



CITY OF UNION CITY
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Union City, CA 94587
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**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
OF THE CITY OF UNION CITY
TUESDAY, MARCH 26, 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, Vice Mayor Dutra-Vernaci, Mayor Green
Absent: Councilmember Valle

Councilmember Valle arrived at the meeting at 7:00 p.m.

Council met in closed session on the following:

CLOSED SESSION:

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Section 54957.6 of the California Government Code)

Agency designated representatives: City Manager, Administrative Services Director

Unrepresented employees: Fire Chief, Police Chief

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Section 54957 of the California Government Code)

Title: City Manager - Review of new City Manager's annual performance objectives

Council adjourned at 7:20 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, MARCH 26, 2002, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:28 p.m. and led the audience in the salute to the flag.

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

Mayor Green stated there was no reportable action from the closed session.

Mayor Green read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

- A. Approval of minutes of the Adjourned Regular City Council meeting of Monday, March 4, 2002
Required Action: Motion

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

AYES: 5 NOES: 0 ABSENT: 0

- B. Approval of minutes of the Adjourned Regular City Council meeting of Thursday, March 7, 2002
Required Action: Motion

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

AYES: 5 NOES: 0 ABSENT: 0

- C. Approval of minutes of the Regular City Council meeting of Tuesday, March 12, 2002
Required Action: Motion

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

CITY ADOPTED THE 2002 UPDATE OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND CERTIFYING THAT THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT SERVES AS THE ENVIRONMENTAL REVIEW DOCUMENT AS IT RELATES TO HOUSING

ADOPT
RESO. 2144-02

REPORTS FROM CITY MANAGER

A. **Report on the Vernal Fund**

This is a brief summary of San Jose's housing down payment program called the Vernal Fund and associated implementation costs.

Vern Smith, Community Housing Coordinator, gave the staff report.

Mary Schlarb, resident, and C.O.R. leader, stated home ownership should be a priority in the City and requested Council support funding a program like the Vernal Fund.

There was Council concurrence for staff to return at the April 23rd meeting with information as to the concerns of San Jose's legal counsel in implementing this program, investigating developer contribution plans, and other similar funds available for this program.

B. **Report on Rent Review Programs**

This is a summary and analysis of selected programs from other cities regarding rent review programs. The report also discusses how a program might work in Union City and the associated operating costs.

Vern Smith, Community Housing coordinator, gave the staff report.

Michael Ramirez, member of C.O.R. requested Council consideration of a rent review program.

John Haley commented on the severity of this problem.

Ronald Frank, 2627 Stanford Street, stated it is a bad idea to get into rent control.

Frank Borge commented on problems with landlords and renters and code enforcement.

Timothy May, Rental Housing Owners Association, stated interest in housing issues in the City and will work with all groups interested in the issues.

There was Council concurrence for staff to return with a report to revisit this issue at the appropriate time.

Council recessed at 9:17 p.m. and reconvened at 9:40 p.m.

C. **Status report on the Route 84 Realignment and Resolution showing City Council support of the project**

This report provides an update to the City Council memorandum dated November 21, 2000 on the status of the Route 84 Realignment project funded by the 1996 Alameda County Measure B one-half cent sales tax for transportation improvement projects.

Larry Cheeves, Public Works Director, gave the staff report.

Art Dao, ACTA, responded to Council questions regarding Federal Highway Administration process and commented on public meetings held and future meetings, notification of meetings and local match.

Barry Ferrier commented on circulation and rail alignment as imperative to this project and suggested a survey of the impacted residents.

John Haley spoke about Route 84 connecting to Pleasanton area.

Frank Borge urged Council to approve this project, and commented on the invalid concerns of a Fremont resident over water supply and air quality.

Mayor Green moved, seconded by Councilmember Valle to adopt the resolution, numbered appropriately, and authorize Mayor to sign letter to City of Fremont for the formation of a Route 84 Realignment Project sub-committee.

AYES: 5 NOES: 0 ABSENT: 0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADOPT
UNION CITY SUPPORTING THE STATE ROUTE 84 RESO. NO. 2145-02
REALIGNMENT PROJECT

D. **Report and recommendation on Solid Waste Residential and Collection and Recycling proposals in response to the RFP**

This report is to provide updated information on the outcome of the recently concluded Request for Proposals process to furnish solid waste collection and disposal, and recycling services for the City and to recommend Tri Cities Waste Management, Inc. and TRI-CED reach an agreement within 45 days on acceptable service agreements.

Interim Deputy City Manager, Tony Acosta, gave the staff report.

