

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
JULY 23, 2002, 6:45 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Vice Mayor Dutra-Vernaci called the meeting to order at 6:45 p.m.

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

Council met in closed session on the following:

**PUBLIC EMPLOYEE APPOINTMENT— City Attorney  
(Pursuant to Section 54957 of the California Government Code)**

Meeting adjourned at 6:57 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, JULY 23, 2002, 7:00 P.M.,  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Vice Mayor Dutra-Vernaci called the meeting to order at 7:05 p.m. and lead the audience in the salute to the flag.

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

Vice Mayor Dutra-Vernaci stated Council met in closed session regarding the City Attorney's agreement which will be addressed on the Consent agenda.

**UNFINISHED BUSINESS - NONE**

## APPROVAL OF MINUTES

- A. Approval of minutes of the Regular City Council meeting of Tuesday, July 9, 2002

*Required Action: Motion*

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

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

## PROCLAMATIONS/PRESENTATIONS

- A. League of Women Voters of Fremont, Newark and Union City would like to present copies of an issue paper on transit hubs compiled by the Bay Area League

*Required Action: Accept*

Barbara Freidrich, representative of the Bay Area League of Women Voters, presented an issue paper to the Council on transit hubs.

- B. Presentation by James Logan High School Band requesting letter of support regarding participation in the Tournament of Roses Parade (Requested by Councilmember Valle)

*Required Action: Present*

Lori Valdes, President of James Logan High School Band and Color Guard Boosters, accepted the letter of support and requested items to be donated for a silent auction and/or sponsor a student sponsorship at \$400, all donations tax deductible.

## ORAL COMMUNICATIONS

John Haley complimented Union City staff in having being only one of two cities that have had the Housing Element of the General Plan approved; commented on previously approved budgets and strongly suggested quarterly budget reviews.

Dev Bhatia commented on the upcoming India Festival.

## HEARINGS

- A. **HEARING RE: LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITYWIDE LANDSCAPE, AND LIGHTING ASSESSMENT DISTRICT NUMBER 2 DURING FISCAL YEAR 2002/2003** (Resolution)

*Required Action: Motion*



Councilmember Fernandez moved, seconded by Councilmember Elias to approve staff recommendation to deny the appeal filed by the Federation of Indo-American Associations limiting the hours of the proposed “Grand Show” concert scheduled for Saturday, August 17, 2002 in the Logan High School Stadium.

There was Council concurrence to direct staff to return on a future Council agenda with a report on a special events ordinance.

AYES: 3 NOES: 1 (RV) ABSENT: 1 (MG)

Vice Mayor Dutra-Vernaci requested Item I, under Consent Calendar be addressed at this time on the agenda. This request was seconded by Councilmember Elias and approved unanimously.

### CONSENT CALENDAR/RESOLUTIONS

- B. (I) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE FOURTH EXTENSION OF THE TERMS OF ORDINANCE NO. 199-81 SECTION 1, 1981, GRANTING A NONEXCLUSIVE CABLE TELEVISION FRANCHISE TO STORER CABLE TV, A CORPORATION, FROM JULY 31, 2002 TO DECEMBER 31, 2002

*A status report on the Cable TV Franchise renewal process and a resolution extending the Cable TV Franchise Agreement with AT&T Broadband, (formerly Storer Cable TV), through December 31, 2002.*

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

Barry Ferrier stated AT&T committed to Palo Alto a three year rebuild and the need to hold AT&T accountable to timelines.

John Haley questioned impact of rebuild by service provider on City operated costs or capital costs; questioned franchise fees; and user fees.

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

AYES: 4 NOES: 0 ABSENT: 1 (MG) ADOPT  
RESO. 2213-02

At 8:26 p.m. Council recessed in order to meet under their authority as the Community Redevelopment Agency.

**REDEVELOPMENT AGENCY**

- A. Purchase of property at 34100 Seventh Street, Nor-Cal Steel, APN #087-0099-146 for affordable housing (Resolution)  
*Required Action: Motion*

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

Chair Green arrived at meeting at 8:28 p.m.

