

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
AND COMMUNITY REDEVELOPMENT AGENCY  
CITY OF UNION CITY  
AUGUST 27, 2002, 5:30 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 5:42 p.m.

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

Interview of Planning Commission Applicant

Council interviewed applicant for position on the Planning Commission.

At 6:10 p.m., Council moved into closed session on the following:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)**

**Potential Cases: Two**

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

**B. 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 7:50 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, AUGUST 27, 2002, 7:00 P.M.,  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 8:00 p.m.

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

Mayor Green read the rules for conduct of the meeting and announced there were no actions taken in closed session.

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of minutes of the Regular City Council meeting of Tuesday, July 23, 2002  
*Required Action: Motion*

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

AYES: 5 NOES: 0 ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS**

- A. Presentation by Union Sanitary District regarding environmental concerns  
*Required Action: Accept*

Steve Hayashi, General Manager of Union Sanitary District introduced Board Member Ken Smith and Joanie Dies. Mr Hayashi presented information regarding odor complaints.

John Haley stated the odor is heavy at Union Landing.

Dave Bhatia commented on USD opening plant to the public.

Councilmember Valle stated that USD's presentation stated that USD is not responsible for the odors and they are and will continue to provide tours to the public.

- B. Presentation of Plaque from the California Integrated Waste Management Board recognizing the City of Union City for exceeding State standards for Solid Waste Diversion (Recycling)  
*Required Action: Accept*

Vice Mayor Dutra-Vernaci presented a plaque on behalf of the California Integrated Waste Management Board to the Council on the City's diversion rate.

- C. Presentation by Human Relations Commission regarding September 11 ceremony and Union City Public Safety Day  
*Required Action: Present*

Sandra Holder and Yolanda Triana, representing the Human Relations Commission, thanked the Public Safety personnel, and requested City Council hereinafter declare September 11 as Union City Public Safety Day. September 11 events will begin at 5:00 p.m. near the American flag at City Hall.

## **ORAL COMMUNICATIONS**

Vic Mercado, 2419 Columbine Court, Hayward, property owner in UC, spoke about India Festival.

Tony Tongson, representing parents of the three youths killed in an accident on Union City Boulevard, requested a memorial be erected at place of accident of their son's deaths.

Anil Rai commented on India Festival.

John Haley spoke about Newark City Council, Washington Township money, and India Festival.

Leonor Amaya questioned status of trading cards for Police Department.

Chun Lee spoke about Falun Gong and the persecution suffered to those that practice this art.

Jerry Catanzano spoke about the dog park in comparison to other parks in Decoto.

Dave Bhatia spoke about India Festival.

Avtar Kaur spoke about India Festival.

Mayor Green requested Police Chief to respond to questions regarding Police trading cards.

Police Chief Randy Ulibarri stated grant money was received from the Tobacco fund and the Police trading cards will be printed in the next few weeks.

Staff received direction to evaluate and prepare proposals for a memorial to three youth killed in accident on Union City Boulevard earlier this spring. Staff will return in October with a recommendation to Council.

Police Chief Ulibarri responded to concerns relayed about the India Festival.

At 9:40 p.m., Council recessed, reconvening at 9:47 p.m.

Vice Mayor Dutra-Vernaci moved to place an urgency item on the agenda regarding **SB 905, Banning City-Sponsored Payroll Deduction Programs.**

Mike Riback stated there is an immediate need to take action on this matter due to the fact this came to the attention

of the City after the agenda had been prepared.

**Vice Mayor Dutra-Vernaci** requested a letter of opposition written to State legislators. This motion was seconded by Councilmember Elias.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to move items XVI B and C forward to this point on the agenda.

AYES: 5 NOES: 0 ABSENT: 0

### **ITEMS REFERRED BY COUNCIL**

B. Request by Councilmember Elias to consider and agendize police vehicle equipment and additional police officers

Councilmember Elias brought this item forward to request Council agendize capital purchase of police vehicle equipment and additional police officers.

Councilmember Valle seconded the request to agendize this item.

There was Council concurrence to agendize this item at the October 8 Council meeting.

C. Request by Councilmember Valle to consider and agendize Local 790's request to continue employing Crossing Guards as City employees

Councilmember Valle requested Council consider Local 790's request for city to employ crossing guards as City employees as an urgency item.

AYES: 2 NOES: 3 ABSENT: 0

Motion failed.

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to address this item at September 10, 2002 meeting.

AYES: 5 NOES: 0 ABSENT: 0

Seymour Kramer requested Council reconsider their earlier action and address this item on tonight's agenda.

Kenneth Ryan suggested Council look at all outside contracting issues when this is discussed.

At this time Council returned to the printed agenda.