John Haley stated BFI rates increasing/decreasing for Fremont is not an issue, that there are many reasons for companies not bidding on projects and suggested Council follow the staff recommendation.

Mike Bruschetti, District Manager for TCWMI, stated they were unaware they would be the only bidder and would like the opportunity to negotiate.

Cruz Ramos, TCWMI, stated that not having other bidders on this RFP should not be held against them.

Mayor Green moved, seconded by Councilmember Fernandez to explore possibility of a joint negotiating approach with the City of Newark and to begin negotiating with Tri-Cities Waste Management, Inc. and TRI-CED.

AYES: 5 NOES: 0 ABSENT: 0

At 11:00 p.m., Council recessed and reconvened in their capacity as the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

A. ADOPTION OF RELOCATION PLAN FOR MISSION BOULEVARD GATEWAY PROJECT (Resolution)

The Redevelopment Agency Board has provided direction to acquire property for the purpose of creating affordable housing on Mission Boulevard between Dry Creek and Tamarack Drive. When completed, this development will provide 120 low and very low-income housing units displacing a total of 33 dwelling units. California Redevelopment Law requires the Agency to adopt a Replacement Housing Plan when the Agency acquires property that results in the loss of low and moderate income housing.

Mark Evanoff, Community Redevelopment Agency Manager, gave the staff report.

Robert and Sandra Reed, 33120 Pinto Court, stated majority of people on Pinto Court agree the City should provide low income housing for families, but this project is too large and they have concerns of privacy, safety, traffic and space in schools.

Mary Schlarb spoke of need for affordable housing, but does not support high density units.

Agency Chair Green moved, seconded by Agencymember Elias to adopt the resolution, numbered

appropriately.

AYES: 5 NOES: 0 ABSENT: 0

RESOLUTION OF THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF UNION CITY APPROVING A
REPLACEMENT HOUSING PLAN FOR THE MISSION
BOULEVARD GATEWAY DEVELOPMENT

ADOPT
RDA RESO. 252-02

Community Redevelopment Agency meeting adjourned at 11:18 p.m. Council meeting reconvened at 11:18 p.m.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Item A removed from the consent agenda. Vice Mayor Dutra-Vernaci requested removal of Item F.

Councilmember Valle moved, seconded by Councilmember Fernandez to approve remainder of Items B-E, G&H.

AYES: 5 NOES: 0 ABSENT: 0

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UNION CITY AUTHORIZING EXECUTION OF A SUBDIVISION
AGREEMENT FOR TRACT 7172 WITH BLACKSMITH HOMES
AND RELEASING GREYSTONE HOMES, INC. FROM THEIR
AGREEMENT AND EXONERATING THEIR BONDS IN THE CITY
OF UNION CITY, COUNTY OF ALAMEDA, STATE OF
CALIFORNIA

Required Action: Motion

*Tract 7172 has changed ownership from Greystone Homes to
Blacksmith Homes. Therefore, a subdivision agreement, the
associated performance bond, and labor and material bond need to
reflect the new ownership.*

AGREEMENT AND
EXONERATING THEIR
BONDS IN
THE CITY
OF UNION
CITY,
COUNTY
OF
ALAMEDA,
STATE OF
CALIFORNIA

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UNION CITY AUTHORIZING EXECUTION OF A
SUPPLEMENTARY SUBDIVISION AGREEMENT FOR
REMAINING WORK IN TRACT 6922 AND RELEASING
GREYSTONE HOMES, INC. FROM THEIR SUPPLEMENTAL

*Tract 7172
has changed
ownership
from*

Greystone Homes to Blacksmith Homes. Remaining work with Tract 6922 had been defined as “offsite” work secured through a Supplemental Subdivision Agreement attendant to Tract 7172. This action redefines the remaining work as being attendant to Tract 6722 for which the developer, Greystone Homes agrees to perform through this supplementary subdivision agreement and associated bonds.

ADOPT
RESO. NO. 2146-02

ADOPT
RESO. NO. 2147-02

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY OF INTENTION TO ENTER INTO A CONTRACT WITH THE COUNTY OF ALAMEDA, HEALTH DEPARTMENT, TOBACCO CONTROL PROGRAM FOR RECEIPT OF GRANT FUNDS

ADOPT
RESO. NO. 2148-02

The Union City Police Department applied for and was awarded a grant in the amount of \$8,010 through the Alameda County Health Department Tobacco Control Program. The grant will be used for retailer, police officer, and youth education, and enforcement of tobacco laws.

