

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
MARCH 9, 2004, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Fernandez called the meeting to order at 6:10 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:

CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATORS

(Significant exposure to litigation pursuant to subdivision (b) of Section 54957.6)

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

Employee Organization: Local 790

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (b) of Section 54957.6)

Number of Cases: One

ADJOURNMENT

**MINUTES OF THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, MARCH 9, 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.

Mayor Green read the rules for conduct of the meeting.

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

There came to the attention of the Council an urgency item to be placed on the agenda. Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to place the item "Emergency Repairs to Civil Center Heating Ventilation and Air Conditioning (HVAC Unit, City Project NO. 04-01" on the agenda.

Larry Cheeves, City Manager, gave the staff report.

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Fernandez to approve 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 AWARDED CONTRACT TO YAMAS CONTROLS, INC., FOR
THE EMERGENCY REPAIRS OF THE CIVIC CENTER HEATING
VENTILATION AND AIR CONDITION (HVAC) UNIT

ADOPT RESO.
NO. 2590-04

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Adjourned Regular City Council meeting of Monday, February 9, 2004

Linda Fernandes thanked the Council for the resolution and spoke about the good that can occur when a community works together.

Sandi Holder commented on the support for the Police Department and Fire Department by the community.

Lynne Mattos thanked the citizens for their support.

Chris Maxwell, Fire Chief, thanked the voters for their support.

Randy Ulibarri, Police Chief, thanked the committee and the community for their support for police services.

At 7:27 p.m. Council recessed for a reception in honor of the Committee for Yes on Measure K.

Meeting reconvened at 7:51 p.m.

ORAL COMMUNICATIONS

John Haley commented about speed limit on 7th Street from Decoto Road to Mission Boulevard, would prefer a limit of 30mph.

Laurie Pascual commented on chlorine in our drinking water.

George Adas commented on lights on Tidewater Drive, weeds on overpass, street signs indicating pedestrian crossing, and traffic on Alvarado Niles Road

Larry Cheeves responded that speed limits are set by surveys which are done every five years. If it time for another survey, one will be done.

Mayor Green directed Ms Pascual to ACWD for drinking water concerns.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Report on Fiscal Year 2004/05 Budget; Measure K - Public Safety Parcel Tax Implications

Rich Digre, Administrative Services Director, gave the staff report.

There was no action taken on this item.

Councilmember Valle recused himself from Item B due to a conflict of interest.

B. Status Report and Recommendations on Procurements Efforts for Solid Waste Collection and Disposal, Organic Waste Collection and Recycling, and Recyclable Materials Collection and Processing

Tony Acosta, Deputy City Manager, gave the staff report.

Gertrude Corchero questioned the size of the garbage container.

George Adas questioned process for providing a bulky waste pickup, and questioned provisions for handicap or elderly residents.

John Haley congratulated staff on the presentation of the report, and stated his preference on the bulky pickup.

Vice Mayor Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve the staff report recommendations for an RFP for Solid Waste Collection and Disposal, and Organic Waste Collection and Recycling.

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

Councilmember Valle returned to the meeting at this time.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

CONSENT CALENDAR/RESOLUTIONS

Councilmember Valle requested removal of Item F from the consent agenda.

Vice Mayor Fernandez requested to remove Item H from the consent agenda.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to move approve Items A-E, and G, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING UNION LANDING TRANSIT CENTER, CITY PROJECT 00-30 ADOPT RESO. NO. 2592-04

Svala Construction, Inc. has completed this project in accordance with plans and specifications. The project consisted of a transit hub in Union Landing Center and established a new timed-transfer connection for both Union City and AC Transit. The nine bus-bay transit facility includes a transit building, pedestrian shelters, a clock tower, public restrooms, bike facilities, transit signing, lighting, landscaping and irrigation./ This project also included the frontage widening of Union Landing Boulevard. Funding for this project is through a Transportation Development Act (TDA) 4.0 Grant for Transit Capital improvements collected from Fiscal Years 2001/02 and 2002/03

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING UNION LANDING GATEWAY SIGNS, CITY PROJECT NO. 02-04 ADOPT RESO. NO. 2593-04

John Clay General Engineering Contractor, Inc., has completed City Project 02-04 as specified in the contract. The project consisted of constructing a concrete wall and footing systems with signs, graphics, earthwork, a drainage system, up-lighting, irrigation and planting at the Dyer Street and Alvarado-Niles Road intersection, both sides of Courthouse Drive and Dyer Street intersection, and in the median of Courthouse Drive at Dyer Street. Funding for this project is through the Community Facility District 97-1 (Dyer Street Triangle) budget

- C. RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF UNION CITY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AWARDING CONTRACT FOR ADVANCE GRADING PLAN FOR PG&E UTILITY RELOCATION, CITY PROJECT NO. 03-24 ADOPT RESO. NO. 2594-04 ADOPT RDA RESO. NO. 292-04

There is an existing 32 KV power line that serves the BART station. This lines parallels Decoto Road and is located approximately 50-60 feet from the curb face and runs from the east property lie to BART station bisecting the PG&E property. If this power line remains in its present location, it will drastically limit the development of the north portion of the property as no permanent structure can be built on top of a power line. PG&E will relocate this line at their cost to as close to the back of the sidewalk provided the City construct a shelf to accommodate the relocation. This resolution approves awarding contract to Advance Grading Plan for relocating this line.

