

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, OCTOBER 8, 2002, 7:00 P.M.,  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:11 p.m. and lead the audience in the salute to the flag.

**ROLL CALL:** Present: Councilmembers Elias, Fernandez, Valle, Vice Mayor Dutra-Vernaci,  
Mayor Green  
Absent: None

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

A. Approval of minutes of the Regular City Council meeting of Tuesday, September 24, 2002

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

AYES: 5                      NOES: 0                      AYES: 0

**PROCLAMATIONS/PRESENTATIONS**

A. Proclamation proclaiming October 2002 as "Fire Prevention and Emergency Preparedness Month"

Councilmember Elias moved, seconded by Mayor to Green to present and read the proclamation in its entirety.

AYES: 5                      NOES: 0                      AYES: 0

Mayor Green read the proclamation in its entirety and presented it to Laura Mapes, Fire Marshall who spoke of the various events that will occur during the month of October.



Bert Perez spoke about PSSC.

## HEARINGS

A. HEARING RE: **A-03-02, ZONING MAP AMENDMENT; VTTM-7394, VESTING TENTATIVE TRACT MAP; SD-05-02, SITE DEVELOPMENT REVIEW; UP-05-02, USE PERMIT – PONDEROSA HOMES: (Introduction of Ordinance, Resolutions)**

*Initiated by Jeffrey Schroeder of Ponderosa Homes, a request for a Zoning Map Amendment to rezone the undeveloped 8.6± acre Cerruti Property from A (Agricultural) to RS-6000 (Single-Family Residential), and a Vesting Tentative Tract Map for a 43 lot single-family residential subdivision, known as Ponderosa Cove II, with 35 single family detached homes and 8 duplex units. The project includes Site Development Review for the architectural design and layout of four separate homes (one single-story and three two-story units) with floor plans ranging from 2,560 square feet to 3,642 square feet with four two-story duplex units with floor plans at 1,420 square feet and 1,685 square feet. The project includes a Use Permit to average the side yard setbacks of the homes. The current General Plan designation for the site is R3-6 (Residential 3 to 6 Dwelling Units/Acre) consistent with the RS-6000 Single-Family Residential zoning classification. The project site is located at 4897 Lowry Road, one-half mile northeast of Union City Boulevard (Assessor Parcel Number 543-201-5-2).*

Ralph Kachadorian, Planner, gave the staff report.

At this time Mayor Green opened the hearing for public comment, those in favor of the project having the first opportunity to speak.

Margarite Edgelow commended Ponderosa for having a single story model and questioned the location of the closest public transit stop.

Jeff Schroeder, Ponderosa Homes, stated they are working with the Accinelli's to resolve their concerns, commented on their position on the tot lot in that it is not a viable use of the land.

There being no further comments in favor of the project, Mayor Green asked for those speaking in opposition:

Robert Garfinkle stated his street (Monrovia) becomes a major ingress and egress access. The closest bus stop is on Regents and stated there should be a condition that no construction is allowed on Saturdays and Sundays.

Denise Torres, 4632 Oakdale Street, stated this is the first year her daughter has had a clean bill of health since the gladiola fields have been gone, but stated she is still concerned about disturbance of the soil contamination.

Tom Sims, resident on Korbel Street, commented on the density, immensity, loss of view, lack of park space and traffic, and that the value of his house will be diminished with approval of this project.

Burt Leland, Korbel Street, stated his primary concern is the potential increase in traffic on Korbel because Novato Street will be the only connector.

Tom Armstrong, hired representative of Accinelli family, stated the family is not for or against the project, but stated documents may need to be revised regarding the development.

There being no further speakers in opposition to this project, Mayor Green asked if there were any speaking in rebuttal:

Robert Garfinkle stated the set back on Lowry is unacceptable, utilities should be undergrounded on flood control channel, street names should be consistent with the surrounding development, emergency access should be blocked off, a tot lot should be required and if not, the plan should be rejected.