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

AYES:	5	NOES:	0	ABSENT:	0	ADOPT RDA
						RESO. 261-02

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

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING THE PURCHASE OF 34100 SEVENTH STREET, UNION CITY, CALIFORNIA, APN #087-0099-146-00

Community Redevelopment Agency meeting adjourned at 8:36 p.m.

Council meeting reconvened at 8:36 p.m.

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

Councilmember Elias requested Item A removed from the consent agenda.

Councilmember Valle requested Item B removed from consent agenda.

Vice Mayor Dutra-Vernaci requested Item G removed form the consent agenda.

Councilmember Fernandez moved, seconded by Councilmember Elias to adopt items C-F, H and J, numbered appropriately.

AYES:	5	NOES:	0	ABSENT:	0
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The titles of the resolutions adopted by this motion are as follows:

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF

2000

*Within the Capital Investment Plan for the FY 2002/2004 budget, the City Council approved the funding plan for building a gymnasium. The plan included use of the Roberti-Z'Berg-Harris (RZH) Block Grant Allocation of \$195,662 for this project. The first step to receive the funds requires the City to submit an authorizing resolution to the State of California, Department of Parks and Recreation.*

ADOPT RESO. NO. 2214-02

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE APPLICATION TO APPLY FOR GRANT FUNDS FOR THE PER CAPITAL GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

*Within the Capital Investment Plan for the FY 2002/2004 budget, the City Council*

*approved the funding plan for building a gymnasium. The plan included use of the Per Capita Grant Program funds of \$609,000 for this project. The first step to receive the funds requires the City to submit an authorizing resolution to the State of California, Department of Parks and Recreation.*

ADOPT RESO. NO.  
2215-02

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED CONTRACT FOR THE CENTRALIZED IRRIGATION SYSTEM TO UNITED GREEN TECH OF PACHECO, CALIFORNIA, CITY PROJECT NO. 02-09

ADOPT RESO.  
NO. 2216-02

*This project is to install twelve new "Evolution" irrigation controllers and retrofit twelve existing "Evolution" irrigation controllers with radio communication for operation with centralized computer control for use on selected medians and backup landscapes with high water usage.*

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR THE FUNDING OF ONE COMPRESSED NATURAL GAS STREET SWEEPER UNDER THE TRANSPORTATION FUNDS FOR CLEAN AIR PROGRAM, CITY PROJECT NO. 02-24

ADOPT RESO.  
NO. 2217-02

*The Bay Area Air Quality Management District and the City of Union City must enter into an agreement to specify the terms and conditions for the advancement of funds made from the Transportation Funds for Clean Air Program for Fiscal Year 2002/2003.*

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code and  
submit a  
notice that  
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amendments*

*are required or that no amendments are necessary.*

ADOPT RESO.  
NO. 2218-02

J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING AGREEMENT WITH NEWARK FIRE DEPARTMENT FOR EMS COORDINATOR SERVICES

*This cooperative agreement between the City of Union City and the City of Newark is to provide EMS Coordinator Services to the City of Newark.*

ADOPT RESO.  
NO. 2219-02

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING AGREEMENT FOR CITY ATTORNEY SERVICES AND APPOINTING CITY ATTORNEY

*Michael S. Riback, principal with the law firm of Meyers, Nave, Riback, Silver & Wilson, has provided interim City Attorney services to Union City. Council has concluded that it desires to retain Mr. Riback as City Attorney. This agreement sets out the scope of City Attorney services to be performed.*

Councilmember Elias requested this item removed from the consent agenda in order to publicly thank Mr. Riback for his great service to the City.

