

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
MAY 14, 2002, 5:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

5:30 P.M. - Council Conference Room

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

Vice Mayor Dutra-Vernaci called the meeting to order at 5:40 p.m.

Council met in closed session on the following:

Mayor Green arrived at the meeting at 6:00 p.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Section 54956.9 of the California Government Code

Potential Cases: One (WMAC Claim 1999)

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to Section 54956.9 of the California Government Code)

Name of Case: Jacob Saidian v. City of Union City

Case No. 807662-5

Alameda County Superior Court

CLOSED SESSION: (Joint Meeting of the City Council and the Community Redevelopment Agency)

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(PURSUANT TO GOVERNMENT CODE SECTION 54956.8)**

Property: 1100 Decoto Road, APN 087-0019-004-02, PG&E;
Property owned by Pacific States Steel Corporation identified as Assessors Parcel Nos. 087-001-700-100, 087-001-700-200, and 087-001-100-600;

Agency negotiator: City Manager/Executive Director, David A. Berger; Mark Evanoff, Redevelopment Agency Manager

Under negotiation: Directions as to the price and the terms of payment for possible acquisition of portions of the identified parcels; the person or persons with whom the Agency negotiators will negotiate will be the authorized representatives of Pacific States Steel Corporation, as may be determined by the United States District Court presiding over the assets of Pacific States Steel Corporation

Meeting adjourned at 7:10 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, MAY 14, 2002, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:23 p.m.

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

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Regular City Council meeting of Tuesday, April 23, 2002

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

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

B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, April 30, 2002

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

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

PROCLAMATIONS/PRESENTATIONS

A. Resolution proclaiming May 19-25, 2002, As National Public Works Week

Mayor Green moved, seconded by Councilmember Elias to adopt resolution, read in its entirety.

AYES: 4 NOES: 0 ABSENT: 0 ADOPT
RESO. 2169-02

Mayor Green read the resolution in its entirety and presented it to Larry Cheeves, Public Works Director.

B. Award of Certificates to winners of Leisure Services Art Contest

Certificates were awarded to the winners of the Art Contest as follows: Honorable Mention: Shannon Macdonald, Sky Keimek, Micaela Paule, Corrina Gire, Sylvia Chan, Gloria Atanmo, Camren Chang, Adriana Castenada, Ji Xiao, Bonan Zhou; Elementary Winners K-2 - Michael Wang, Akhshaya Baskar, Henry Chang; 3^d - 5th Graders, Heather Radovich, Tenyie Peng, Alan Zerang; Middle School - Luke Ta, Annlyn Huang, Crystal Meng, Trant Ngo, Wen Xiao and Hafsa Iqbal.

ORAL COMMUNICATIONS

John Haley spoke of earnings by non-profits in 2001 in sale of fireworks, with majority of earnings by three groups, and spoke of fairness and distribution of the net income.

Humphrey Hom expressed concern about overgrown tree in yard and resulting damage.

Don Biladeau questioned the status of the fireworks task force.

Richard Valle arrived at meeting at 7:41 p.m.

Dave Bhatia commented on International Market and Four Corners area.

Mark Leonard, Community Development Director, commented on the status of Four Corners in that it will be renovated this summer.

Mayor Green moved, seconded by Councilmember Elias to address Item XI.O at this time.

AYES: 5 NOES: 0 ABSENT: 0

CONSENT CALENDAR/RESOLUTIONS

O. FIREWORKS EDUCATION COMPONENT

This report outlines the permit process for requesting street closures for “Block parties” and the public safety education components of the proposed fireworks regulations.

Brian Kelly, Fire Chief, gave the staff report.

Dennis Revell, Revell Communications, spoke of posters that will be produced in a CalTrans quality sign that can be posted.

Don Biladeau questioned the cost of a permit for a block party and the regulations placed on the non-profits.

Barry Ferrier wants to see zero tolerance for misuse of Safe and Sane enforced.

John Haley questioned the amount of fees for felony arrest.

City Attorney Michael Riback commented on the fees for violations and clarified various offenses.

Councilmember Elias moved, seconded by Councilmember Valle to approve the Fireworks Education Component.

