Minutes of November 8, 2005

Motion: It was m/s by Dutra-Vernaci/Valle to approve the minutes as submitted.
Motion carried unanimously.

V. PROCLAMATIONS/PRESENTATIONS

A. Proclamations recognizing the 2005 Employee of the Year recipients

Mayor Green and members of the City Council presented proclamations to Janice Abbott, General Government; Lisa Graetz, Public Safety; and Domingo Alcon, Public Works Maintenance/Leisure Services/Transit

VI. ORAL COMMUNICATIONS

Mattie Rousseau thanked Mr. Kirby and Mr. Cheeves for their assistance in resolving a problem she experienced last week. She spoke of the concern residents on Ascot Way are encountering with speeding cars performing donuts in the roadway.

VII. HEARINGS

A. Continued from November 8, 2005 – Status report and consideration as to whether or not to extend an existing moratorium on the approval of permits for recycling facilities pending the completion of an update to Chapter 18.40 of the Municipal Code, which was previously adopted on October 11, 2005

Councilmember Valle recused himself from this item due to his employment with a recycling facility and left the Council Chamber.

Community Development Director Leonard presented the status reported and recommended that the Council adopt the Urgency Ordinance extending the moratorium to December 10, 2006.

Mayor Green opened the public hearing. There being no one wishing to speak, the hearing was closed.

Motion: It was m/s by Fernandez/Navarro to waive full reading and adopt Urgency Ordinance No. 661-05 extending the existing moratorium on the approval of permits for recycling facilities pending the completion of an update to Chapter 18.40 of the Municipal Code. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Navarro, Green
Noes: None
Absent: Valle

Councilmember Valle rejoined the meeting.

- B. Appeal of a Planning Commission decision requiring a third affordable housing unit; Paul C. Bunton, 4312 Dyer St., Site Development Review SD-04-05, Tentative Tract Map TTM 7668

Director Leonard introduced the staff report. He advised that the applicant filed an appeal of the Planning Commissions for relief on Condition #3 that “the applicant shall satisfy the affordable housing requirements for this project by providing three units as moderate income affordable housing unit, one set at 905 of median income and two sets at 1105 of median income. The affordable units shall reflect the range of bedrooms provided in the project as a whole. These units shall be sold with resale controls and restrictions, to be provided by the city” He also provided a brief background of the project as well as the affordable housing requirements in the redevelopment project area, presented an overview of the Site Plan and the Tentative Tract Map. Staff recommended that the Council uphold the Planning Commission’s approval and condition.

Mayor Green opened the public hearing.

Paul Bunton, project architect; explained that the City’s current Zoning places a unreasonable burden on the project due to rounding up the affordable units by .25 because the project is within the Redevelopment Area, therefore the project only nets 15 buildable units.

Iris Hecker, a principal owner of the land and developer, said this condition will burden the cost of the project cost, and makes it difficult to proceed.

Paul Bunton said the proposed project in Union City was modeled after their project constructed in Fremont, which won the Residential Design of the Year Award.

Mayor Green asked why the Planning Commission would not agree to 16 units in order to allow the applicant to build the third affordable housing unit.

Director Leonard advised that the Planning Commission was upholding the Zoning regulation and that any deviation would require a General Plan Amendment.

Mayor Green closed the public hearing.

Mayor Green spoke of a recent meeting concerning inclusionary housing and the issues associated with it.

Motion: Dutra-Vernaci/Valle to deny the appeal, refer the project back to the Planning Commission to consider a General Plan Amendment and Zoning Ordinance change to allow 16 units in the project to reduce the burden in building the three required affordable housing units, and adopt **Resolution No. 3077-05** approving Tentative Tract Map 7668 (TTM-7668), and **Resolution No. 3078-05** approving Site Development Review SD-04-05 as recommended by the Planning Commission. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Navarro, Valle, Green
Noes: None
Absent: None

Council recessed to a break at 8:15 p.m. The meeting reconvened at 8:30 with all members present.

VIII. REPORTS FROM CITY MANAGER

A. Report and recommendations concerning the Arts Council

Deputy City Manager Acosta introduced the staff report and provided a letter from the outgoing Chair Diane La Mountaine.

Council held a brief discussion concerning development of public arts review board, the legality of a board verses a commission, rotation of public art at various venues, city involvement/control of a review board, and disposition of funds currently allocated to the Arts Council.

Diane La Mountaine suggested that the commission be referred to as recreated or redefined not disbanded. She felt leadership comes from citizens of the city who are artist, art activist, and an informal committee. She supported establishment of a grant program instead of returning the money to the general fund. She noted that the Art Association wishes to create a formal looking gallery and to address the challenges of arts policies.

