

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
NOVEMBER 12, 2002, 6:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:35 p.m.

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

Council met in closed session on the following:

ROLL CALL: Councilmembers Elias, Fernandez, Valle, Vice Mayor Dutra-Vernaci, Mayor Green

CLOSED SESSION:

"CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION"
(Pursuant to Government Code Section 54956.9(a))

Name of Case: Shin vs. City of Union City
Case No. C-02-2648, U. S. District Court, Northern Division

Meeting adjourned at 6:45 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, NOVEMBER 12, 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

UNFINISHED BUSINESS

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING CAPITOL CORRIDOR RAIL STATION STUDY AS PART OF UNION CITY INTERMODAL STATION DISTRICT AND TRANSIT FACILITY PLAN, CITY PROJECT NO. 01-35

Staff, along with Earth Tech, has been working closely with representatives of Capitol Corridor, ACE, Dumbarton Rail and BART to complete the Capitol Corridor Rail Station Study. Earth Tech will make a presentation on the results of the study.

This item was continued from the October 22, 2002 meeting.

Representatives from Earth Tech gave a presentation on this item and responded to Council questions.

Margaret Edgelow encouraged Council support of this item and suggested lobbying the League of Cities for funds.

Ken Ryan seconded the prior speakers comments.

Julian Hinojoza commented that mitigated factors would require an overpass instead of an underpass; questioned how many bus stations do we need, and the services that are to be provided.

John Haley commented on parking issues and various issues regarding traffic.

Jim Elliason, Capital Corridor commended the City for its leadership in this project and staff's interaction.

Mayor Green moved, seconded by Councilmember Elias to approve resolution, numbered

appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2281-02

Mayor Green read the rules for conduct of the meeting.

APPROVAL OF MINUTES

A.. Approval of minutes of the Regular City Council meeting of Tuesday, October 22, 2002

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

AYES: 5 NOES: 0 ABSENT: 0

B. Approval of minutes of the Adjourned Regular City Council meeting and Special meeting of Tuesday, October 29, 2002

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

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to address Items V in the following order - B, C, D and A.

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

B. Resolution in honor of Myrla Raymundo for service as a Planning Commissioner for the City of Union City

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

Mayor Green read the resolution in its entirety and presented it to Myrla Raymundo who thanked the Council for the opportunity to serve.

Myrla Raymundo commented on street flooding during most recent rains and requested intervention with Alameda County Flood Control District to clean the creek that caused the flooding.

Cruz Ramos, Tri Cities Waste Management and Tri-Ced Recycling, spoke in recognition of America Recycles Day on November 15, read into record a proclamation, and presented a check of \$700 to be used by the non-profit associations.

At this time Council addressed Item IX A.

At 8:35 p.m. Council recessed in order to meet under their authority as the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

A. Report on the Housing Down Payment Assistance Program (Resolution)

This report provides an analysis and recommendation regarding the creation of a Down Payment Assistance Program for the City.

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

Vern Smith commented on Proposition 46 and the terms of this program.

Mary Schlarb, leader of COR, commented on the benefits of this program, and suggested increasing the amount of the program to \$500,000.

Leader of COR suggested increasing program to assist 20 families.

Carmen Saldivar stated this program does not assist the low income families.

Resident addressed the Council in Spanish.

Resident translated what the prior speaker commented on regarding this program.

Lupe Nunez, representing COR, commented on the people who cannot afford to buy homes and the benefits of this program.

John Haley stated this program will be self-sustaining and there is possibility of more monies with passage of Prop 46 and should be the highest priority in the City.

Mayor Green moved, seconded by Agencymember Valle to adopt resolution as written with direction

to return this item to RePac for consideration of allocating additional tax increment revenues in excess of the 20% minimum set aside provided in State redevelopment law and return to Agency in January 2003 for consideration of funding over the 20%.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT RDA
RESO. NO. 265-02

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

**RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
UNION CITY APPROVING A HOUSING DOWN PAYMENT ASSISTANCE PROGRAM**

Community Redevelopment Agency meeting adjourned at 9:35 p.m.