AYES: 5 NOES: 0 ABSENT: 0

At this time council returned to the printed agenda.

HEARINGS

A. HEARING RE: CONSIDERATION OF RESOLUTION OF NECESSITY TO PROPERTY OWNER OF RECORD OR OTHER INTERESTED PARTY (Resolution)

The City Council is requested to adopt a Resolution of Necessity to acquire the property located at 31300 Alvarado Niles Road for construction of the Transit Center at Union Landing.

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

Mayor Green opened the hearing for public comment.

There were no speakers in favor of this project.

Those speaking in opposition:

John Haley questioned if there were other options for this property?

Carmen Saldivar questioned the status of the existing tanks.

Councilmember Valle moved, seconded by Councilmember Elias to approve 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 FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF UNION CITY, ALAMEDA COUNTY, CALIFORNIA	ADOPT RESO. 2170-02
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B. HEARING RE: **CONSIDERATION OF RESOLUTION OF NECESSITY TO PROPERTY OWNER OF RECORD OR OTHER INTERESTED PARTY** (Resolution)

The City Council is requested to adopt a Resolution of Necessity to acquire the property located at 31274 Alvarado Niles Road for construction of the Transit Center at Union Landing.

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

Lee Rosenthal, Agency Counsel, responded to Council questions.

Mayor Green opened the hearing for public comment.

John Haley questioned the vision for the all projects in the City.

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

appropriately.

AYES: 4 NOES: 1 (BE) 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 FINDING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF UNION CITY, ALAMEDA COUNTY, CALIFORNIA ADOPT
RESO. 2171-02

REPORTS FROM CITY MANAGER

A. Report on Library Needs Assessment

The report provides guidelines for planning library facilities to serve the residents of Union City through the year 2020.

Valerie Crawford, Leisure Services/Transit Manager introduced Linda Wood, County Librarian who gave the staff report.

Linda Wood, County Librarian, gave the staff report.

Barry Ferrier stated the issue of maintenance of the building should be put to the voters.

John Haley stated the Library is a social function as well as a learning function and commented that more hours the library is open would create more parking problems.

There was Council concurrence to accept report.

At 9:24 p.m., Council recessed, reconvening the meeting at 9:40 p.m.

B. Quarterly Financial Status Report

This report presents the year-to-date status of the City's General Fund operations. All information presented is current up to March 2002, the end of the third quarter of the current fiscal year.

Sheila Mohan, Administrative Services Director, gave the staff report.

There was Council concurrence to schedule a budget overview meeting for June 1, 2002 at 9:00 a.m. at Senior Center. Community budget meetings were scheduled for June 10 at 8:30 p.m. at Holly, and

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY EXTENDING THE NEGOTIATING PERIOD OF THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT FOR NEGOTIATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT

Council concurred with staff's recommendation to remove Item C from consideration to provide for further staff work.

C. **Resolution accepting grant deed**

Len Ashford III, LLC, a Delaware Limited Liability Company, through its managing member Lennar Homes of California, Inc., is deeding three parcels to the City of Union City Redevelopment Agency. This resolution authorizes execution of the Certificate of Acceptance and directs the filing of the grant deed.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Item F removed from consent agenda. Mayor Green commented on Items G & H in that both items are executed in cooperation with the Cities of Hayward and Newark.

Vice Mayor Dutra-Vernaci requested Items A & M removed.

Councilmember Valle requested Item N removed from the consent agenda.

Councilmember Fernandez moved, seconded by Councilmember Valle to adopt Items B-E, G-L.

AYES: 5 NOES: 0 ABSENT: 0

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

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING INTENTION TO ENTER INTO A CONTRACT WITH THE COUNTY OF ALAMEDA, HEALTH DEPARTMENT - TOBACCO CONTROL PROGRAM, TO RECEIVE FUNDS THROUGH A GRANT

A grant of \$5,000 has been awarded to the Union City Police Department for Police "trading" cards with anti-smoking

literature printed on the cards. Staff is recommending acceptance of this grant

from the Alameda County Health Department Tobacco Control Program.