### **HEARINGS**

A. **HEARING RE: AG-02-02, GENERAL PLAN AMENDMENT; A-02-02, ZONING MAP**

**AMENDMENT; AND SP-02-02, SPECIFIC PLAN AMENDMENT FOR THE MCKESSON SITE:** (Introduction of Ordinance) (Resolution)

*Initiated by Jeff Vines, on behalf of the McKesson Corporation, as applicant, a request for a General Plan Amendment (AG-02-02), a Zoning Map Amendment (A-02-02) and Specific Plan Amendment (SP-02-02) on properties currently identified as 33950 7<sup>th</sup> Street (APN 087-021-15 and 087-021-06-03) located on the northeast side of 7<sup>th</sup> Street, southeast of Decoto Road. **The proposed applications request the following amendments: 1) a General Plan Amendment to redesignate the property from OS, Open Space, to R3-6, Residential, 3-6 units per acre; 2) a Zoning Map Amendment to rezone the property from OS, Open Space, to RS6000 D (DIPSA); 3) a DIPSA Specific Plan Amendment to redesignate the property in the DIPSA Land Use Plan from OS, Open Space, to R3-6, Residential 3-6 units per acre; and 4) a DIPSA Specific Plan Amendment to rezone the property from OS, Open Space, to RS6000 D in the DIPSA Zoning Districts. The proposed project site comprised of two (2) adjacent and vacant properties is approximately 8.68 acres.***

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

Mayor Green opened the hearing for public comment, those speaking in favor of the project:

Warren Sattler, Trammel Crow, stated they agree with the staff report and expressed their surprise at the Planning Commission decision.

There being no further comments in favor of this project, Mayor Green asked for comments from those speaking in opposition.

Larry Mohr stated he is opposed to this project and requested Council uphold the Planning Commission's denial.

John Haley expressed concern that people who buy this property are unaware of the contagions, and questioned the six units per acre condition.

Hugh McNamara stated his concern over the hazardous materials on this property and questioned the income levels that would be able to afford these units.

Councilmember Elias left the meeting at 10:39 p.m. and return at 10:42 p.m.

Kenneth Ryan stated his concern is the message this will send if the Council overturns the Planning Commission's denial.

Tadelle Yifru expressed his desire for open space.

Councilmember Valle left the meeting at 10:47 p.m.

Bruce Stanley, Chair, Park and Recreation Commission, hopes the Council will not put houses on every inch of Union City and expressed his concern over this proposed development.

At this time the Mayor asked for rebuttal comments.

Warren Sattler stated the issue is this site was zoned for residential

At this time Mayor Green closed the hearing to public comment.

Applicant agreed to meet with staff to negotiate for park enhancements.

Mayor Green moved, seconded by Councilmember Fernandez to enter into negotiations with developer for park enhancements to this project and return to Council at the October 22 meeting.

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

## **REPORTS FROM CITY MANAGER**

### **A. Preliminary Year-End Financial Status for Fiscal Year 2001/02 and Quarterly Sales Tax Report**

*This report presents the Fiscal Year 2001-02 year-end estimated financial status of the City's operations as well as sales tax collections for the third quarter of Fiscal Year 2001/2002 (January-March 2002).*

Sheila Mohan, Administrative Services Director, gave the staff report and responded to Council questions.

Vice Mayor Dutra-Vernaci left the meeting at 10:54 p.m. and returned at 10:56 p.m

Barry Ferrier commented on what he feels is a clerical error in the report regarding the special tax assessments.

Carmen Saldivar commented on the special tax assessment and an accounting of the Redevelopment money.

John Haley asked if there will be a balanced budget in 2003, commented on timeline of sales tax and revenues.

Councilmember Valle returned to meeting at 11:02 p.m.

There was Council concurrence to accept report.

### **B. Report to City Council regarding a concept plan to improve circulation and parking at Union Landing**

Joan Malloy, Planning Manager, gave the staff report.

Chwen Siripocanont, CCS, explained the phase construction portion of this project.

Ken Ryan commented on the lack of pedestrian access in the center and paratransit access.

Barry Ferrier commented on access from Holly Way.

John Haley commented that implementation of this plan will require a new learning curve.

Ken Ryan suggested looking at pedestrian access for transit center.

Mayor Green moved, seconded by Councilmember Elias to accept the proposed plan and refer it to Planning Commission for consideration as part of the anticipated application for the development of the proposed bank on the vacant Syufy parcel, and directed staff to proceed with the design and construction of the directional signs. Council also directed staff to provide for enhanced motorcycle parking provisions.

