

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
FEBRUARY 24, 2004, 5:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

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

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

There being no public comments, the Council met in closed session on the following:

A. APPEAL OF REVOCATION OF LICENSE/PERMIT
(Pursuant to Section 54956.7 of the California Government Code)

Title: Appeal of Revocation of Driver's Permit to Operate Union City Paratransit Bus

B. CONFERENCE WITH LABOR NEGOTIATORS:
(Pursuant to Section 54957.6)

Agency designated representatives: Larry Cheeves, City Manager; Tony Acosta, Deputy City
Manager; Rich Digre, Administrative Services Director

Employee Organization: Local 790, IAFF Local 1946, and Police Officers
Association

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

Number of Cases: Two

D. PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957)

Title: City Manager

ADJOURNMENT

Meeting adjourned at 7:16 p.m. and will resume after the end of the regular session.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, FEBRUARY 24, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:21 p.m. and led the audience in the salute to the flag.

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

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

Mayor Green read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Regular City Council meeting of Tuesday, January 27, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

B. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, February 10, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS - NONE

ORAL COMMUNICATIONS

Lonnie Amaya 33638 13th Street, expressed concern regarding POA Union leadership and spoke against Measure K.

Carmen Saldivar spoke against Measure K.

Linda Fernandes, 2446 Regal Drive, Citizens for Yes on K, expressed support for Measure K in that it

will maintain public safety.

Leonor Amaya, 33638 13th Street, questioned police staffing, funding for police and possible layoffs.

Councilmember Elias moved, seconded by Councilmember Valle to move Item VIII B to this point on the agenda.

REPORTS FROM CITY MANAGER

B. Initial Investigation of Issues and Problems at Contempo

This report addresses the results of neighborhood meetings that were held in the Contempo community. Staff is requesting direction on specific solutions in order to prepare an implementation plan.

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

Suggested Resource Office become part of process

Councilmember Dutra-Vernaci reported that Tim May offered his assistance in this process.

Dave Larsen, General Counsel for Contempo Homeowners Association, commented on efforts taken by the association to improve the area, and expressed hope that the City will work with the association and requested opportunity to be a part of the process.

Carmen Saldivar commented on redevelopment funds used for resource center and staffing.

Maria Pineda 4236 Solar Circle commented on drug paraphernalia found in her area and lack of police response.

Donna Floyd, President of Contempo Homeowners Association, commented on the accomplishments of the Contempo area and requested the City work with them for improvements.

Julia Lloyd, 4123 Asimuth Circle, Boardmember of the Homeowners Association, stated they are working on their problems and would like to continue to work on the improvements that are taking place.

George Adas commented on other areas in town that also need improvements.

Councilmember Valle moved, seconded by Mayor Green to accept the report as a first phase of a process to achieve ultimate improvement of this area and direct staff to proceed with a draft implementation plan.

AYES: 5

NOES: 0

ABSENT: 0

HEARINGS

A. **HEARING RE: COST RECOVERY FOR DEMOLITION OF ABANDONED BOWLING ALLEY AT 14 UNION SQUARE**

It has been reported to the City, that due to illness, Mr. Litke was hospitalized and is now indisposed. Through his attorney, he has requested a one month continuance of the Recovery hearing. Staff and City Attorney recommend the hearing opened, then continued to the March 23, 2004 Council meeting.

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

There were no public comments on this item.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to continue this hearing to March 23, 2004.

AYES: 5

NOES: 0

ABSENT: 0

B. **HEARING RE: ISSUANCE OF ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS INSURED REVENUE BONDS (ELDER CARE ALLIANCE OF UNION CITY)** (Resolution)

This is a required TEFRA hearing for the issuance of bonds by ABAG for the Assisted Living component of the Senior Village.

Funding Source for this project: No City funds will be used

Vern Smith, Housing Coordinator, gave the staff report.

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

With no public comments on this item, Mayor Green closed the public hearing.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to adopt resolution, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. NO. 2582-04

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE ISSUANCE OF THE ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS INSURED REVENUE BONDS (ELDER CARE ALLIANCE OF UNION CITY), SERIES 2004, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF ASSISTED LIVING FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

Item C was addressed in a joint session of the Community Redevelopment Agency and the City Council.

- C. HEARING RE: **FIRST AMENDMENT TO FIRST AMENDED AND RESTATED DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT FOR UNION CITY SENIOR VILLAGE ASSISTED LIVING COMPONENT** (Resolutions)

This is an amendment to the DDLA to revise timelines and funding allocations for the Assisted Living component of the Senior Village.

