

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Tuesday, September 12, 2006
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

1.a Pledge of Allegiance – Mayor Green called the meeting to order at 7:15 p.m.

City Attorney Riback announced that Councilmembers had, upon a four-fifths vote, authorized the discussion of an urgency item in Closed Session related to anticipated litigation, pursuant to the provisions of Government Code Section 54956.9(b). The City Attorney further reported that Councilmembers had taken no action on any of the items discussed in Closed Session.

1.b Roll Call – Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green.

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS - None

IV. ORAL COMMUNICATIONS

Bian Xu Zhuang, Ming Hwa Cheng, Rui Lan Cheng, Yaqin Nelson (each through a translator), Changhe Shang, and Jingrn Shang expressed concerns about the persecution of Falun Gong practitioners in China.

Item VII b. was advanced and heard at this time (7:45 p.m.). See Section VII b. on pages following for the minutes of actions taken.

V. CONSENT CALENDAR

Items 5.d and 5.g were pulled for separate action. The following items were considered with one motion and one vote:

- a. Waived Further Reading of Proposed Ordinance (This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)
- b. Approved Minutes for the Regular Meetings of February 28, 2006, March 14, 2006, March 28, 2006, and August 8, 2006
- c. Adopted **Ordinance No. 675-06** Repealing Ordinance No. 500-97 and Reestablishing a Program for the Financing of the Decoto Industrial Park Study Area (DIPSA) Public Amenities and Infrastructure Improvements

- e. Adopted **Resolution No. 3241A-06** appointing members to the Union City Youth Commission
- f. Adopted **Resolution No. 3242-06** of the City Council of the City of Union City approving the Side Letter of Agreement to the Union City Police Officers' Association Memorandum of Understanding
- h. Adopted **Resolution No. 3243-06** approving an allocation of \$11,110 to the Alameda County Library for purchase of computers and internet access stations at the Union City Library
- i. Rejected Claim No. 672, filed by Asha Rani, as recommended by the City's Claims Administrator

It was moved by Councilmember Navarro, seconded by Vice Mayor Valle, to approve Consent Items 5.a, 5.b, 5.c, 5.e, 5.f, 5.h, and 5.i as recommended by staff. Motion carried unanimously.

Consideration of items removed from Consent Calendar:

- d. Adopt Ordinance No. 676-06 of the City of Union City adding Chapter 10.35, "Large Vehicle and Non Motorized Vehicle Parking," to the Union City Municipal Code

Police Chief Ulibarri presented the staff report and responded to questions from Councilmembers. City Attorney Riback reviewed Vehicle Code requirements. Mayor Green noted the importance of including width requirements in the wording of the ordinance. Police Chief Ulibarri responded to questions related to the prohibition of overnight parking, the potential for parking variances granted by the City Manager, and criteria for permitting requirements. City Attorney Riback recommended holding the matter over for staff to return with recommended changes and time limits for Council consideration. This item will be continued to a future meeting, potentially September 26, 2006.

- g. Adopt Resolution authorizing the City Manager to execute an agreement for professional services with Lamphier-Gregory to prepare an Environmental Impact Report on the proposed Turk Island Landfill Consolidation and Residential Subdivision project

Councilmember Vernaci asked for clarification about the time required to prepare the EIR. Assistant Planner Evans responded that there is no estimate as yet, perhaps within eight months. There were no speakers on the matter.

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to approve **Resolution No. 3244-06** authorizing the City Manager to enter into a contract agreement for professional services with Lamphier-Gregory for the preparation of an Environmental Impact Report on the proposed Turk Island Landfill Consolidation and Residential Subdivision project.

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green.
 Noes: None
 Absent: None

VI. PUBLIC HEARINGS

- a. Tentative Tract Map (TTM 7800) to allow for the condominium conversion of four (4) tenant spaces in an existing 10,297 square foot building on an underlying 20,054 square foot parcel located at 33377 Croatian Way. Use Permit to allow for automotive repair and service uses (UP-05-06a) and to allow for an industrial planned unit development (UP-5-06b). This item was continued from the August 8, 2006 City Council meeting.