Jeff Schroeder, Ponderosa, stated Ponderosa had no prior design on this property, the City's ordinance allows construction on Saturday, Ponderosa will agree to interior construction only on weekends, they are matching what is already existing regarding the set back on Lowry, there is no nexus for utilities underground, encouraged City to not require a tot lot, methyl bromide does not remain in soil after use, extensive testing was done, traffic on Korbel not a problem and the size of homes are appropriate with larger back yards.

There being no further speakers, Mayor Green closed the hearing at this time.

Mayor Green moved, seconded by Councilmember Fernandez to introduce ordinance, reading of title suffice, and to adopt resolutions, reading of titles suffice, with the following amendments to the conditions: construction framing, roofing and grading or any other exterior noise producing work shall occur only on Saturdays from 10:00 a.m. to 6:00 p.m. and no construction work shall occur on Sundays and Holidays; the Emergency Vehicle Access shall be relocated with entrance modified from Lowry Road; there shall be an additional five feet of width to the landscaping on Lowry Road; Lot 27 shall not be developed until there is a solution with Accinelli on temporary access to Lowry Road; the "D" Street entrance from Lowry Road shall be closed when adjacent property is developed; a tot lot shall be provided; and the Council policy of naming streets after Councilmembers shall continue.

Vice Mayor Dutra-Vernaci requested Mayor to amend motion to include speed reducing devices on

Korbel Street.

This motion was not seconded.

Vice Mayor Dutra-Vernaci requested Mayor to amend motion to include staff follow-up for possible traffic concerns on Korbel. Councilmember Fernandez seconded this amendment.

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 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY, A-03-02                      INTRO ORD. NO. 595-02

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY FOR APPROVAL OF A ZONING MAP AMENDMENT (A-03-02) INITIATED BY JEFFREY SCHROEDER, PONDEROSA HOMES                      ADOPT RESO. NO. 2254-02

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING VESTING TENTATIVE TRACT MAP VTTM-7394, SITE DEVELOPMENT REVIEW SD-05-02 AND USE PERMIT UP-05-02 APPLICATION FOR PONDEROSA HOMES                      ADOPT RESO. NO. 2255-02

At 9:29 p.m. Council recessed, reconvening the meeting at 9:49 p.m.

B. HEARING RE: **DISBURSEMENT OF FEDERAL GRANT FUNDS FROM THE FEDERAL DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM** (Resolution)

*The City has received federal grant funds from the Federal Department of Justice, Bureau of Justice Assistance for the last six years. The funds have been disbursed under the Local Law Enforcement Block Grant (LLEBG) program and are intended to assist local jurisdictions in reducing crime and improving public safety.*

Police Chief Randy Ulibarri gave the staff report.

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci 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 UNION CITY ADOPTING THE RECOMMENDATION OF THE LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD                      ADOPT  
RESO. NO. 2256-02

**REPORTS FROM CITY MANAGER**

A.     **Report on advertising on city busses** (Resolution)

*Staff is seeking Council direction on whether to pursue a contract with a bus advertising broker.*

Valerie Crawford, Leisure Services/Transit Director gave the staff report.

Margaret Edgelow suggested minimal advertising, a minimum of 50% of revenue money be returned to transit funds; suggested funding a grant writer for transit; and stated her opposition to bus wraps.

Councilmember Elias moved, seconded by Mayor Green to authorize staff to go out for request for proposals for a bus advertising contract, commercial advertising only, no wrap around, with 50% of revenue going to transit funds, returning to Council in January 2003.

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 UNION CITY AUTHORIZING STAFF TO SOLICIT PROPOSALS FOR A BUS ADVERTISING CONTRACT                      ADOPT  
RESO. NO. 2257-02

**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

Vice Mayor Dutra-Vernaci requested items B, C, G, and O removed from the consent agenda.

Staff requested Item L removed in order to set a date for a closed session on the matter.

