

MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JANUARY 28, 2003, 5:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA

Mayor Green called the meeting to order at 5:40 p.m.

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

There were no public comments. Council met in closed session on the following:

CLOSED SESSION:

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

Potential Cases: Two

B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Section 54957.6

Agency designated representatives: Tony Acosta, Interim Administrative Services Director;
David Berger, City Manager, Michael Riback, City
Attorney

Employee organization: Professional Employees

C. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Section 54957.6

Agency designated representatives: Tony Acosta, Interim Administrative Services Director;
David Berger, City Manager, Michael Riback, City
Attorney

Employee organization: Police Officers Association

Meeting adjourned at 7:33 p.m.

MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 28, 2003, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA

Mayor Green called the meeting to order at 7:45 p.m. and lead the audience in the salute to the flag.

Mayor Green stated there was no action taken in the closed session.

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, December 10, 2002

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

AYES: 5 NOES: 0 ABSENT: 0

- B. Approval of minutes of the Regular City Council meeting of Tuesday, January 14, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

- A. Resolution in recognition of the James Logan Band and Color Guard for their appearance at the Tournament of Roses Parade

Mayor Green moved, seconded by Vice Mayor Elias to approve resolution, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2341-03

A video tape of the James Logan Band and Color Guard was shown of their performance in the Tournament of Roses Parade.

Mayor Green and members of the Council presented the resolution to representatives of the James Logan Band and Color Guard who accepted the resolution and thanked the Council for the recognition.

B. Resolution honoring Lynne Mattos upon her retirement from the City of Union City

Mayor Green moved, seconded by Vice Mayor Elias to approve resolution, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green read the resolution in its entirety and the Council and Mayor presented the resolution to Lynne Mattos who thanked the Council for the recognition.

C. Resolution honoring Lt. Don Schuitemaker upon his retirement from the City of Union City

Mayor Green moved, seconded by Vice Mayor Elias to approve resolution, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green read the resolution in its entirety and the Council and Mayor presented the resolution to Don Schuitemaker who thanked the Council for the recognition.

ORAL COMMUNICATIONS

Mattie Rousseau questioned what businesses can be in a residential area; and questioned schedule for street sweeping.

John Haley questioned money spent by Washington Township Hospital.

Dave Bhatia spoke about Indo American Unity dinner.

David Berger responded to Council questions regarding contacting Washington Township Hospital District.

Mark Leonard, Community Development Director, responded to questions regarding standards that businesses must adhere to in residential areas.

Larry Cheeves, Public Works Director, stated his supervisor is preparing a street sweeping calendar at this time that will be mailed out in the future. In the meantime, individuals can contact the Public Works Department at 675-5308 for a street sweeping schedule.

At this time, there was Council concurrence to address items under Redevelopment Agency.

REDEVELOPMENT AGENCY

- A. Resolution of the Community Redevelopment Agency of the City of Union City AUTHORIZING ENTERING INTO A RELOCATION AND SERVICES AGREEMENT WITH STADLER, SHOVER & CLINE, INC., D.B.A., PACIFIC RELOCATION CONSULTANTS, AND TO PURCHASE THE MOBILE HOMES OF RESIDENTS DISPLACED BY THE MISSION GATEWAY AFFORDABLE HOUSING DEVELOPMENT

This resolution authorizes the Executive Director to enter into a contract with Pacific Relocation Consultants to oversee the relocation of 33 residents and seven businesses; authorize the purchase of 16 mobile homes by the agency; and authorize staff to seek informal bids from local contractors paying Prevailing Wage to install utilities at Mission and D Street to provide for the temporary relocation of five frail elderly and caretaker households.

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

Agencymember Valle moved, seconded by Vice Chair Elias to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RDA RESO.
NO. 272-03

At this time there was Council concurrence to address items under the Consent Calendar.

CONSENT CALENDAR/RESOLUTIONS

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve Items A-E, resolutions numbered appropriately, waiving reading of all ordinances and titles read into the record.