Enrique Romero expressed concern with developer's who contract with artists outside of the area. He suggested a policy that would allow local artist to work on projects within the city. He suggested that public art be displayed at city hall, and referred to the City of Hayward as an example.

Hugh McNamara suggested that the commission operate under the direction of Leisure Services so they can work together on the issue of public art.

Dave Bhatia addressed the undersized pump that operates the fountain at Union Landing. He suggested that ads should be placed in the in the Argus encouraging residents to apply for city commissions and committees.

Ms. La Mountaine suggested artist involvement in the review board.

Mayor Green suggested that the proposed review board be modeled after the Tree and Landscape Board, and contain language concerning processing, appeals, the use of local artists for public projects, revolving displays and the use of funds for grant programs.

Councilmember Dutra-Vernaci explained that she could not support grants, as it is a gift of public funds.

Motion: It was m/s Green/Valle directing staff to prepare the appropriate legislation to redesign the current Arts Council by creating a Public Arts Review Board. Motion carried unanimously.

Motion: It was m/s by Green/Valle to direct the budget of \$2000 for the current Arts Council to the Union City Friends with the stipulation that it be utilized for scholarships in all mediums of art. Motion carried with Dutra-Vernaci voting no.

IX. REDEVELOPMENT AGENCY – None

X. AUTHORITIES/AGENCIES – None

XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES – None

XII. CONSENT CALENDAR/RESOLUTIONS

- A. Adopted **Resolution No. 3079-05** awarding a contract to El Dorado Bus Sales in the amount of \$149,409.41 for three 18-passenger buses for the Leisure Service Department, Project No. 05-65
- B. Adopted **Resolution No. 3080-05** authorizing the reallocation of funds to reimburse Union Pacific Railroad Company (UPRR) for the installation of a concrete crossing at Whipple Road Spur Tracks, Project No. 02-02
- C. Adopted **Resolution No. 3081-05** amending the Order of Business for City Council Agendas
- D. Adopted **Resolution No. 3082-05** canceling the December 27, 2005 City Council Meeting
- E. Pulled for discussion - Introduce an Ordinance adding Article III to Chapter 18-105 of the Municipal Code establishing a Park Facilities Fee
- F. Adopted **Resolution No. 3083-05** of the City Council and **Resolution No. 321-05** of the Community Redevelopment Agency approving a contract with Economic and Planning Systems (EPS) to perform a financing program update of the Decoto Industrial Park Study Area (DIPSA) and authorize funding for said contract

- G. Rejected Claim No. 647 presented by John Bauer as recommended by the City's Claims Administrator

Motion: It was m/s by Fernandez/Navarro to approve Consent Items A, B, C, D, E, & G as recommended by staff. Motion carried unanimously.

Item No. E

Councilmember Valle asked if this was a new fee. Director Leonard advised that it is a new fee for commercial property.

Motion: It was m/s by Valle/Dutra-Vernaci to introduce and waive full reading of Ordinance No. 662-05 adding Article III to Chapter 18-105 of the Municipal Code establishing a Park Facilities Fee. Motion passed by the following:

Ayes: Dutra-Vernaci, Fernandez, Navarro, Valle, Green
Noes: None
Absent: None

XIII. ORAL COMMUNICATIONS

Barry Ferrier noted his attendance at the Fremont Council Meeting concerning their budget problems. He complimented the Council for their leadership in championing Measure K.

XIV. CORRESPONDENCE – None

XV. APPROVAL OF BILLS – None

XVI. SCHEDULED ORAL COMMUNICATIONS – None

XVII. ITEMS REFERRED BY COUNCIL

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

Councilmember Valle advised that Jean Hofacket has been appointed County Librarian.

Councilmember Dutra-Vernaci reported that the County Board of Supervisor will be making an appointment of the Housing Authority ECO in the near future. She commented on the recent League Policy Committee concerning the effects of telecommunication on cities.

- B. Discussion concerning modification of the sign ordinance for commercial real estate signs (Mayor Green)

Council supported Mayor Green's request for staff to work on modifications to the sign ordinance concerning the placement of commercial real estate signs.

C. Discussion concerning Planning Commission Applicant Interviews

Council agreed to dispense with the interview process since the incumbents were the only applicants.

XVIII. GOOD OF THE ORDER

Councilmember Navarro asked that staff look at the possibility of a stop sign at Mission Boulevard and Burrows.

Mayor Green asked that the Joint City/School look into the pesticide treatment posted behind the third base at Kitayama ball field.

Councilmember Dutra-Vernaci noted that the Fall CERT Program concluded this past weekend.

XIX. ADJOURNMENT – There being no further business, Mayor Green adjourned the meeting at 9:45 p.m. to the early recessed closed session.

Respectfully submitted,

Karen Diaz, MMC
City Clerk