Councilmember Elias moved, seconded by Councilmember Fernandez to adopt Item A, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT  
RESO. NO. 2220-02

The title of Item B is as follows:

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW (SD-00-02) AND TENTATIVE PARCEL MAP (TPM-7999) PHASE III - SENIOR VILLAGE DEVELOPMENT

*Initiated by Eden Housing Inc., in conjunction with Elder Care Alliance, a request for Site Development Review and Tentative Parcel Map approvals to develop an affordable senior housing project on approximately 2.5 acres located at 33801 through 33909 Alvarado-Niles Road (APN: 486-85-50 to 486-85-63) along the south side of Alvarado-Niles Road, between Oregon Street and Rosewood Terrace senior housing complex. The project will consist of two separate buildings, a three-story independent living facility with approximately 35,7950 square feet of floor area, and a two-story assisted living facility with approximately 59,358 square feet of floor area.*

Councilmember Valle requested this item removed to comment on the aesthetics of this project.

Executive Director of Eden Housing commented on public art requirements and expressed their willingness to collaborate with the high school and senior center for public art project.

Rich Caldwell, architect for project, commented on landscape paving.

Hugh McNamara commented on the timeline for this project and the traffic access.

Barry Ferrier feels that places to sit down and enjoy the landscaping is missing from this project.

Councilmember Valle moved, seconded by Councilmember Elias to adopt Item B, numbered appropriately, with the provision of public art.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT  
RESO. NO. 2221-02

The title of Item G is as follows:

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DESIGNATING VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

*This year's League Annual Conference is scheduled for Wednesday, October 2 through Saturday, October 5, 2002. One important aspect of the conference is the annual business meeting when the membership takes action on conference resolutions. League bylaws provide that each city is entitled to one vote in matters affecting municipal or League policy. This resolution designates the Voting Delegate from the City of Union City.*

Vice Mayor Dutra-Vernaci requested this item removed to make a Council appointment to the League of California Cities conference.

Vice Mayor Dutra-Vernaci moved, seconded by Mayor Green to adopt Item G, numbered appropriately appointing Vice Mayor Dutra-Vernaci as the Council's voting delegate.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT  
RESO. NO. 2222-02

## ORAL COMMUNICATIONS

Barry Ferrier spoke of lack of landscaping at Union Landing along highway side.

Hugh McNamara requested the turn signal light to be turned off at Michaels entrance during reconstruction of the entrance.

## CORRESPONDENCE - NONE

## APPROVAL OF BILLS - MONTH OF JUNE

### A. Approval of warrants for payment - June 2002

Councilmember Fernandez moved, seconded by Vice Mayor Dutra-Vernaci 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 reported attending the East Bay Division League Housing meeting, and will be attending the conference in Monterey.

Councilmember Valle thanked Arts Council for June 30 event.

Councilmember Fernandez reported attending the Noise Forum at Port of Oakland.

### B. Request by Councilmember Valle for discussion on use of Ruggieri Senior Center on September 11, 2002, by the Pastor's Alliance of Union City

Councilmember Valle stated the Pastor's Alliance would like to hold a non-denominational event on

September 11.

Representative of the Pastor's Alliance their desire is to hold an interfaith gathering to include civic leaders and requested use of the facility.

Council suggested coordinating the various events around town.

## **GOOD OF THE ORDER**

Vice Mayor Dutra-Vernaci commented on the email from a resident regarding a fence in the Casa Verde area that deteriorated and was replaced with a chain link fence. She is concerned about the appearance of the fence.

Vice Mayor Dutra-Vernaci stated a resident questioned Neighborhood Preservation policies and stressed to staff the importance of meeting resident's concerns.

Vice Mayor Dutra-Vernaci stated a resident is questioning the torn up sidewalk on Union City Boulevard.

City Engineer Carlos Jocson responded that Ponderosa is working on various public improvement projects in that area.

Councilmember Elias stated he wanted to set the record straight regarding his comments at the last meeting. His comments were about the Police Department not being able to enforce ordinance on school property and desire to have a better relationship with NHUSD in working with the Police Department. He apologized if his comments were misunderstood.

Councilmember Elias stated he voted no on the police retiree benefits because he did not like surprises and the way it was brought forth to Council.

Councilmember Elias requested to agendaize advertising on buses on a future agenda.

Councilmember Fernandez commented on overgrown ivies on trees.

Councilmember Fernandez moved, seconded by Councilmember Elias to adjourn meeting at 9:30 p.m.

AYES: 5 NOES: 0 ABSENT: 0