AYES: 5 NOES: 0 ABSENT: 0

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDDING CONTRACT FOR BARNARD WHITE MIDDLE SCHOOL PEDESTRIAN IMPROVEMENTS, CITY PROJECT NO. 99-05 ADOPT RESO. NO. 2344-03

This resolution awards contract to Granite Construction of San Jose for Barnard White Middle School Pedestrian Improvements, City Project No. 99-05. The project will improve pedestrian access and safety around the Barnard White Middle School and particularly along the former SPRR tracks (Niles Subdivision) in the Decoto Neighborhood.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING GRANT DEEDS FOR RIGHT-OF-WAY AND FOR REAL PROPERTY ADOPT RESO. NO. 2345-03

Alameda County Flood Control District and Water Conservation District, owner of the property related to the above, has submitted an executed Grant Deed for right-of-way and a Grant Deed for real property to the City of Union City. It has been determined that the grant of this right-of-way and property will be in the public interest. This resolution accepts the grant deeds.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PURCHASE OF ONE CAB AND CHASSIS UTILITY PICKUP TRUCK, CITY PROJECT NO. 03-01 ADOPT RESO. NO. 2346-03

The 2002/2003 budget includes authorization for the purchase of one cab and chassis utility pickup truck to replace an aging irrigation van for the Public Works Department. This vehicle has been recommended for replacement by the Public Works Superintendent and the Public Works Director. This resolution authorizes purchase of the cab and chassis utility truck from the State of California, Department of General Services contract with Hoblit Motors of Colusa, California.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT EXTENSION WITH MV TRANSPORTATION FOR FY 2003-2004 ADOPT RESO. NO. 2347-03

The three year contract with MV Transportation for the operations and maintenance of Union City Transit & Paratransit is in its last year. The contract allows for up to two (2) single year extensions beyond the initial contract period. Staff is requesting Council approval for an extension for FY 2003-2004.

- E. Final Reading Ordinance No. 602-03: ORDINANCE OF THE CITY OF UNION CITY ADDING SECTION 1.01.120 TO AND AMENDING SECTIONS 5.16.110 AND 3.18.110 OF THE UNION CITY MUNICIPAL CODE CONCERNING CLAIMS AGAINST THE CITY FOR MONEY AND/OR REFUNDS OF TAX OVERPAYMENTS FINAL ORD. 602-03

This is the second reading of this ordinance which creates a process for the filing of any claims against the City for money, damages, or refunds, that are currently not covered by the State Tort Claims Act. Such claims may include refunds for alleged overpayments of a City-tax.

HEARINGS

- A. **HEARINGS RE: ZONING TEXT AMENDMENT AT-03-02 and ZONING MAP AMENDMENT A-06-02** (Introduction of Ordinances)

Zoning Text Amendment At-03-02: 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.

Zoning Map Amendment A-06-02: 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. The properties considered for rezoning are as follows:

- * Chapel of the Chimes Memorial Park, 32292 Mission Blvd; (APN 087-040-6-1, 6-2, 7)
- * Church of Jesus Christ of Latter Day Saints, 34201 Alvarado-Niles Rd; (APN 486-99-6)
- * Bethel Baptist Church, 4216 Dyer St; (APN 483-73-4-2)
- * St. Anne Catholic Church, 32223 Cabello St; (APN 483-76-67)
- * Our Lady of the Rosary Church, 703 C St (Decoto); (APN 486-15-52-1, 52-2)
- * N. Cal. First Korean Baptist Church, 32464/32462 Alvarado Blvd; (APN 483-49-28-2, 29)
- * SDES Alvarado, 30846 Watkins St; (APN 483-15-14)
- * Southern Alameda County Buddhist Temple, 32975 Alvarado-Niles Rd; (APN 475-148-2, 3)
- * Holy Family Catholic Ethnic Mission, 3880 Smith St; (APN 483-15-16-2)
- * Solid Rock Church of God in Christ, 33459 Mission Blvd (proposed project); (APN 486-3-32, 33 and portion of 486-3-34-1)
- * General Assembly Church of Union City, 33115 Central Ave; (APN 475-90-5)
- * Union City Apostolic Church, 33700 Alvarado-Niles Rd (APN 475-100-24-1) and 33520 Western Ave (APN 475-100-22-6)

Portions of the following properties will also be rezoned to accommodate the PI, Private Institutional zoning classification consistent with the Land Use Element of the 2002 General Plan:

- * Masonic Home for Adults, 34400 Mission Blvd; (APN 087-31-2-6, 3-3)
- * 8 acre undeveloped portion of the Accinelli property, 4717 Lowry Road; (APN 543-201-4-2)
- * 5 acre undeveloped portion of CalTrans properties, Alvarado-Niles Road & Fox Ave; (APN 87-11-15-14)
- * 1 acre undeveloped portion adjacent to the Alvarado Place Shopping Center, along Alvarado Blvd and Galaxy Way. (APN 483-40-50)

At this time, Mayor Green opened the hearing for public comment, those speaking in favor first.

