

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
APRIL 9, 2002, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:05 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:

CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8)

Property: 33459 Mission Blvd. APN 486-0003-32 & 33
33423 Mission Blvd. APN 486-0003-30 & 35
33435 Mission Blvd. APN 486-003-034-01
33205-33303 Mission Blvd. APN 087-0091-51
33103-33125 Mission Blvd. APN 087-0091-16-03 & 04
33315-33345 Mission Blvd. 087-0091-022-02 and 087-0091-052-00
31300 Alvarado Niles Road

Negotiating Parties: City Manager, Interim City Attorney, Redevelopment Agency Counsel, Redevelopment Agency Manager, property owners

Under negotiation: Both price and terms of payment

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one case

Meeting adjourned at 7:20 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, APRIL 9, 2002, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:40 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 Regular City Council meeting of Tuesday, March 26, 2002

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Resolution proclaiming April 9-14, 2002 as National Public Safety Telecommunicators Week

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Valle to adopt resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2150-02

Mayor Green read the resolution in its entirety and presented it to Police Chief Randy Ulibarri who accepted on behalf of the dispatchers and thanked all dispatchers for their dedicated service to the citizens.

ORAL COMMUNICATIONS

Margaret Edgelow commented on the poor appearance of the BART station, suggested murals on the blank walls.

John Haley spoke of the luxury apartments near Lake Merritt and suggested Union City should not shy away from luxury apartments.

Councilmember Valle requested status information of the BART renovation. Staff will return will information.

At this time, Mayor Green requested to address Consent Calendar/Resolutions at this time.

Councilmember Elias moved, seconded by Councilmember Valle to address Consent Calendar/Resolutions at this time.

AYES: 5 NOES: 0 ABSENT: 0

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Items A and B removed from the consent agenda.

Councilmember Valle moved, seconded by Councilmember Elias to approve Items C-E.

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

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING SUBMITTAL OF A FUNDING REQUEST FORM TO THE CALIFORNIA DEPARTMENT OF CONSERVATION FOR BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT GRANTS FOR FY 2001/02 AND 2002/03, CITY PROJECT NO. 02-05 ADOPT
RESO. 2151-02
- Required Action: Motion*

The goal of the California Department of Conservation's (Department) Beverage Container Recycling Program is to reach and maintain an 80% recycling rate for all California Refund Value (CRV) beverage containers. Projects established by cities and counties will assist the Department in reaching and maintaining this goal. The Department provides funding to cities and counties to promote the recycling of beverage containers and/or reduce littering public areas.

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CERTIFYING THE RESULTS OF THE MARCH 5, 2002 SPECIAL ELECTION

ADOPT
RESO. 2152-02

A special election was held in the City of Union City on March 5, 2002 in response to a referendum petition filed against Ordinance 570-01. This resolution certifies the results of this election.

Item E was approved by the earlier motion.

E. **Rejection of Claim No. 458**

This claim, filed by Elenita and Alberto Magat, is in response to a claim filed by Andrea Saugar regarding a Union City transit bus.

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW, SD-11-01, WESTLAND GIFTWARE

Initiated by Terri Emery, Fee Munson Ebert Architects, representing Kenneth Kim of Westland Giftware, a proposal to construct a 52,400 square foot two-story building on an undeveloped 2.53 acre parcel located on Faber Street, north of Whipple Road in the Alvarado Business Park (APN 463-045-61-1,2). The proposed new building will have 39,600 square feet of one-story warehousing space with 12,800 square feet of two-story office space. Westland Giftware will be occupying the site as an expanded facility to their existing operations at 30180 Ahern Avenue.

Mayor Green requested the north side of the building include same type of decoration as are on the other sides.

Stephen Fee, Fee Munson Ebert Architects, stated that they would work with the Planning Department to enhance the north side of the building.

Mayor Green moved, seconded by Councilmember Elias to approve Item A with the requested enhancements of clearstory windows, as well as on the front of the building and allow a reduction of clearstory windows on the elevation directly adjacent to another building.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
RESO. NO. 2153-02

The title of Item B is as follows:

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT TO CLEARY BROS. LANDSCAPE, INC., OF DANVILLE FOR SEABREEZE PARK IMPROVEMENTS, PHASE II, CITY PROJECT NO. 99-23

As part of the conditions of improvements for Standard Pacific Homes, a 7.82 parcel of parkland was developed off Union City Boulevard. Standard Pacific Homes' responsibility was to include two ball fields, a parking lot, landscaping and other amenities, while the City's responsibility included a playlot, picnic areas, walkways, lighting, a restroom, and ball field enhancements. Phase II will complete the project by adding a sidewalk on Carmel Way, concrete bleacher pads, a playlot designed for school aged children, and drainage work to eliminate the ponding problems associated with this park.

Mayor Green requested detailed information as to the improvements of this project.

Carmen Saldivar stated the plan checkers need to do their job to avoid problems in the future, and commented on this property sitting on marshland.

Mayor Green moved, seconded by Councilmember Valle to approve Item B, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2154-02

At this time Council returned to the printed agenda.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Confirmation of Project Priorities for the Fiscal Year 2002/2003 through 2006/2007 Capital Spending Plan

It is recommended that Council confirm the project priorities contained in the attached draft Capital Spending Plan project listing in accordance with the process established. This Plan covers Fiscal Years (FY 2002/2003 through 2006/2007).

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

Larry Mohr received information that the skatepark funds have been allocated in the current budget.

Barry Ferrier spoke in favor of purchasing the Turk Island property.

