



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

Property: Whipple Road, APN 486-0015-022

Negotiating Parties: Mark Evanoff, Redevelopment Agency Manager, Mark Leonard, Community Development Director, David Berger, City Manager

Under Negotiation: Price and Terms

Meeting adjourned at 6:53 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, FEBRUARY 11, 2003, 7:00 P.M.,  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:12 p.m. and lead the audience in the salute to the flag.

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

Absent: None

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, January 28, 2003

Mayor Green requested to insert the following in the minutes on Page 8:

*“There was consensus by the City Council and each member stating separately, that the Accinelli property will contain 8 acres of Private Institutional use somewhere on the property”.*

Councilmember Valle moved, seconded by Councilmember Fernandez to adopt minutes as amended.

AYES: 5                      NOES: 0                      ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS - NONE**

**ORAL COMMUNICATIONS**

John Haley spoke regarding Route 84.

Mayor Green commented on the recent incident at Logan High School.

Mayor Green received Council consensus to move the Consent Calendar/Resolutions to this point on the agenda.

**CONSENT CALENDAR/RESOLUTIONS**

Mayor Green requested Items N and O removed from the consent calendar.

Councilmember Dutra-Vernaci requested Item L removed from the consent calendar.

Vice Mayor Elias moved, seconded by Councilmember Valle moved to adopt Items A-K, M, and P, resolutions numbered appropriately, reading of Ordinance titles to suffice.

AYES: 5                      NOES: 0                      ABSENT: 0

The titles of the resolutions and ordinances adopted, introduced and adopted by this motion are as follows:

- |    |  |                               |
|----|--|-------------------------------|
| A. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR ONE COMPRESSED NATURAL GAS PUBLIC ACCESS FUEL STATION, CITY PROJECT NO. 02-52 | ADOPT<br>RESO. NO.<br>2350-03 |
|----|--|-------------------------------|

*Alameda County Congestion Management Agency has approved a grant for the purchase and installation of one general public access compressed natural gas fuel station in the amount of \$100,000. This resolution awards the contract to Accel Project Systems to install one public access compressed natural gas site at the Public Works Maintenance Facility located at 34650 Seventh Street.*

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE PURCHASE OF ONE LEASE/RENTAL RETURN VEHICLE FOR THE FIRE DEPARTMENT, CITY PROJECT NO. 03-03 ADOPT RESO. NO. 2351-03

*The Fire Department has been authorized to replace one 1986 Chevy Celebrity sedan in the 2002/2003 budget. Staff is recommending the City purchase a 2000 lease/rental return vehicle from Enterprise car sales.*

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING COMPLETION OF IMPROVEMENTS FOR UNION CITY STREETS REHABILITATION PROJECT (STIP), CITY PROJECT NO. 01-14 AND 2001-02 OVERLAY PROGRAM-PHASE II, CITY PROJECT NO. 01-16 ADOPT RESO. NO. 2352-03

*DeSilva Gates Construction has completed the improvements for Phase II of the Streets Rehabilitation Project and the Overlay Program. These projects consisted of base repair of failed pavement areas, asphalt concrete pavement milling, installation of pavement reinforcing fabric and asphalt concrete overlay of the project streets. Replacement of pavement striping and marking was also included.*

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING COMPLETION OF IMPROVEMENTS FOR CENTRAL BAY BUSINESS DISTRICT SPUR TRACKS REPAIR PROJECT, CITY PROJECT NO. 02-50 ADOPT RESO. NO. 2353-03

*McGuire & Hester have completed the improvements for City Project No. 02-50. This project consisted of repairing the failing asphalt pavement adjacent to the spur railroad tracts in the Central Bay Business District, the industrial area surrounded by Whipple Road, Dowe Avenue, Alvarado-Niles Road and Dry Creek. The repair of the rough asphalt approaches adjacent to the concrete panels at the main line railroad at Smith Street was also included.*

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED BID TO PURCHASE LIGHT EMITTING DIODE (LED'S) FOR 28 SIGNALIZED INTERSECTIONS, CITY PROJECT NO. 02-29 ADOPT RESO. NO. 2354-03

*This resolution awards contract to Advanced Traffic Project, Inc. for purchase and installation of light emitting diodes (LED's). This project includes the replacement of 28 intersections with incandescent light bulbs from traffic signal heads to (LED's).*

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE AUTHORIZATION, COMPENSATION, AND CLASSIFICATION PLANS, LEAD HEAVY EQUIPMENT MECHANIC ADOPT RESO. NO. 2355-03

*This resolution authorizes reclassifying the incumbent Heavy Equipment Mechanic assigned to the Garage to a Lead Heavy Vehicle Equipment Mechanic position in accordance with the Personnel Rules and Regulations. Local 790 concurs with this proposed reclassification.*