Funding Source for this project: Redevelopment Housing Funds

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

With no public comments on this item, Mayor Green closed the public hearing.

Councilmember/Agencymember Elias moved, seconded by Vice Mayor/Vice Chair Fernandez to adopt resolutions, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolutions adopted by the above stated motion are as follows:

| | |
|---|----------------------------|
| RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH ELDER CARE ALLIANCE OF UNION CITY AND INCORPORATING STATUTORY FINDINGS AND APPROVALS BY REFERENCE IN CONNECTION WITH DEVELOPMENT OF THE UNION CITY SENIOR VILLAGE DEVELOPMENT ASSISTED LIVING COMPONENT ON ALVARADO-NILES ROAD WITHIN THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT AREA | ADOPT RESO. NO. 2583-04 |
|---|----------------------------|

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH ELDER CARE ALLIANCE OF UNION CITY AND INCORPORATING STATUTORY FINDINGS AND APPROVALS BY REFERENCE IN CONNECTION WITH DEVELOPMENT OF THE UNION CITY SENIOR VILLAGE DEVELOPMENT ASSISTED LIVING COMPONENT ON ALVARADO-NILES ROAD WITHIN THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT AREA

ADOPT RDA
RESO. NO. 290-04

Vice Mayor Fernandez stepped down to due a conflict of interest with Item D.

- D. HEARING RE: **ZONING TEXT AMENDMENT, AT-02-04; SITE DEVELOPMENT REVIEW, SD-02-04; AND USE PERMIT, UP-01-04, MANILA DENTAL CENTER** (Introduction of Ordinance) (Resolutions)

The Zoning Text Amendment is a request to modify the CLU (Union Landing Commercial) zoning district to conditionally permit medical and dental uses in stand alone buildings within the Subregional Specialty Commercial (SRSC) Development Type, provided that it can be demonstrated that parking and circulation would prevent the practical use of the site for retail commercial purposes. The Site Development Review permit would allow the construction of the one-story stand alone building on the project site. The Use Permit would conditionally allow the establishment of the dental office in the proposed building, contingent upon approval of the Zoning Text Amendment.

Aki Honda, Planner, gave the staff report.

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

With no public comments on this item, Mayor Green closed the public hearing.

There was Council concurrence to condition the front row of trees to be of a variety which would enhance chances to be transplanted somewhere in the park system, when the widening of Alvarado Boulevard takes place.

Councilmember Valle moved, seconded by Councilmember Elias to adopt resolutions, numbered appropriately, and introduce ordinance, reading of title to suffice.

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

The title of the Ordinance introduced by the above stated motion and the titles of the

resolutions are as follows:

| | |
|---|----------------------------|
| AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-02-04 | INTRO ORD. 620-04 |
| RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW APPLICATION (SD-02-04) | ADOPT RESO. NO. 2584-04 |
| RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING USE PERMIT APPLICATION (UP-01-04) | ADOPT RESO. NO. 2585-04 |

At 9:08 p.m. Council recessed, reconvening the meeting at 9:25 p.m.

Vice Mayor Fernandez returned to the meeting at this time.

REPORTS FROM CITY MANAGER

A. Report on Crisis Intervention Counseling Program

This report provides information on the Crisis Intervention Program established in 1999 to strengthen families in crisis and prevent juvenile crime.

Police Chief Randy Ulibarri gave the staff report, and introduced Patricia Abadesco, supervisor of the intervention program who spoke about the services provided by the program.

Counselor Christi Potter gave an overview of the Parent Project.

Jerome Brown commented on the impact of this program on him and his family.

Victoria Sorabia commented on the impacts of the counseling on her life.

Vince Delacruz commented on the change in him since attending counseling.

Sherrie Costa commented on the positive effects of attending counseling on her family.

Susan Kid spoke about the tragedy at Central Park West where counseling by this program assisted many of those that live at Central Park West.

J. J. Amaya commended the program, but reminded Council that the purpose of this program was initiated to assist in calming a crisis situation.

Leonor Amaya expressed various concerns regarding the program.

There was no action on this item.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES

A. Report on Chapel of the Chimes (Resolutions)

Site Development Review approval for Phase 2 of this Long Range Master Plan, which includes the development of the Hillside Terrace and Use Permit approval for a Long Range Master Plan. This report provides clarification as to the visibility, grading, traffic impact, and legal opinion of complying with terms as set forth in the voter approved Hillside Area Plan.