John DiGiacomo, President of Union City Pastor's Alliance, spoke in favor of this designation.

There being no further comments in favor of this project, Mayor Green opened the hearing for comments of those speaking against this project.

This report presents the financial status of the City's operations at the mid-point of the current fiscal year (2002/2003).

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

Brian Kelly, Fire Chief, responded to questions regarding OES reimbursement on outside entity reimbursements.

Randy Ulibarri, Police Chief, responded to questions regarding the burglar alarm fees and the implementation.

Barry Ferrier complimented Council, City Manager and staff for discussing these numbers in front of the community and suggested adding the actual budget for the various items on future reports.

Mattie Rousseau questioned fee for burglar alarm and suggested having three false alarms before the fee is implemented and requested giving thought to those out of work when considering new taxes.

John Haley expressed a confidence in the process that is taking place regarding the budget.

Chris Carra, Filipinos for Affirmative Action, questioned why the Council would eliminate funding for community based organizations at this time since the State has not finalized their budget.

Representative from Filipino Youth Coalition, Filipinos for Affirmative Action, requested Council to not cut funding to their organization.

Mary Ellen Gallagher, Tri City Homeless Coalition, stated that all community based organizations provide services to all residents and their funds are being cut in all areas.

Rodney Clark, Executive Director, S.A.V.E. requested Council refrain from cutting funding to community based organizations.

Representative of Filipinos for Affirmative Action, stated that cutting free services reduces the quality of life in the city.

Christine Miller, Life Elder Care Executive Director, requested help to continue providing services to the residents.

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

Carlos Jocson informed Council that Fremont Council agreed on a 5-0 vote to meet with Union City. Fremont will present one or two alternatives to Union City; however, these alternatives provide no improvements to Union City.

Julian Hinojoza questioned what various alternatives have been submitted.

John Haley commented on the alternatives mentioned by Fremont.

Cecelia Chang, Fremont resident, stated the options proposed by Fremont to make Decoto Road six lanes is not a preferred option.

There was Council concurrence to meet with Fremont either on February 10 or 19, meeting to take place in Union City, with three alternatives for Union City on agenda. There should also include an item "Next Steps".

D. Follow-up Informational Report on the Proposed Re-Engineering of Landscape and Lighting Assessment District No. 2

This report is in response to Council questions regarding distribution of parcels and assessments for the proposed re-engineered LLAD and the balloting process.

Larry Cheeves gave the staff report.

There was no action required on this item.

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

The outcome of the January 27 negotiations with Comcast/AT&T representatives will be reported and discussed.

David Berger, City Manager, gave the staff report.

There was no action on this item.

F. Introduction of Ordinance: **ORDINANCE AMENDING THE CITY OF UNION CITY MUNICIPAL CODE SECTION 2.04.010 REGARDING SETTING TIME FOR THE GENERAL MUNICIPAL ELECTION**

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

Councilmember Valle moved, seconded by Vice Mayor Elias to introduce Ordinance moving election cycle from odd number years to even number years and the savings be set aside for social service programs in Union City.

AYES: 4 NOES: 1 (CDV) ABSENT: 0 INTRO ORD.
NO. 605-03

AUTHORITIES/AGENCIES - NONE

ORAL COMMUNICATIONS

Berry Ferrier spoke regarding design of rail crossings.

Julian Hinojoza commented on fireworks funding received by Logan Band and Color Guard.

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

There were no reports.

B. Request by Vice Mayor Elias to discuss the Patriot Act

Lawrence Swain, Interfaith Freedom Foundation, stated concern regarding religious freedoms that are perceived as an issue through the Patriot Act.

Harry Scott, Hayward resident, is pleased the Council is considering the problems regarding the Patriot Act and urged Council to adopt a resolution.

Julian Hinojoza commented on the Patriot Act and that there are too many threats to our civil liberties included in it.

Cecelia Chang, Fremont resident, feels the Patriot Act is terrifying, especially to immigrants.

Councilmember Valle and Vice Mayor Elias will meet to formulate recommendation to Council. This will return on a future agenda.

GOOD OF THE ORDER

There were no good of the Order items.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Valle to adjourn meeting at 12:58 a.m.

AYES: 5 NOES: 0 ABSENT: 0