Councilmember Elias moved, seconded by Mayor Green to adopt items A, D-F, H-K, M, N, reject claims (Item P) and adopt final Ordinance.

AYES: 5                      NOES: 0                      ABSENT: 0

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

- A.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SD-06-02; SITE DEVELOPMENT REVIEW APPLICATION                      ADOPT  
RESO. NO. 2258-02

*Craig Champion of Braddock & Logan Group has submitted an application for Site Development Review for the design and layout of thirty-one (31) one and two-story detached single-family residential homes, including a two-story, semi-detached (duplex) residential unit on the former 4.8± acre Nakano Nursery site located at 2722 Hop Ranch Road, south of Alvarado-Niles Road between Hop Ranch Road and Dowe Avenue (Assessor Parcel Number 475-153-15-2).*

- D.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE LEASE OF A DICTAPHONE RECORDING SOLUTION                      ADOPT  
RESO. NO. 2259-02

*The Police Department's current recording equipment is no longer serviceable and needs to be replaced. The City's Capital Improvement Plan included the anticipated replacement of this equipment. Leasing of this equipment will allow for the advantage of the prepaid service plan at a 30% discount.*

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS FOR 2002-2003 TREE SERVICE PROJECT, CITY PROJECT NO. 02-40 ADOPT RESO. NO. 2260-02

*Union City has approximately 17,000 City maintained trees. The City increased its public tree maintenance to allow for an average pruning cycle of once every seven years. This resolution approves the plans and specifications for the 2002-2003 Tree Service for pruning and removal of trees on public rights-of-way, landscapes and parks.*

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED CONTRACT FOR FIVE POLICE CRUISERS, CITY PROJECT NO. 02-25 ADOPT RESO. NO. 2261-02

*Five police cars will be replacing five patrol cars that have been used by the Police Department and have reached the end of their service life for the Department. Three bids were received, with Melrose Ford of Oakland, the low bidder. This resolution awards the contract for the five police cruisers to Melrose Ford.*

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING CASA VERDE PARK RENOVATIONS, CITY PROJECT NO. 00-27 ADOPT RESO. NO. 2262-02

*This project consisted of grading and improvements to Casa Verde Park in the section between San Joaquin Way and Santa Sophia Way. A centralized irrigation system was added to the project. Cleary Brothers Landscape Inc. of Danville has completed the project in accordance with the plans and specifications approved.*

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZATION TO GO TO BID FOR THE RENOVATION AND EXPANSION OF THE TEEN CENTER AT KENNEDY COMMUNITY PARK, CITY PROJECT NO. 02-15 ADOPT RESO. NO. 2263-02

*This project consists of renovating the existing Teen Center located on "J" Street at Kennedy Community Park to comply with American with Disability Act (ADA) guidelines, expand the Recreation Room, and provide building related necessities.*

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT TO BLOCKA CONSTRUCTION, INC., FREMONT, FOR THE ENGINE EXHAUST REMOVAL SYSTEM FOR FIRE STATIONS NOS. 1, 2 AND 3, CITY PROJECT NO. 02-26
- ADOPT  
RESO. NO. 2264-02

This resolution awards the contract to Blocka Construction, Inc., of Fremont for City Project No. 02-26 which consists of furnishing, delivering and installing a "Vertical Air Flow" Engine Exhaust System at Fire Stations 1, 2, and 3. The existing systems no longer comply with OSHA or other safety standards. The new system in Fire Station 3 will be movable so it can be reused in the event a new Station 3 is constructed.