ADOPT
RESO. 2172-02

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DIRECTING THE PREPARATION AND FILING OF THE ANNUAL ENGINEER'S REPORT FOR LANDSCAPE AND LIGHTING DISTRICT NO. 2 (Pursuant to Landscape & Lighting Act of 1972)

In accordance with State Law, the City Council must order the filing of the Annual Engineer's Report for the Landscape and Lighting District. The Report describes the assessment boundaries, assessment methodology, revenues, assessments, and various programs and projects funded by the Landscape and Lighting District.

ADOPT
RESO. 2173-02

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY SETTING THE PUBLIC HEARING FOR THE LANDSCAPE AND LIGHTING DISTRICT NO. 2 (Pursuant to Landscape & Lighting Act of 1972)

In accordance with the Landscape and Lighting Act of 1972 and the California Government Code, the City Council is required to conduct a public meeting and hearing regarding the levy of assessments for the upcoming fiscal year. Staff recommends setting the required public hearing for July 9, 2001.

ADOPT
RESO. 2174-02

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING SUBMISSION OF THE ANNUAL ENGINEER'S REPORT FOR LANDSCAPE AND LIGHTING DISTRICT NO. 2 FOR FISCAL YEAR 2002-2003 (Pursuant to

Landscape &
Lighting Act
of 1972)

I n

accordance with State Law, the City must file an Annual Engineer's Report for the Landscape and Lighting District which describes the assessment boundaries, assessment methodology, revenues, assessments, and various programs and projects funded by the Landscape and Lighting District. The assessment levy is proposed to remain at the existing rate.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING SUBMITTAL OF 2002-2003 TDA ARTICLE 3 APPLICATION, QUARRY LAKES TRAIL PROJECT, CITY PROJECT NO. 02-08

This resolution authorizes submittal of the 2002/2003 TDA Article 3 Application and supporting documents for Quarry Lakes Trail Project to Metropolitan Transportation Commission. TDA funds can only be used for the construction of bicycle and pedestrian facilities.

ADOPT
RESO. 2175-02

ADOPT
RESO. 2176-02

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING CITY MANAGER TO EXECUTE MAINTENANCE AGREEMENT FOR THE JOINTLY OWNED TRAFFIC SIGNALS AT WHIPPLE ROAD AND AMARAL STREET, AND WHIPPLE ROAD AND MEDALLION DRIVE

This resolution authorizes execution of agreement with the City of Hayward for new traffic signals at

Whipple Road and Amaral Street and maintenance of existing signals at Whipple Road and Medallion Drive.

ADOPT
RESO. 2177-02

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE UNION CITY PARATRANSIT IMPROVEMENT PLAN

ADOPT
RESO. 2178-02

The Paratransit Improvement Plan developed additional services that Union City Paratransit can provide with Measure B funding. A summary of the service recommendations put together from public outreach, operations evaluation, service performance and financial analysis includes three service improvements: 1) Service to neighboring cities for Union City ADA consumers; 2) Group trips to organized senior and disabled groups; and 3) urgent medical trips for those who are temporarily disabled and are awaiting ADA eligibility certification.

- J. **REJECTION OF CLAIM NO. 512**

Angel Reece filed Claim No. 512 for alleged vehicle damage. City's Claim Administrator is requesting rejection of this claim.

Claim No. 512 was rejected.

- K. Introduction of Ordinance: **ORDINANCE OF THE CITY OF UNION CITY AUTHORIZING THE ADOPTION OF A FEE TO RECOVER THE COSTS INCURRED BY THE CITY IN UPDATING THE GENERAL PLAN**

INTRO ORD.
583-02

This ordinance is an enabling ordinance that will authorize the adoption of a fee to recover the costs of preparing the 2002 General Plan, the Intermodal Station District and Transit Facility Plan, the necessary environmental documents for these plans, and maintaining the currency of the General Plan and preparing required annual reports.