- E. QUARTERLY MONITORING OF RECIPIENTS OF CULTURAL GARDEN AND MISCELLANEOUS GRANTS AND PUBLIC SERVICE CONTRACTORS (1ST AND 2ND QUARTERS, FY 2001/2002)

The City Council adopted guidelines for grants of City funds effective July 1, 2001. One of the adopted guidelines was a requirement that all grant recipients complete quarterly monitoring surveys that would then be evaluated by staff and would provide information regarding the receipt and expenditure of City funds and ensure proper accountability on the part of the grant recipients. This report summarizes the results of surveys for the first two quarters of FY 2001/2002 for recipients of Cultural, Garden or Miscellaneous Grants.

This report was accepted by an earlier stated motion.

- G. Final Reading Ordinance No. 579-02: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT PURSUANT TO THE COMMUNITY REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA FINAL ORD. 579-02

This is the second reading of Ordinance 579-02 which adopts the Amended and Restated Redevelopment Plan for the City and the Community Redevelopment Agency.

H. **Rejection of Claims Nos. 504 and 508**

Claim No. 504 was timely filed by Felix Padilla for property that was allegedly not returned to him after his arrest.

Claim No. 508 was timely filed by Shyerl Lane for alleged property damage to her vehicle from a tree limb.

Item H, claims were rejected by an earlier motion.

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING AN AGREEMENT ADDENDUM FOR JOINT FACILITY LANDSCAPE, RECREATION FIELD AND PLAY APPARATUS MAINTENANCE BETWEEN THE CITY OF UNION CITY AND NEW HAVEN UNIFIED SCHOOL DISTRICT

This resolution is to adopt an agreement addendum to revise and define the City and the School District's responsibilities for grounds maintenance and shared facilities.

Mayor Green pulled Item A to discuss sport leagues maintaining the fields they use and to encourage casual maintenance.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2149-02

The title of Item F is as follows:

- F. Final Reading Ordinance No. 578-02: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY ENACTING UNION CITY MUNICIPAL CODE CHAPTER 10.37 HUMAN HABITATION OF VEHICLES AND CAMPERS

This is the second reading of Ordinance 578-02 which prohibits the human habitation of vehicles and campers on city streets, on public property, or in private parking areas designed to be used for temporary parking of vehicles during the conduct of retail business.

Vice Mayor Dutra-Vernaci requested delaying the second reading of this ordinance to provide for additional wording on the intent of the ordinance and modifying definitions.

Vice Mayor moved, seconded by Councilmember Valle to hold this item over until the April 9 meeting to provide for additional wording on the intent of the ordinance and modifying definitions.

AYES: 2 NOES: 3 (BE/MG/MF) ABSENT: 0

Motion failed.

Mayor Green moved, seconded by Councilmember Elias to adopt Ordinance.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT FINAL
ORD. 578-02

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF FEBRUARY

A. Approval of warrants for payment - February 2002

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

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 stated that at the League of California Cities East Bay Division it was mentioned that the Legislative Action Days have been moved to May 15 which now conflicts with the Elected Officials Summit. The agenda for the Legislative Days has been drafted. It is suggested to set up meetings with legislators, and for the legislators to attend receptions and dinner meetings.

Vice Mayor Dutra-Vernaci requested a resolution in support of Voluntary Check Off program to be placed on the next agenda for consideration.

Vice Mayor Dutra-Vernaci commented on the National League of Cities Homeland Security Advisory Directive.

Councilmember Valle commented on information he received on the Brown Act.

GOOD OF THE ORDER

Councilmember Fernandez commented on the ivy that is growing on trees along the Flood Control Channel and requested staff to contact Alameda County Flood Control District regarding removing the ivy so the trees can grow.

Councilmember Valle requested this evening's meeting be adjourned in memory of the young men who recently died.

Councilmember Valle requested on the April 9 agenda an item for discussion on a memorial dedicated to the youth of the City.

Mayor Green commented on the scheduling conflict of the Elected Officials Summit and suggested coordinating dates by surveying the neighboring cities before selecting a date. Mayor Green also suggested a permanent member of staff be assigned to the planning process.

Mayor Green questioned the cutting down of trees on Lowry Road. Larry Cheeves, Public Works Director responded that the Flood Control District has previously agreed to notify the City of any trees they would be removing, but this was not done.

Mayor Green suggested a traffic study at Santa Susanna and San Andreas for consideration of a stop sign.

At 11:48 p.m., Mayor Green moved, seconded by Councilmember Valle to adjourn meeting to April 9, 2002 in memory of Mark Jenket, Jun Richard J. R. Lahip, Michael Aguilar and Allan Tongson.

AYES: 5 NOES: 0 ABSENT: 0