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS, SPECIFICATIONS AND ESTIMATE FOR CITY PROJECT NO 01-36, 11TH STREET EXTENSION PROJECT

ADOPT RESO.
NO. 2595-04

This resolution approves calling for bids on City Project 01-36, 11th Street Extension Project. This enhanced roadway system has been designed as a pedestrian and bike friendly facility to compliment the proposed transit-oriented, mixed use development which will include housing, office, commercial, open space and some type of community facility. The bid opening is scheduled for April 6, 2004. Funding for this project is by the Community Redevelopment Agency

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING TENTATIVE PARCEL MAP TPM 8306

ADOPT RESO.
NO. 2596-04

Initiated by Nelida Campos, property owner, requesting approval of a Tentative Parcel Map to subdivide a vacant property located at the corner of Depot Road and Decoto Road (APN 486-0027-123) into two parcels. Parcel 1 will be 5,005 square feet and Parcel 2 will be 6,823 square feet. No structures are being proposed at this time. The project is categorically exempt under Section 15315, Class 15 of the California Environmental Quality Act (CEQA).

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW APPLICATION, SD-04-04

ADOPT RESO.
NO. 2598-04

*Initiated by Wal*Mart Stores, Inc., the applicant is requesting approval to construct an 11,121 square foot garden center at 30600 Dyer Street (APN 463-60-031). The project is consistent with the Negative Declaration concerning environmental impacts adopted October 5, 1992.*

The title of Item F is as follows:

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW APPLICATION SD-01-04

Initiated by Cedric Young on behalf of Dyer Triangle, LLP, the applicant is requesting approval to construct a 7,580 square foot bank and retail building on the remaining undeveloped pad (47,598 square feet) in the Century Theater Center, located at 32101 Union Landing Boulevard (APN 463-60-42). The project would be implemented in conjunction with a reconfiguration of the theater parking lot. The development of this pas was addressed in project application SD-12-97 and environmentally cleared in the Dyer Street Triangle EIR.

Councilmember Valle removed Item F from the consent calendar to state that the condition of a drive through is unacceptable.

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

AYES: 3 NOES: 2 ABSENT: 0 ADOPT
RESO. NO. 2597-04

Vice Mayor Fernandez recused himself from hearing Item H, due to a conflict of interest.

The title of Item H is as follows:

H. FINAL READING ORDINANCE NO 620-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-02-04

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.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to approve Item H, with the amendment of including optical uses in Union Landing.

AYES: 4 NOES: 0 ABSENT: 1 (MF) FINAL ORD.
620-04

City Attorney Michael Riback read the title of the Ordinance as adopted by the above stated motion.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF FEBRUARY

A. Approval of disbursements for payment for Month of February 2004

Councilmember Valle moved, seconded by Councilmember Elias to disbursements for month of February 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 East Bay Division meeting where the discussion is on the League sponsored ballot initiative. The initiative is in the signature gathering phase and Union City is one of the sites chosen. There will be people gathering signatures for the league Saturday at Union Landing. This ballot initiative would prevent the State from taking city, county, and local agencies fund for State purposes without going to voters for approval.

GOOD OF THE ORDER

Councilmember Valle thanked staff who helped out with Measure K, and commented on budget process.

Councilmember Dutra-Vernaci requested an item on next agenda, Request to have discussion on candidates paying for own filing fees.

Councilmember Elias thanked all who helped with Measure K, and commented on meeting minutes from joint meeting with Fremont.

Councilmember Elias stated it would be appropriate to have resolution to present to NHUSD for their support of Measure K.

Mayor Green commented on upcoming meeting with NHUSD where crossing guards and SRO's will be on the agenda.

Mayor Green questioned status of library and gymnasium grants.

Tony Acosta, Deputy City Manager, responded that there has been no word regarding the library grant; however, more documentation has been requested regarding the gymnasium grant will means it is now under serious evaluation for funding.

Mayor Green commented on Shorty Garcia fields.

Mayor Green congratulated the success of the Science Faire.

Larry Cheeves, City Manager, commented on the acceptance of the CPRS award.

At 9:28 p.m., Councilmember Valle moved, seconded by Councilmember Elias to adjourn meeting to Tuesday, March 16 at 7:00 p.m. for the budget workshop.

AYES: 5 NOES: 0 ABSENT: 0