Joan Malloy, Planning Manager, gave the staff report.

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

AYES: 5 NOES: 0 ABSENT: 0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-09-03 FOR THE CHAPEL OF THE CHIMES ADOPT RESO. NO. 2586-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING USE PERMIT UP-06-03 ADOPT RESO. NO. 2587-04

CONSENT CALENDAR/RESOLUTIONS

(All matters listed under the Consent Calendar are considered routine City Council or Redevelopment Agency items by the City Staff and may be enacted by the City Council/Agency by one motion in the form listed below. There will be no separate discussion of these items unless, before the City Council/Agency votes on the motion to adopt, Members of the City Council/Agency, staff, or the public request specific items to be removed from the Consent Calendar for separate action).

Mayor Green requested Item B removed from the consent calendar.

Councilmember Elias moved, seconded by Councilmember Valle to adopt Item A and approve Item C; resolution numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY IN SUPPORT OF MEASURE A

ADOPT RESO. NO. 2588-04

This resolution endorses Measure A, the Essential Health Care Services Tax Initiative which will provide an estimated \$90 million annually for essential medical services in Alameda County.

C. Rejection of Claims Nos. 550 and No. 569

The City’s Claim Administrator is requesting rejection of a cross-complaint regarding Claim No. 550 filed by Dao Ngo for alleged personal injury from a trip and fall. The City’s Claim Administrator is requesting rejection of a claim filed by Shanicie Lacy for damages to her vehicle from a pothole that was located within the Fremont City limits.

Claim No. 550 and No. 569 were rejected by the earlier stated motion.

The title of Item B is as follows:

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF AUTHORIZING CITY MANAGER TO SIGN COOPERATIVE AGREEMENT AMONG CITY OF UNION CITY, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY, AND THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FOR THE IMPLEMENTATION OF THE UNION CITY INTERMODAL STATION DISTRICT PHASE 1 PROJECT

Staff is requesting adoption of the resolutions approving the Cooperative Agreement which identifies the components of the Intermodal Station Phase One Project and the responsibilities of Union City and BART.

Funding Source for this project: Alameda County Transportation Improvement Program; 2002 STIP Funds, governor’s Traffic Congestion Relief Program, ACT Transit FTA Grant, Redevelopment Agency Intermodal Fund, Alameda County Congestion Management Agency

Mayor Green removed Item B to comment on meeting with BART and receiving their cooperation with this agreement.

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

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
RESO. NO. 2589-04

ADOPT RDA
RESO. NO. 291-03

ORAL COMMUNICATIONS

There were no speakers under this section.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF JANUARY

A. Approval of disbursements for payment for January 2004

Vice Mayor Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve disbursements for payment for January 2004.

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

Councilmember Dutra-Vernaci reported attending the League of California Cities meeting where John Russo spoke on the November ballot initiative "Local Taxpayers and Public Safety Protection Act" and stressed city involvement in gathering signatures.

GOOD OF THE ORDER

Councilmember Elias requested Vice Mayor Fernandez to be in attendance when Mayors from Fremont and Union City meet to discuss options for Route 84.

There was Council concurrence to advise Fremont City Council that Vice Mayor Fernandez will be in attendance when Mayors from Fremont and Union City meet to discuss options for Route 84.

Councilmember Valle reminded Council that the Science Faire takes place this week at Logan and the awards are scheduled between 3:00 p.m. - 4:00 p.m.

Vice Mayor Fernandez questioned the rumors about Drigon Park closing.

City Manager Cheeves stated no closures of any parks have been brought to the Council. Drigon Park closes when its rainy weather and the turf gets too soggy or wet.

Mayor Green congratulated City Clerk Linda West upon her acceptance into the Master Municipal Clerk Academy.

Councilmember Valle moved, seconded by Councilmember Elias to adjourn regular meeting at 10:47 p.m. Council reconvened in closed session.

ADJOURNMENT 10:46 p.m.

At 12:00 a.m. Council came out of Closed Session. City Attorney Michael Riback announced that action was taken in the closed session to grant the appeal of the bus driver, and authorize reissuance of her driving permit. Council also approved the employment agreement with City Manager Larry Cheeves.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting at 12:03 a.m.

AYES: 5 NOES: 0 ABSENT: 0