- K. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING CONFLICT OF INTEREST CODE OF NON-ELECTED OFFICIALS AND DESIGNATED EMPLOYEES OF THE CITY OF UNION CITY
- ADOPT  
RESO. NO. 2265-02

*This resolution amends the Conflict of Interest Code of Non-Elected Officials and Designated Employees as required by Section 87306.5 of the Government Code.*

- M. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADDING THE STARS DEFERRED COMPENSATION PLAN
- ADOPT  
RESO. NO. 2266-02

*STARS, Self-Directed Tax-Advantaged Retirement System has been sponsored by the Association of Bay Area Governments (ABAG) and will be provided as an addition to the ICMA-RC deferred compensation plan that is currently available to all City employees. Contributions to this plan are borne entirely by the employees and there is no City contribution.*

- N. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING AMENDMENT TO CURRENT CONTRACT WITH MV TRANSPORTATION SERVICES ADOPT RESO. NO. 2267-02

*Staff is requesting City Council authorization to amend the current contract with MV Transportation services to compensate for the added expenses of maintaining and insuring Compressed Natural Gas (CNG) Buses.*

Claims 520, 524 and 527 were rejected by the prior motion.

P. **Rejection of Claims No. 520, 524, and 527**

*City's Claim Administrator is requesting rejection of Claim No. 520, Rita Kibildis, regarding an alleged trip and fall at Chavez Park.*

*City's Claim Administrator is requesting rejection of Claim No. 524, William Scalice, regarding alleged claim of construction defects.*

*City's Claim Administrator is requesting rejection of Claim No. 527, David Landau, regarding the loss of his pet.*

The title of the Ordinance adopted by the motion is as follows:

- Q. Final Reading Ordinance No. 594-02: **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY SECTION 2.24.030 OF THE UNION CITY MUNICIPAL CODE, CREATING STAGGERED TERMS OF OFFICE FOR PLANNING COMMISSIONERS** FINAL ORD. 594-02

*This amendment to the Municipal Code is at the direction of the City Council to stagger terms of the five Planning Commissioners.*

The title of Item B is as follows:

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT FUNDING (SLEF) GRANT

*The State Legislature has provided \$139,439 in grant funds for the purpose of providing "front line municipal services" to the City. Requirements for dispersal of the funds require the City Council to accept the funds which will allow for funding two part-time Prisoner Transportation*

*Officers, with the remaining funds held in abeyance until a decision is made on the Federal COPPS in Schools Grant which is currently under consideration.*

Vice Mayor Dutra-Vernaci pulled Item B in order to solicit any public comments for the record.

There being no public comments, Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Item B, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2268-02

The title of Item C is as follows:

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING, "COPS MORE" (MAKING OFFICER REDEPLOYMENT EFFECTIVE) 2002 GRANT FUNDING

*The United States Department of Justice, Office of Community Oriented Policing Services, has approved a grant of \$456,876 for the City of Union City to be expended for replacing and upgrading the "Mobile Data" capabilities of the Union City Police Department. This resolution accepts the grant funds.*

Vice Mayor Dutra-Vernaci removed this item to question whether acceptance of this grant frees up any funds from any equipment replacement funding

Police Chief Ulibarri responded that the Capital Investment Program provided for replacement of the CAD and Records Management System for the Police Department. This grant will work in tangent with the technology grant system.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Item C, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2269-02

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING PURCHASE AND INSTALLATION OF OPTICOM EQUIPMENT ON SIGNALIZED INTERSECTIONS, CITY PROJECT NO. 02-30

*The Opticom system provides positive guidance for emergency vehicles and sustains flow control. Project No. 02-30 will allow for the retrofitting of 20 signalized intersections; eight*

*intersections on Dyer Street, four intersections on Alvarado Boulevard, five intersections on Decoto Road, Alvarado-Niles and Decoto Road, Alvarado-Niles and Union Square, and Alvarado-Niles and Santa Maria with Opticom detectors.*

Vice Mayor Dutra-Vernaci pulled this item in order for Margaret Edgelow to comment.