At 9:35 p.m. Council recessed, reconvening meeting at 10:03 p.m.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

- A. Report on activities that occurred on July 4, 2002 and report on the legality of banning fireworks east of Mission Boulevard (Introduction of Ordinance)

Fire Chief Brian Kelly gave the staff report.

Resident stated his group has pre-sales and they need the extra time and suggested Council to allow regulations to stay as they currently are regulated.

Larry Mohr requested Council to keep regulations as they are regulated currently.

Don Biladeau commented on the task force and the restrictions.

Barry Ferrier want police and fire to be able to control the illegal fireworks.

Lee Webb, teacher at Logan High School, would like regulations to remain the same.

Julian Hinojoza spoke about achieving zero tolerance, reducing liberties, punishing the law breakers.

Dennis Revell, Revell Communications/American Promotional Events, stated the report is a consensus document and they support the recommendations in the staff report.

Laura Mapes, resident, all fireworks are dangerous and witnessed her own neighbors violating the fireworks regulations.

John Haley commented that the non-profits need to work together to make this more profitable; stated that illegal fireworks use was worse this year; supports banning east of Mission.

Mayor Green moved, seconded by Vice Mayor Dutra-Vernaci to delete the prohibition against the use of fireworks east of Mission Boulevard and will be reconsidered after March 5, 2003.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to approve staff recommendation No. 3 to allow use of State approved fireworks until 11:00 p.m. on July 4th only.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to approve staff recommendation No. 4 to approve regulations repealing the amendments to the Municipal Code to allow the City to issue a permit if the permit fee has not been paid provided that, prior to the issuance of the permit, the fireworks wholesalers/distributor(s) have provided the City with a letter, acceptable to the Fire Chief, guaranteeing payment of the permit fees for all fireworks retailers to the City no later than July 31 of the permitted year.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to approve staff recommendation No. 1, introducing ordinance and limiting the authorized sales dates for State-approved fireworks to July 1 through July 4th from 8:00 a.m. - 10:00 p.m., except on July 4 when all fireworks sales will stop at 9:00 p.m.

AYES: 3 NOES: 2 (MF/RV) ABSENT: 0 INTRO ORD.
596-02

The title of the Ordinance introduced by this motion is as follows:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING UNION CITY MUNICIPAL CODE CHAPTER 15.20 (FIRE CODE), BY THE ADDITION OF SECTION 15.20.400 (REGULATIONS FOR THE USE OF FIREWORKS)

B. Skate Park Management (Introduction of Ordinance and Resolution)

Scott Ferris gave staff report covering hours of operation, budget, fee structures, waivers and identification, sponsorship/advertisement and the ordinance.

Julian Hinojoza commented on fee schedule, section of park should always change, types of signage.

Larry Mohr commented on cash machines for handling money and the fee structure.

Councilmember Elias left meeting at 11:34 p.m. and returned at 11:36 p.m.

Mayor Green moved, seconded by Councilmember Elias to introduce ordinance, reading of title suffice. This motion also includes adoption of resolution, establishing fees for entrance to the skate park at \$25/year for Union City residents and \$50/year for non-residents.

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

The title of the Ordinance introduced by this motion is as follows:

ORDINANCE ADDING SECTION 12.28.340 TO THE UNION CITY MUNICIPAL CODE ESTABLISHING SKATE PARK RULES	INTRO ORD. NO. 597-02
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RESOLUTION ESTABLISHING FEES FOR THE UNION CITY SKATE PARK	ADOPT RESO. NO. 2288-02
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- C. Service and Fare Adjustments for the Dumbarton Express Bus Service Effective December 1, 2002
(Resolution)

Staff is requesting City Council approval for service and fare adjustments for the Dumbarton Express Bus Service (DB Express) effective December 1, 2002.

Wilson Lee, Transit Manager, gave the staff report.