Carmen Saldivar requested Council consider the amount of money it will take to make the Turk Island property safe.

John Haley stated all the decisions should be made with consideration as to the impact on the operating budget.

Joe Callahan, Callahan Properties, commented on use of park fees regarding Seabreeze Park; zoning for Turk Island, and requested Council allow 45-60 days option to return with information on this site.

Mayor Green moved, seconded by Councilmember Elias to place an urgency item on the agenda at this time. The matter pending is authorization for the City to hire a third party to analyze the documents that will be presented by Callahan Properties on the Turk Island site.

AYES: 5 NOES: 0 ABSENT: 0

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to require Callahan Properties to meet with staff, contract with a third party to assist the City with due diligence, capping the fees at \$100,000, and to change rating of Turk Island project from medium to high.

Mayor Green provided an opportunity at this time for audience member comments.

John Haley stated he does not like this process.

Barry Ferrier stated that someone will use this land if the City doesn't buy it and this is an option that is running out of time.

Carmen Saldivar stated that Council should take things slower.

Bruce Stanley stated that Mr. Callahan will be at the Park and Recreation Commission tomorrow night on this issue as an agenda item.

At this time, a vote was taken on this motion.

AYES: 5 NOES: 0 ABSENT: 0

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to approve staff recommendation, (Item 86) from high priority to low and to change the priority of the McKesson site project.

John Haley asked if any contingency is included in the high priority items?

AYES: 5 NOES: 0 ABSENT: 0

Council recessed at 9:50 p.m. and reconvened at 10:18 p.m.

B. Resolution opposing AB 680

Required Action: Motion

AB 680 would establish an important precedent by authorizing a reallocation of local sales tax revenues based upon a formula set by the state legislature, rather than the provisions of the 1997 Bradley-Burns Sales Tax Act. AB 680 is opposed by the League of California Cities and many individual cities and other local government agencies that depend upon sales tax revenues to fund their public services. It is recommended adoption of the Resolution which opposes AB 680.

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

Vice Mayor Dutra-Vernaci moved to oppose AB 680.

There was no second to this motion. Motion died for lack of a second.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE

A. Request from Margaret Edgelow for Council to devote one meeting per year to discuss the Intermodal Station development

Required Action: Motion

Margaret Edgelow presented her request to devote one meeting per year to discuss the Intermodal Station development.

There was Council concurrence to schedule a special meeting of the Council with local legislators, interagency involvement, as well as the private sector in a future meeting.

APPROVAL OF BILLS - NONE

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

A. Oral Reports by Councilmembers on Meetings of County or Regional Boards and Commissions

Councilmember Valle requested scheduling a joint meeting with NHUSD as soon as possible regarding budget issues.

Vice Mayor Dutra-Vernaci, Housing Commission approved a new leaf guard gutter system for Nidus Court units at a cost of \$23,000.

Vice Mayor Dutra-Vernaci stated Housing Authority is looking for a new home, the property on Atherton is undersized for staff needs and approved a consultant to find housing for the Authority.

B. Request by Councilmember Dutra-Vernaci for a resolution establishing a Voluntary Contribution Check-Off Program

Vice Mayor Dutra-Vernaci explained the Voluntary Contribution Check-Off Program, a \$10 check off program for Councilmembers or staff members to contribute on a monthly basis to fund issues and requested Council consideration of this program.

Vice Mayor Dutra-Vernaci, seconded by Councilmember Elias to place this item on the April 23 agenda.

AYES: 5 NOES: 0 ABSENT: 0

C. Request by Councilmember Valle to consider directing the Arts Council to guide the creation of a sculptured monument to young people, using public art in-lieu fees

Councilmember Valle requested Council consideration public recognition of the value of our children and their contributions.

Councilmember Valle moved, seconded by Mayor Green to agendize this item for a future agenda.

AYES: 5 NOES: 0 ABSENT: 0

GOOD OF THE ORDER

Councilmember Elias commented on debris and parked cars on Courthouse Drive.

Vice Mayor Dutra-Vernaci reported at International Market that the front of market looks bad with notices plastered on the front of the building.

Vice Mayor Dutra-Vernaci reported receiving a complaint regarding Alvarado Niles and Almaden, near the Seven Eleven store of bushes growing over sidewalk.

Councilmember Valle commented on two bonds for housing for apartments along rail corridors. This bill will be on November ballot.

Councilmember Valle commented on a bill which will be on the November ballot regarding fixing of old schools and encouraged Council to take a public position.

Councilmember Valle questioned why yield sign was changed to stop sign on Basswood Court.

Councilmember Fernandez commented on parking spaces at Union Landing - large vehicles are taking two parking spots. Currently we have no parking enforcement options; staff will bring this concern to Syufy's attention.

Mayor Green questioned if the City is involved with driver education and enforcement. City Manager Berger stated this issue can be added to agenda with NHUSD. Councilmember Fernandez suggested an article on this should be in the City's next newsletter.

Mayor Green questioned the increase of graffiti on west side of town. Chief Randy Ulibarri commented that this has stemmed from the accident which occurred several weeks ago. Wall will not be repaired for approximately one week so that an accident reconstruction can take place.

Mayor Green commented on the Fire Chief and Police Chief's representatives attendance at Union City American Little League opening day.

Mayor Green questioned staff on perspective of monitoring skateboard park.

Councilmember Elias moved, seconded by Vice Mayor Dutra-Vernaci to adjourn meeting at 11:13 p.m.

AYES: 5 NOES: 0 ABSENT: 0