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE FEMA GRANT FOR THE THERMAL IMAGING CAMERAS, CONFINED SPACE RESCUE EQUIPMENT AND SPANISH LANGUAGE TRAINING AND AUTHORIZING USE OF THE CITY'S FUNDS FROM THE THERMAL IMAGING AND SURPLUS FIRE STATION EXHAUST SYSTEMS PROGRAMS TO PROVIDE THE BALANCE OF FUNDS ADOPT RESO. NO. 2356-03

*The Federal Emergency Management Agency (FEMA) approved Union City Fire Department's grant application for Firefighter Operations and Safety in the amount of \$136,124. This resolution accepts the FEMA Grant Award No. EMW-2002-FG-12624 for Union City Fire Department operations and safety equipment and training.*

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY TO ENTER INTO A CONTRACT WITH THE ALAMEDA COUNTY HEALTH DEPARTMENT TOBACCO CONTROL PROGRAM TO RECEIVE FUNDS THROUGH A GRANT ADOPT RESO. NO. 2357-03

The Police Department applied for and received a grant through the Alameda County Health Department Tobacco Control Program in the amount of \$11,133. This grant will be used for enforcement of tobacco related items. Staff is recommending acceptance of this grant from the Alameda County Health Department Tobacco Program.

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE STATE OF CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP) FUNDING ADOPT RESO. NO. 2358-03

*The Legislature of the State of California has designated funds in the amount of \$26,628 to the City of Union City to be expended exclusively for the purpose of "law enforcement technology items". Staff is requesting Council accept and appropriate the CLEEP funds.*

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING DESTRUCTION, WITHOUT DUPLICATION, OF POLICE RECORDS ADOPT RESO. NO. 2359-03

*Each year the Police Department destroys certain records which meet time retention expiration dates. The Police Department is seeking authorization to conduct the annual records purge for the calendar year 2002.*

- K. Introduction of Ordinance: ORDINANCE ADDING SECTION 9.48.055 TO, AND AMENDING SECTIONS 9.48.050, 9.48.060, 9.48.070 AND 9.48.090 OF THE UNION CITY MUNICIPAL CODE CONCERNING THE REGISTRATION FOR AND RENEWAL OF ALARM SYSTEM PERMITS AND INSTALLATION NOTIFICATION INTRO. ORD. 606-03

*The introduction of this ordinance is to update the current alarm ordinance to be consistent with the recently adopted 2002/2003 Master Fee Schedule as it pertains to the recovery of costs incurred by the Police Department responding to false alarms.*

- M. Final Reading Ordinance No. 603-03: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-06-02 FINAL ORD. NO. 603-03

*Final Reading of Ordinance No. 603-03: An amendment to the City Zoning Map to reclassify several agricultural, residential, commercial and industrial zoned properties throughout the City with the new zoning classification of PI, Private Institutional in order to have a uniform zoning designation consistent with the Land Use Element of the 2002 General Plan.*

P. Rejection of Claim No. 533

REJECT  
CLAIM

*Claim No. 533 was filed by Fraytooh Nalnabi for alleged property damage.*

The title of Item L is as follows:

L. Introduction of Ordinance: ORDINANCE OF THE CITY OF UNION CITY AMENDING UNION CITY MUNICIPAL CODE CHAPTER 15.20 (FIRE CODE), BY THE AMENDMENT OF SECTION 15.20.400 RELATING TO USE OF FIREWORKS EAST OF MISSION BOULEVARD

*This introduction of ordinance repeals the amendments to the Union City Municipal Code to ban all fireworks east of Mission Boulevard.*

Councilmember Dutra-Vernaci requested this item pulled from the agenda in order for her to recuse herself from any action due to a conflict of interest.

Mayor Green moved, seconded by Councilmember Fernandez to introduce Ordinance No. 607-03, reading of title to suffice.

AYES: 4                      NOES: 0                      ABSENT: 0 (CDV)                      INTRO  
ORD. 607-03

The title of Item N is as follows:

N. Final Reading Ordinance No. 604-03: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-03-02

*Final Reading of Ordinance No. 604-03: The inclusion of Chapter 18.51 to Title 18, (Zoning Ordinance) of the Union City Municipal Code to establish criteria for the new PI Private Institutional District as identified in the 2002 General Plan to accommodate private institutional uses such as faith-based organizations as a permitted use and cemeteries, private educational facilities, private non-profit and service organizations and continuing care retirement facilities as conditionally permitted uses.*

Mayor Green requested this item pulled from the consent agenda to state for the record that an amended Exhibit A will be inserted into the final reading of Ordinance 604-03.

Mayor Green moved, seconded by Councilmember Valle to approve final reading of Ordinance No. 604-03.

AYES: 5                      NOES: 0                      ABSENT: 0

The title of Item O is as follows:

- O. Final Reading Ordinance No. 605-03: ORDINANCE AMENDING THE CITY OF UNION CITY MUNICIPAL CODE SECTION 2.04.010 REGARDING SETTING TIME FOR THE GENERAL MUNICIPAL ELECTION

*This Ordinance will provide for the City's general elections to be changed to November of even-numbered years.*

Jerry Catanzano spoke of the way this process was handled.

