

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
MARCH 11, 2003, 6:00 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:20 p.m.

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

**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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Pursuant to Government Code Section 54957)

Title: City Manager

Councilmember Valle arrived at meeting at 7:14 p.m

Meeting adjourned at 7:26 p.m.



Warren Sattler, Menlo Park, representing McKesson Corporation, spoke on the designs presented to the Planning Commission and the action of the Commission.

Vice Mayor Elias left the meeting at 7:46 p.m. and returned at 7:47 p.m.

## **HEARINGS - NONE**

## **REPORTS FROM CITY MANAGER**

### **A. Report regarding Patriot Act (Resolution)**

Councilmember Valle and Vice Mayor Elias are presenting their report and resolution for consideration by the Council regarding the Patriot Act.

Councilmember Valle stated he and Vice Mayor Elias met to discuss the Patriot Act and each met independently with various individuals and groups.

Seham El-Ansary, Fremont resident, commented on the freedoms of the United States.

Moina Shaiq, Fremont resident, representing Muslim Alliance, recommended approving the resolution against the Patriot Act.

David Bonaccorsi, Fremont resident, spoke against the Patriot Act.

Miles Price spoke against the Patriot Act.

Arshad Ali, Union City resident, spoke in favor of the resolution.

Cecilia Lee Chang, Fremont resident, spoke in favor of the resolution.

Mohammad Imaduddin, Fremont resident, spoke in favor of the resolution.

Lawrence Swaim, Fremont resident, Director of Interfaith Freedom Foundation, spoke in favor of the resolution.

Sunjeev Beny, ACLU, urged Council to pass resolution.

Harry Scott, Hayward resident, spoke in favor of resolution.

Mirza Imran Baig, Union City, spoke in favor of resolution and showed slides.

Fremont resident spoke in favor of the resolution.

Camille Sauve, Castro Valley resident, spoke in favor of the resolution.

Patricia Neal, Union City resident, urged Council to vote in favor of this resolution.

Julian Hinojoza, Union City resident, spoke in favor of this resolution.

Union City resident urged Council pass resolution.

Esther Ho, Hayward, urged Council pass resolution.

John Bass, Castro Valley, urged Council pass resolution.

Fremont resident urged Council pass resolution.

Councilmember Valle moved, seconded by Vice Mayor Elias to adopt resolution.

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 REGARDING THE USA PATRIOT ACT	ADOPT RESO. NO. 2367-03
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**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

Councilmember Valle moved, seconded by Vice Mayor Elias to adopt resolution.

AYES: 5                      NOES: 0                      ABSENT: 0

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS FOR 7 <sup>TH</sup> STREET AND LOWRY ROAD REHABILITATION, CITY PROJECT NO. 01-29	<i>Plans and specifi cations have been</i>
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*prepared for the 7<sup>th</sup> Street and Lowry Road Rehabilitation project. This project consists of base repair of failed pavement areas, asphalt concrete pavement milling, installation of pavement reinforcing fabric, asphalt concrete overlay, replacement of impacted traffic signal detector loops, replacement of pavement striping, removal of two sets of inactive spur railing tracks along 7<sup>th</sup> Street and installing sidewalk, curb and gutter.*

ADOPT  
RESO. NO.  
2368-03

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT TO YOUNGER-WUNAR, INC., OF EL CERRITO FOR OLD ALVARADO/CESAR CHAVEZ PARK GAZEBO, CITY PROJECT NO. 01-06

ADOPT  
RESO. NO.  
2369-03

*It is requested Council award the contract for Old Alvarado/Cesar Chavez Park Gazebo to Younger-Wunar, Inc., of El Cerrito. This project consists of replacing the existing deteriorated wooden gazebo with a structure made of metal and wrought iron. The new gazebo will meet ADA access requirements and meet design standards for this historical district.*

- E. Rejection of Claim No. 535

REJECT

Eleanora Arbin filed a claim alleging police harassment.

The title of Item C is as follows:

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT TO TRI-MODE, INC., OF PLEASANTON TO REPLACE EMERGENCY GENERATOR AT FIRE STATION NO. 2, CITY PROJECT NO. 02-27

*It is recommended Council award contract to Tri-Mode, Inc., of Pleasanton to replace the existing generator which has insufficient capabilities to meet the current load capacities. The new generator system will meet current and future anticipated load capacities for the entire facility.*

Mayor Green removed this item from the consent calendar to question differences in the amount of bids.

Mayor Green moved, seconded by Vice Mayor Elias to adopt resolution.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2370-03

The title of Item D is as follows:

D.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY REJECTING ALL BIDS AND AUTHORIZING AWARD OF NEGOTIATED CONTRACT FOR SITE PREPARATION

*It is being recommended for Council to reject all bids that were received regarding the special provisions that need to be made to accommodate the temporary relocation of frail elderly residents of El Arroyo Mobile Home Park and their caretakers.*

Mayor Green removed this item from the consent calendar to comment on the rejection of the bids and the original engineer's estimate.

Mayor Green moved, seconded by Vice Mayor Fernandez to adopt resolution, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. NO. 2371-03

**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 reported on meeting with NHUSD and stated that NHUSD's priority was to build another campus for expansion of Logan on parking lot and they were not in favor of any proposal for a library at that location. The issue of the parcel tax/bond measures were discussed

and NHUSD stated they intend to go on the November 2003 ballot. School safety at Logan was discussed; Chief Ulibarri gave view on recent activity. NHUSD provided a speaker from BRIDGE, all in attendance agreed to focus on intervention, prevention and education.

There was Council concurrence for Mayor to send letter to all school board members to have library issue on their next agenda.

There was a request to have the library issue on the March 25th agenda.

Councilmember Valle stated that NHUSD plans on building a school performing arts center in parking lot that would encroach on basketball courts.

There was an agreement with NHUSD for the subcommittee to establish quarterly meetings.

B. Request by Councilmember Dutra-Vernaci for discussion regarding animal shelter contract with City of Fremont

Councilmember Dutra-Vernaci wants Council concurrence to bring back on next agenda information on what Fremont is doing with the shelter and how it impacts our residents and city.

Police Chief Randy Ulibarri commented that Fremont hopes to backfill reductions with volunteers. He is expecting further information.

There was Council concurrence to place this on the March 25th agenda.

## **GOOD OF THE ORDER**

Councilmember Fernandez commented on letter received from Sharon Lachenmeyer suggesting to have a Greyhound Bus Station in Union City.

Councilmember Fernandez wants to improve acoustics in the Chambers and requested getting an estimate from an acoustical engineer.

Councilmember Valle commented on letter from HRC and feels there is an obligation to respond.

Mayor commented it is advisable to have joint meetings with all Commissions beginning in summer - one every six weeks. Wide open agendas with Park and Recreation Commission to be scheduled first. Council recessed meeting at 9:59 p.m. and reconvened in closed session at 10:15 p.m.

At 12:30 a.m. City Attorney Michael Riback announced in open session that there was concurrence by the Council to accept the offered resignation of City Manager David Berger effective immediately.

Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting at 12:32 a.m.

AYES: 5            NOES: 0            ABSENT: 0