Margaret Edgelow questioned and received a response that the audible signals are already installed on all of the signalized intersections that will receive the Opticom equipment.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Item G, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2270-02

The title of Item L is as follows:

- L. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING STAFF TO INCREASE THE CEILING AMOUNT FOR REIMBURSABLE EXPENSES FOR THIRD PARTY ENVIRONMENTAL AND LEGAL REVIEW RELATED TO THE PROPOSED TURK ISLAND SPORTS PARK AND OPEN SPACE AREA

*This resolution authorizes an increase to the ceiling amount for reimbursable expenses for the third party environmental and legal review for the Turk Island Landfill into a Sports Park and open space area.*

Staff requested this item removed from the consent calendar in order to request Council set a date and time for a special session to discuss this matter.

There was Council concurrence to set a special meeting on October 29<sup>th</sup> and 7:00 p.m. for discussion of this item.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Item L, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2271-02

- O. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ENDORSING PROPOSITION 46 (NOVEMBER 5, 2002 STATE GENERAL ELECTION BALLOT)

*This resolution provides endorsement by the City Council of Proposal 46, the Housing and Emergency Shelter Trust Fund Act of 2002 on the November 5, 2002, State General Election.*

Vice Mayor Dutra-Vernaci removed this item from the consent calendar in order to state that the League of California Cities encourages support for this proposition.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Item O, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2272-02

## **ORAL COMMUNICATIONS**

There were no oral communications.

## **CORRESPONDENCE - NONE**

## **APPROVAL OF BILLS - MONTH OF AUGUST**

### **A. Approval of warrants for payment for August 2002**

Councilmember Valle moved, seconded by Councilmember Elias to approve warrants for payment for August 2002.

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**

Vice Mayor Dutra-Vernaci reported that at the League of California Cities Conference in Long Beach, the U. S. Treasurer stated that social security would be depleted by the year 2032 and stressed financial literacy. The National League of Cities speaker focused on the use of earned income credits. The Special Assistant to the President spoke on the war with Iraq and handed out binders regarding homeland security. Another speaker commented that 70% of the population supports going to war with Iraq which increases the need for more reserves, and questioned how cities will handle their reserve employees' absence. Dianne Feinstein spoke about Homeland security. On the state level, speakers commented on partnerships between state and local governments.

Vice Mayor Dutra-Vernaci reported that she has been elected as Second Vice President to the East Bay League of California Cities and commented on the possibility of holding meetings in Union City.

Vice Mayor Dutra-Vernaci reported briefing speaking with Gus Morrison regarding route 84.

Vice Mayor Dutra-Vernaci stated that Peter Yarrow spoke about “Operation Respect” regarding building stronger communities; and Arnold Schwarzenegger spoke about Proposition 49 (After School Program).

Councilmember Elias received a response to his inquiry as to proposed library sites in that staff will provide a report in The Week That Was and this item will come before Council in approximately five to six months.

Councilmember Fernandez reported attending a Congestion Management Agency meeting where the topic of discussion was the operation of the ferry.

Councilmember Valle stated he spoke with Fremont Councilmembers Cho and Pease who stated they are anxious to discuss Route 84 with Union City and suggested the use of a facilitator.

B. Request by Councilmember Valle to discuss and agendize amenities for Shorty Garcia Park

Councilmember Valle stated he understands that the Park and Recreation Commission has agendized this issue and that it will come before Council at a future date. Staff also suggested holding this discussion in conjunction with the discussion on the McKesson property.

**GOOD OF THE ORDER**

Councilmember Elias commented on the Hayward ordinance requiring locking devices on shopping carts.

Vice Mayor Dutra-Vernaci commented on the City flag that is on display in the Council Chambers and stated she took place in the Parade of Flags at the League Conference.

Councilmember Valle questioned status of 12<sup>th</sup> and H Streets parking.

Councilmember Fernandez commented on shopping carts that have a pole attached so that the carts cannot be removed from the store.

Mayor Green questioned the demolition of the building for the gymnasium site. Staff responded that bids will be opening next week.

At 11:10 p.m. Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting to Tuesday, October 22, 2002.

AYES: 5            NOES: 0            ABSENT: 0