Julian Hinojoza recommended a change in the end points to a drop off at the VA.

Mayor Green moved, seconded by Councilmember Valle to adopt resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2289-02

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SERVICE AND FARE ADJUSTMENTS FOR THE DUMBARTON EXPRESS BUS SERVICE EFFECTIVE DECEMBER 1, 2002

D. Report on mileage for police vehicles

Randy Ulibarri, Police Chief, gave the staff report.

There was no action on this item.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green removed Items B and L from the consent agenda.

Vice Mayor Dutra-Vernaci removed Item D from the consent agenda.

Councilmember Fernandez moved, seconded by Councilmember Valle to approve Items A, C, E-K, M and N, numbered appropriately.

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 ACCEPTING IMPROVEMENTS FOR UNION LANDING PLAYLOT, CITY PROJECT NO. 01-24 ADOPT RESO. NO. 2290-02

S.R.P. Company has completed renovation of the Union Landing Park Play Lot. This project consisted of two phases; Phase I consisted of the removal and installation of a new tot play area with pour in place rubber surface material containing recycled-content material with play equipment for children 2-5 years of age. Phase II completed the play lot area with play equipment for ages 5-12. This resolution accepts the improvements.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE EXECUTION OF THE PROGRAM SUPPLEMENTS FOR SAFE ROUTES TO SCHOOL FEDERAL-AIDED FUNDS FOR CITY PROJECT NO. 99-05, BARNARD WHITE MIDDLE SCHOOL PEDESTRIAN IMPROVEMENTS ADOPT RESO. NO. 2291-02

This resolution authorizes City Manager to execute Program Supplement Agreement and any amendments with the California Department of Transportation for this Safe Routes to School Federal Funds. These federal funds in the amount of \$500,000 are programmed for the construction phase. The construction of this project is estimated at about \$800,000.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT AND EXECUTING CONTRACT AMENDMENT FOR UNION LANDING TRANSIT CENTER, CITY PROJECT NO. 00-30 ADOPT RESO. NO. 2292-02

This resolution awards contract to Svala Construction, Inc. of San Francisco, CA for the Union Landing Transit Center in the amount of \$1,860,055. This Center will establish a second hub for the Union City Transit routes in the City's westside and establish a new timed-transfer connection for both Union City and AC Transit. This resolution also authorizes City Manager to execute Contract Amendment No. 1 with DKS Associates for about \$250,000 construction contract administration and construction inspection for this federally funded project.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE APPROVAL OF PLANS AND SPECIFICATIONS FOR CITY PROJECT NO. 00-01, UNION CITY BOULEVARD PARK AND RIDE LOT ADOPT RESO. NO. 2293-02

This resolution approves plans and specifications to construct a Park and Ride Lot on Union City Boulevard which is a major north-south arterial route within the City and is considered a parallel reliever route for I-880. The resolution also approves final plans for a four-week advertisement for this federally funded project (FTA grant).

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL MAP OF PARCEL MAP 7988 IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA ADOPT RESO. NO. 2294-02

This resolution approves Final Map of Parcel Map 7988 which proposes to subdivide an approximate 0.21 acre parcel into two 45 foot wide parcels and creates a vacant lot adjacent to an existing residence. The site is located on the east side of Ninth Street, south of H Street and is owned by Carlos and Ana Gutierrez.

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR UNION CITY BOULEVARD STAGES 6 AND 7 ADOPT RESO. NO. 2295-02

Ponderosa Homes has completed required public improvements of Union City Boulevard Stages 6 and 7, Union City Boulevard from Bay Colony Way south to Alameda Creek. The improvements consist of widening it to a four lane facility with provisions for a future six lane facility. Median landscaping and irrigation system, street lights, signal and interconnect system and curb, gutter and sidewalk were included in the improvements.

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PURCHASE OF THREE LEASE/RENTAL RETURN SEDANS, CITY PROJECT NO. 02-47 ADOPT RESO. NO. 2296-02

This resolution approves purchase of three Lease/Rental return sedans for the Police and Community Development Departments from Enterprise Car Sales.