Assistant Planner Evans presented the staff report and responded to questions from Councilmembers. Councilmembers noted they had received calls regarding concerns about parking demands, fire hazards, and increased noise levels potentially resulting from permitting automotive service and repair uses at the site. Assistant Planner Evans clarified the permitting process and noted the use permit would streamline the administrative process for allowing automotive uses but does not require tenants to only be automotive uses.

Mayor Green opened the public hearing. Applicant John Mcmanus, Springfield Holdings, responded to questions from Councilmembers and clarified the anticipated timeline for the project. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3245-06** approving Tentative Tract Map, TTM 7800 and Use Permit, UP-05-06a, to allow automotive service and repair uses, and UP-05-06b, to allow an industrial planned unit development. Motion carried unanimously.

- b. Appeal of a Planning Commission decision approving two requests for Administrative Site Development Review approval (ASD-26-06 and ASD-31-06) to construct two new two-story single-family residences at 33950 Depot Road and 33941 Ninth Street

Assistant Planner Janice Lum presented the staff report. Mayor Green noted the importance of improving the property appearance along Decoto Road and the City's program to replace wooden residential fences on major arterials with well-designed masonry walls. Councilmembers provided comment noting the cost effectiveness of such a program as well as the importance of proper landscaping in front of the walls.

Mayor Green opened the public hearing. Hugh McNamara agreed with the concept of masonry walls but wondered if homeowners would be responsible for maintaining the masonry walls. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to approve **Resolution No. 3246-06** for Administrative Site Development Review (ASD-26-06) and **Resolution No. 3247-06** for Administrative Site Development Review (ASD-31-06) with an additional condition to install an eight (8) foot high pre-cast Marina wall along the Decoto Road frontage of the subject properties. Motion carried unanimously.

- c. Introduction of Ordinance approving Zoning Text Amendment AT-04-06 to clarify text and amend the requirements of Title 18.33, Affordable Housing of the Union City Municipal Code and bring it into compliance with the City's 2002 General Plan

Housing & Community Development Coordinator Vernon Smith presented the staff report, responded to questions from Councilmembers, and noted that in Section 2 of the proposed ordinance a sentence was left unfinished which, when completed, should read: "... a copy of which is on file in the office of the City Clerk".

Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Vice Mayor Valle, seconded by Mayor Green, to accept the Planning Commissions' recommendation for the Zoning Text Amendment, AT-4-06, and to introduce an ordinance amending Title 18, Zoning, of the Union City Municipal Code AT-04-06. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- a. Adopt a resolution appointing a Citizen Member to the Oakland Airport Community Noise Management Forum

Mayor Green noted two applications had been received and, provided no interviews would be requested, moved to nominate Dr. Roy Panlilio as the Citizen Member to the Oakland Airport Community Noise Management Forum. Councilmember Dutra-Vernaci seconded the motion, noting that the other applicant was already serving on another citizen advisory committee for the City. The City Council adopted **Resolution No. 3248-06** appointing Dr. Roy Panlilio as the Citizen Member to the Oakland Airport Community Noise Management Forum. Motion carried unanimously.

- b. Request for Council Discussion of Policies and Procedures to be used during Development Negotiations

(This item was advanced on the agenda and heard immediately following Oral Communications.)

Vice Mayor Valle proposed the use of an ex parte form, and the establishment of an ex parte policy, similar to those used in cities such as Gilroy, Marysville, Lawndale and Lodi (samples of the forms and/or policies used by each of those cities were provided). Vice Mayor Valle also proposed the concept of a Community Benefits Committee that would meet with community members to receive funding requests for future projects desired (new library, sports complex, youth programs, special needs facilities, et cetera).