AYES: 5                      NOES: 0                      ABSENT: 0

C. Report and recommendations regarding City Policy on Direct Subsidy of Community Events

*Staff is requesting policy direction regarding current City budget policy eliminated City subsidies of community events for the current fiscal year.*

Deputy City Manager Tony Acosta gave the staff report.

Pat Gacoscos, St. Anne's Festival Committee representative, urged Council to allow an exception to the current policy.

Barry Ferrier stated this type of event adds additional burdens on the public safety departments.

Councilmember Valle moved to hold this item over to September 10 agenda. There was no second to this motion.

Councilmember Elias moved, seconded by Mayor Green to not allow an exception to the current City policy eliminating direct City subsidy of community events

AYES: 3                      NOES: 2 (MF/RV)                      ABSENT: 0

D. Rejection of all bids for Union City Skate Park (Resolution)

*This resolution rejects all bids for the construction of the Skate Park at William Cann Civic Center and authorizes staff to negotiate with contractors and modify the specifications for this project.*

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

Councilmember Fernandez moved, seconded by Councilmember Elias to reject all bids and authorize staff to negotiate with contractors, returning to Council at a meeting in September.

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 REJECTING BIDS AND AUTHORIZING STAFF TO NEGOTIATE WITH CONTRACTORS IN COMPLIANCE WITH THE CALIFORNIA PUBLIC CONTRACT CODE FOR THE UNION CITY SKATE PARK, CITY PROJECT NO. 01-07

ADOPT  
RESO. NO. 2223-02

**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

Mayor Green requested Items B, D-F and K removed from the consent agenda.

Councilmember Valle moved, seconded by Councilmember Fernandez to approve items A, C, G-J and L, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

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

A.     **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING MANAGEMENT EMPLOYEES MEMORANDUM OF UNDERSTANDING**

ADOPT  
RESO. NO. 2224-02

*This resolution amends the Management Memorandum of Understanding to include the provision of long-term disability benefits. There is no negative fiscal impact on the City as a result of this action.*

C.     **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING GRANT DEEDS**

H.  
  
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THE CITY  
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APPROVING  
PLANS AND  
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TION TO  
BID FOR  
ENGINE  
EXHAUST  
REMOVAL  
SYSTEM FOR

*Ryland Homes, developer of Tract 7074 was required to extend Cambridge Way easterly to Union City Boulevard. The Grant Deed secures the right-of-way needed for the street extension.*

G.     **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING SEVENTH STREET AND MISSION BOULEVARD GREENBELT, TO INCLUDE DRIGON DOG PARK, CITY PROJECT NO. 01-26**

*Goodland Landscape Construction, Inc. has completed the new dog park in accordance with the plans and specifications for this project. The project consisted of developing the greenbelt located on Seventh Street and Mission Boulevard across from the Public Work's Maintenance Facility. The 3.69 acre site has been divided into two separate park areas; Drigon Dog Park and Gladiola Fields Park.*

FIRE STATIONS 1, 2, AND 3, CITY PROJECT NO. 02-26

ADOPT  
RESO. NO. 2225-02

*This project consists of furnishing, delivering and installing a "Vertical Air Flow" Engine Exhaust System at Fire Stations 1, 2, and 3. The existing systems no longer comply with OSHA or other safety standards. The new system in Fire Station 3 will be movable so it can be reused in the event a new Station 3 is constructed.*

ADOPT  
RESO. NO. 2226-02

ADOPT  
RESO. NO. 2227-02

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING CERTAIN VEHICLES AND EQUIPMENT NOT IN USE AS SURPLUS

ADOPT RESO.  
NO. 2228-02

*It is being requested that City vehicles and equipment are declared surplus equipment and auctioned off. The seven pieces of City equipment include three sedans, a van, chipper, large mower and paving box that have reached the end of their usable service life and have become too costly to maintain.*

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING TENTATIVE PARCEL MAP, TPM-7411 FOR UNION SANITARY DISTRICT

*Union  
Sanitary*

*District is seeking approval of a Tentative Parcel Map to merge several lots already under their ownership. The Parcel Map will consolidate 13 (thirteen) parcels to reflect the Site Development Review approval that allowed the construction of 3 new buildings, including a new office building on their property at Veasy Street and Benson Road. The Site Development Review approvals were granted in 1999.*

**ADOPT RESO.  
NO. 2229-02**

- L. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY SUPPORTING THE TRI-VALLEY AGRICULTURAL WATER TASK FORCE (**Requested by Mayor Green**)

**ADOPT RESO.  
NO. 2230-02**

**The title of Item B is as follows:**

- B. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO SIGN "EXISTING PUBLIC ROAD CROSSING IMPROVEMENT AGREEMENT" WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE INSTALLATION OF CONCRETE SURFACE PANELS AT WHIPPLE ROAD SPUR TRACKS CROSSING, CITY PROJECT NO. 02-02**

*The City has received an agreement from the Union Pacific Rail Company (UPRR) to schedule and install concrete surface crossing at the spur tracks on Whipple Road between Haymen Street and Liston Way.*

Vice Mayor Dutra-Vernaci left the meeting at 12:42 a.m.