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED CONTRACT FOR ONE CNG POWERED PICKUP TRUCK, CITY PROJECT NO. 02-43 ADOPT RESO. NO. 2297-02

This resolution awards contract for one CNG powered pickup truck to Melrose Ford of Oakland. This truck will replace a gasoline powered 1986 Chevrolet Celebrity that has reached the end of its service life.

- K. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR TRAFFIC SIGNAL INSTALLATION AT MISSION BOULEVARD (ROUTE 238) AND HOLLYLEAF LANE AND O'CONNELL LANE, CITY PROJECT 01-10 ADOPT RESO. NO. 2298-02

This resolution accepts improvements for traffic signal installation at Mission Boulevard (Route 238) and Hollyleaf Lane/O'Connell Lane which has been completed by Columbia Electric, Inc.

M. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT FOR ONE CNG POWERED HONDA CIVIC 4 DOOR SEDAN, CITY PROJECT NO. 02-44

ADOPT RESO.
NO. 2299-02

This resolution awards contract for one CNG Powered Honda Civic 4 Door Sedan to Dublin Honda of Dublin, California. This sedan will replace a gasoline powered 1986 Chevrolet Celebrity used by the Finance Department that has reached the end of its service life.

Item N was approved by the earlier stated motion.

N. Rejection of Claim No. 529

This claim encompasses five separate claims that were filed on the same matter. All claims were submitted regarding a gang investigation at Logan High School. The City's Claim Administrator is requesting rejection of this claim.

The title of Item B is as follows:

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT FOR CITY PROJECT NO. 25-50, CENTRAL BAY BUSINESS DISTRICT SPUR TRACKS REPAIR PROJECT

This project consists, generally, of repairing the failed pavements adjacent to the spur railroad tracts in the Central Business District. This resolution awards the contract for this project to McGuire & Hester, Union Pacific Railroad Company's (UPRR) subcontractor for repairing its tracks.

Staff requested Item B removed from the consent agenda to provide an amended resolution that correctly reflects the action requested.

Mayor Green moved, seconded by Councilmember Elias to adopt Resolution B, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
RESO. NO. 2300-02

Councilmember Valle announced that annual Thanksgiving dinner for Lions Club will be held November 22 at the Senior Center and is free to all seniors.

Councilmember Fernandez reported a resident is complaining about pine trees that are shedding needles on their property near Medallion.

Councilmember Elias requested that signs are posted at the entrance doors to the Council Chambers to turn cell phones and pagers off during the meeting.

Vice Mayor Dutra-Vernaci reported a resident called the street sweeper can't clean because of cars blocking. Can street sweeper operated report vehicles that don't move.

Vice Mayor Dutra-Vernaci stated the bus stop at the Holiday Express does not have a cut out for the buss to pull in, and questioned if this bus stop will be relocated to the new transit hub or remain where it is. Staff reported there will be a new bus stop on Union Landing Boulevard across from the transit center.

Mayor Green would like to send a letter to Fremont City Council regarding Route 84.

Mayor Green moved, seconded by Councilmember Elias to place urgent item on agenda to request letter to be sent to Fremont the day after the swearing in of new Fremont councilmembers regarding Route 84.

AYES: 5 NOES: 0 ABSENT: 0

At this time Council addressed the request to send a letter to Fremont City Council the day after the swearing in of new Fremont councilmembers regarding Route 84.

Mayor Green moved, seconded by Councilmember Elias to send a letter to Fremont City Council the day after the swearing in of new Fremont councilmembers regarding Route 84. Letter should request they respond as to whether they are willing to agendize a meeting with Union City with no restrictions on the discussion of Route 84.

AYES: 5 NOES: 0 ABSENT: 0

At 12:28 a.m. Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting to Tuesday, November 26, 2002.

AYES: 5 NOES: 0 ABSENT: 0