Mary Schlar, CORE leader and Board President, spoke about the need for after-school and summer activities for youth. If a Community Benefits Committee becomes a reality, CORE would want to play an active role.

Barry Ferrier spoke about the importance of having discussions and decisions made in open session at City Council meetings rather than at committee meetings.

Councilmembers provided comment. Mayor Green, upon the advice of the City Attorney, noted the Vice Mayor's proposal regarding a Community Benefits Committee would come back to the Council for consideration at the September 26, 2006 regular meeting. Deputy City Manager Acosta acknowledged that staff would provide a report at that time.

Councilmember Fernandez requested staff include a list of youth activities currently offered by the City.

Councilmembers provided comment regarding the proposed use of an ex parte form or policy. The City Attorney stated the intent of an ex parte communication policy is to inform the public of a discussion that has occurred, and noted that verbal disclosure at a public meeting is satisfactory. Mayor Green noted that Council could support a narrow definition of such a policy requiring verbal disclosure at public meetings of discussions with applicants for proposed projects that had reached an agenda and, further, that the policy should apply to Planning Commissioners as well. The City Attorney suggested the policy be expanded to include matters set for public hearing from the time the notice of public hearing is published to the date the public hearing is held. Mayor Green noted staff would need to notify Councilmembers once public hearing notices were published. Staff will return with a policy for Council consideration at the September 26, 2006 regular meeting.

It was moved by Vice Mayor Valle, seconded by Mayor Green, for staff to return with a report on the proposed Community Benefits Committee, and a draft ex parte communications policy, for Council consideration on September 26, 2006. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. ORAL COMMUNICATIONS – None

XII. SCHEDULED ORAL COMMUNICATION - None

XIII. ITEMS REFERRED BY COUNCIL

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

Councilmember Navarro reported that he had attended a tour of the Coca Cola plant as part of Local Government Day, and will follow-up with company representatives regarding potential future corporate sponsorships.

Councilmember Dutra-Vernaci noted that Kurt Weiss would be leaving his position with the Housing Authority as he has accepted a position in Washington state.

Vice Mayor Valle noted an upcoming joint meeting with the school district may be postponed.

XIV. GOOD OF THE ORDER

Vice Mayor Valle noted he spoke briefly with speakers who had talked earlier this evening [under Oral Communications] regarding the persecution of Falun Gong practitioners, requesting they send him a follow-up email, and suggested Councilmembers may want to consider sending a letter of support.

Councilmember Dutra-Vernaci spoke about the ongoing problem with the messy and unhealthful conditions resulting from the population of geese in parks and on pathways, noting the need for possibly finding a humane way to remove them from the environment. Councilmember Dutra-Vernaci also relayed a thank you to Union City Fire Chief Rodriguez for EMT rapid response in attending to the needs of a neighbor. Councilmember Dutra-Vernaci also inquired about the possibility of lowering the speed limit around the curve near the dog park. Councilmembers suggested the use of a flashing yellow light or cones. Public Works Director Cheng reported staff was considering the use of a rumble strip to remind drivers to slow down.

Councilmember Navarro spoke about an increase in gang related graffiti appearing at Four Corners. Chief Ulibarri requested staff take pictures of the graffiti prior to cleanup for police personnel to use during their investigation. Chief Ulibarri noted that fines, imposed by the courts, can include cleanup and repair.

Councilmember Fernandez noted he would be meeting with Public Works Director Cheng to discuss the landscaping in front of the Washington Township building on Dowe Avenue.

Mayor Green announced there are a number of commission terms expiring. Interested parties should apply as soon as possible, with interviews anticipated for mid-October and appointments by the last meeting in October.

Mayor Green noted that the City of Milpitas has a policy for appointing alternate members to boards and commissions in an effort to maintain a quorum for meetings, and discussed the potential benefits of such a policy.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

There being no further business, Mayor Green adjourned the meeting at 9:36 p.m.

Respectfully submitted,

Renee Elliott, City Clerk