Mayor Green requested this work done on consecutive days for the least impact to the public.

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

AYES: 4                      NOES: 0                      ABSENT: 1 (CDV)                      ADOPT  
RESO. NO. 2231-02

The title of Item D is as follows:

- D. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SPECIFICATIONS FOR THE PURCHASE OF FIVE PATROL CARS, CITY PROJECT NO. 02-25**

*The 2002/2003 budget includes authorization for the purchase of five patrol cars for the Police Department. These vehicles were recommended for replacement by the Public Works Department at budget time in 2002 based on the unit life and maintenance history.*

Mayor Green questioned if there are other options for the branch of police vehicles that are purchased.

Vice Mayor Dutra-Vernaci left the meeting at 12:42 a.m.

Larry Cheeves, Public Works Director, stated that Ford is the only manufacturer that produces police vehicles.

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

AYES: 4                      NOES: 0                      ABSENT: 1 (CDV)                      ADOPT  
RESO. NO. 2232-02

The title of Item E is as follows:

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING CERTAIN FIRE APPARATUS NOT IN USE AS SURPLUS

*This resolution declares certain fire apparatus not in use as surplus. The equipment includes one 1987 Grumman Pumper, one 1988 Grumman Pumper, one 1987 Grumman Aerial and two 1990 International Patrols. All of this equipment has reached the end of their usable service to the City. The equipment will be replaced by one aerial ladder truck and two Type Three trucks.*

Mayor Green questioned declaring these vehicles as surplus when they are listed in good condition.

Vice Mayor Dutra-Vernaci returned to the meeting at 12:49 a.m.

Brian Kelly, Fire Chief, responded that these vehicles were included in the capital spending plan for replacement and are no longer of use to the City.

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

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. NO. 2233-02

The title of Item F is as follows:

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CCS PLANNING AND ENGINEERING, INC FOR PROFESSIONAL DESIGN SERVICES FOR CITY PROJECT NO. 2002-08, QUARRY LAKES BIKE AND PEDESTRIAN IMPROVEMENTS

*This resolution authorizes entering into a contract with CCS Planning and Engineering to prepare final plans and specifications to construct improvements along Alvarado-Niles Road, Osprey Road and Quarry Lakes Drive to provide access for bikes and pedestrians to and from Quarry Lakes Regional Park.*

Mayor Green requested a letter of thanks sent to City of Newark and questioned the timing of this project.

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

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT



Vice Mayor Dutra-Vernaci reported that the PUC is working with cities through the League of California Cities to build a communication network for city input.

Vice Mayor Dutra-Vernaci requested staff to evaluate the feasibility of Union City's participation in the State Railroad Crossing Horn System.

## **GOOD OF THE ORDER**

Vice Mayor Dutra-Vernaci received complaints from residents that garbage is being left on the fields at Shorty Garcia Park.

Vice Mayor Dutra-Vernaci received a request to correct traffic signal timing at 5<sup>th</sup> and Decoto.

Vice Mayor Dutra-Vernaci requested staff investigate report of dogs running loose in Cabello Park.

Vice Mayor Dutra-Vernaci stated the Fire Department is looking to expand the C.E.R.T. program and anyone interested in taking the course should contact UCFD.

Councilmember Valle questioned the status of improvements to the drainage at G and Colgate Streets.

Councilmember Valle questioned status of adding turn lane to off ramp at Dyer/Industrial off I880.

Larry Cheeves, Public Works Director, responded that staff has been in contact with CalTrans who has agreed to allow the City to make this adjustment.

Councilmember Valle received information that there are no plans to add anything additional to the open space next to Drigon Park other than picnic tables.

Councilmember Valle reported that the Union City Firefighters will be hosting a barbeque fundraiser to support James Logan High School Band's trip to the Rose Parade.

Councilmember Elias requested the magnets and banner for the September 11<sup>th</sup> events say City of Union City only.

Mayor Green stated the lettering on City park signs needs to be replaced with something that will stay attached.

Mayor Green received a complaint from a resident who is upset with speeders on F and 12<sup>th</sup> Streets.

Mayor Green questioned when repairs will take place to the damaged entry sign at Seabreeze Park.

At 1:20 a.m., Councilmember Elias moved, seconded Councilmember Fernandez to adjourn meeting to Tuesday, September 10, 2002.

AYES: 5                      NOES: 0                      ABSENT: 0