John Haley suggested reducing terms to three years.

Hugh McNamara stated this was a delicate situation.

Norm Bullock stated his opposition to this ordinance.

Ed Ferreri suggested going pro bono for those whose terms are extended.

Miles Price voiced his opposition to extending terms.

Jaime Jaramillo spoke of funding non-profit organizations with the savings from this motion.

Alice Arce spoke in opposition to this ordinance.

Mayor Green moved, seconded by Vice Mayor Elias to approve final reading of Ordinance No. 605-03.

AYES: 4                      NOES: 1 (CDV)                      ABSENT: 0                      ADOPT  
FINAL ORD. 605-03

Mayor Green received consensus to address Reports from City Manager, Item D at this time on the agenda.

## **REPORTS FROM CITY MANAGER**

- D. Council ratification of funding for community based organizations

*The City Attorney is requesting a revote on the vote taken at the meeting of January 28, 2003 regarding continuing of funding for certain community based organizations through the remainder of the fiscal year.*

Mike Riback, City Attorney, gave the staff report.

Councilmember Valle recused himself from the meeting due to a conflict of interest on this subject matter.

Mayor Green moved, seconded by Councilmember Fernandez to retake vote without Councilmember Valle's participation because of potential conflict of interest. This vote rescinds vote taken January 28, 2003.

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

Mayor Green moved, seconded by Councilmember Fernandez to continue funding community based organizations until the end of the fiscal year 2002/2003. The Council decided that if some state budget "draconian" impact occurred, Council could initiate action to cut funding prior to the end of the fiscal year. Council also approved a supplemental appropriation from the general fund undesignated balance of \$11,000 per month.

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

Councilmember Valle returned to the meeting.

At this time Council returned to the printed agenda.

**HEARINGS - NONE**

**REPORTS FROM CITY MANAGER**

- A. Execution of a Master Project Funding Agreement (MPFA) with Alameda County Transportation Improvement Authority (ACTIA) for the Union City Intermodal Station (Resolution)

*This resolution authorizes City Manager to execute ACTIA's Master Funding Agreement for the Union City Intermodal Station, Phase I Project. These Measure B funds, which are planned to be expended FY 04/05, are estimated at about \$12.5 Million.*

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

Mayor Green moved, seconded by Vice Mayor Elias to adopt 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 AUTHORIZING EXECUTION OF MASTER  
PROJECT FUNDING AGREEMENT WITH ALAMEDA COUNTY  
TRANSPORTATION IMPROVEMENT AUTHORITY FOR THE  
UNION CITY INTERMODAL STATION PROJECT

ADOPT  
RESO. NO.  
2360-03

B. Status report regarding negotiations with Comcast/AT&T on renewal of the City's Cable Television Service Franchise Agreement

*The latest outcome of negotiations will be reported and discussed.*

City Manager David Berger gave the staff report.

John Haley commented on the City takeover of the cable ownership.

Sharon Uyemoto questioned ability to have input on channel selection.

There was no action on this item.

C. Request from the Park and Recreation Commission for a joint meeting with City Council

*Park and Recreation Commission is requesting City Council schedule a joint meeting.*

There was no staff report.

Mayor suggested Council let staff know available dates for meetings after April 15 for potential meeting with Park and Recreation Commission.

**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

**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 had a discussion with President of the School Board who suggested agendaizing school safety as an item for the subcommittee to discuss. This will take place at their February 28 meeting.

Mayor Green requested this item also appear on the February 25 Council meeting agenda in order for Council to discuss and give suggestions that could be discussed by the joint subcommittee.

Councilmember Dutra-Vernaci reported the Housing Authority is currently deciding where to locate their new site.

Vice Mayor Elias reported the Library Commission has begun working on the Patriot Act; and stated there was a report on future libraries to be constructed in the future.

**GOOD OF THE ORDER**

Vice Mayor Elias wants to let non-profit groups know process for next funding cycle.

Mark Leonard, Economic and Community Development Director, responded this is the end of the third year cycle. An RFP will be sent out this Spring to all interested agencies to apply for the next cycle. This process will come before the Council in April.

Councilmember Dutra-Vernaci received a comment from a citizen regarding traffic concerns when stopping in front of the post office box on Mission Boulevard and suggested looking into moving the location of the box or providing a no parking lane.

Councilmember Valle spoke with residents in Seven Hills regarding landscaping concerns. The citizens were questioning how the lighting and landscaping money is distributed.

Larry Cheeves, Public Works Director, stated he would happy to visit with any group of residents or homeowners associations to provide them with information.

Councilmember Fernandez questioned how the City can communicate with people about the serious increase in automobile vandalism and stolen vehicles.

Councilmember Fernandez stated he would like conversations to take place on having a 20 year plan for landscape maintenance.

At 8:23 p.m. Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting to February 21, 2003 at 4:30 p.m. for meeting with Pete Stark.

AYES: 5                      NOES: 0                      ABSENT: 0