- L. Final Reading Ordinance 580-02: **ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-01-02**

*Initiated by
Kenneth L.
Riding of the
R i d i n g*

Group, representing the NAKANO Family Trust, a request for a General Plan Amendment to redesignate the NAKANO Nursery property from R-3-6, (Residential 3 to 6 units per acre) to R-6-10, (Residential 6 to 10 units per acre), a Zoning Map Amendment to rezone the property from RS-6000 (Single-Family Residential) to RS-4500, (Single-Family Residential), and a Vesting Tentative Tract Map for the subdivision of the entire 4.8 acre property into 33 single-family residential lots with a minimum lot size of 4,500 square feet. The project site is located south of Alvarado-Niles Road between Hop Ranch Road and Dowe Avenue (Assessor Parcel Number 475-153-15-2).

ADOPT
ORD. 580-02

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUAL TO SERVE ON THE HUMAN RELATIONS COMMISSION

This resolution appoints Ben Servino to serve on the Human Relations Commission to fill the term expiring December 2002.

Vice Mayor Dutra- Vernaci requested Item A pulled in order to fulfill a promise to an individual who applied for the Human Relations Commission to publicly express his desire to serve on this Commission. Vice Mayor Dutra-Vernaci stated she supports the Mayor's recommendation to appoint Ben Servino to the Human Relations Commission.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt resolution appointing Ben Servino to the Human Relations Commission.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2179-02

The title of Item F is as follows:

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-03-02

Arthur Nave, with AutoZone, Inc. is requesting Site Development Review approval to construct a 5,403 square foot retail automotive parts and accessories store on an undeveloped portion of the Alvarado Commons Shopping Center, located at 32100 Alvarado Boulevard (APN 483-40-49). (This project was previously approved by the Planning Commission on February 3, 2000 (SD-24-99) and the approval expired prior to commencement of construction).

Mayor Green requested this item removed from the consent agenda in order to state that the facade

on this building needs improving.

Mayor Green moved, seconded by Councilmember Elias to return this item to the Planning Commission for further review and to recommend some type of scoring on the facade as well as roof line enhancements.

AYES: 5 NOES: 0 ABSENT: 0

The title of Item M is as follows:

- M. Final Reading Ordinance 581-02: **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY REPEALING CHAPTER 10.37 AND ADDING CHAPTER 10.37 TO THE UNION CITY MUNICIPAL CODE RELATING TO HUMAN HABITATION OF VEHICLES**

This is the second reading of Ordinance 581-02 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 this item removed to clarify the wording of the ordinance in that its intent is not an attack on homelessness.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Elias to adopt Ordinance 581-02, reading of title suffice.

AYES: 5 NOES: 0 ABSENT: 0 FINAL
ORD. 581-02

City Attorney, Michael Riback, read the title of this Ordinance.

- N. Final Reading Ordinance 582-02: **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)**

This is the second reading of Ordinance 582-02 for the required municipal code changes regarding the use of fireworks and the enforcement of fireworks laws.

Councilmember Valle requested Item N removed in order to state in the minutes that he objects to Item #2 in the Ordinance.

Mayor Green moved, seconded by Councilmember Elias to adopt Ordinance 582-02, with the objection noted by Councilmember Valle.

AYES: 5 NOES: 0 ABSENT: 0 FINAL
ORD. 582-02

City Attorney, Michael Riback, read the title of this Ordinance.

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE - NONE

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 left meeting at 10:22 .

Vice Mayor Dutra-Vernaci stated the Housing Commission is exploring ways to get involved in the \$2.1 billion bond measure for homelessness and first time home buyers.

Councilmember Fernandez reported attending ABAG meeting.

GOOD OF THE ORDER

Councilmember Fernandez reported problems with abandoned cars at Union Square that need to be towed.

Vice Mayor Dutra-Vernaci spoke about email received from resident regarding parking at Seabreeze Park

during soccer games.

Councilmember Valle (through David Berger) reported the weeds along railroad tracks near OP Dental Clinic are a fire hazard and need to be cleaned.

Councilmember Valle (through David Berger) requested an item on the June 11 Council agenda of “potential consideration of items related to fees for Ruggieri”.

Councilmember Elias moved, seconded by Councilmember Fernandez to adjourn meeting at 10:36 p.m.

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