

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
APRIL 13 2004, 6:15 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

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

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

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

**CLOSED SESSION:**

**A. LIABILITY CLAIM**

Claimant: Beverly Aldridge

Claim against Union City for bodily injury  
(Pursuant to Section 54956.95 of the California Government Code)

Mayor Green arrived at the meeting at 6:25 p.m.

**B. CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Section 54957.6 of the California Government Code)

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

Employee Organization: Local 790, Police Officers Association, Professionals,  
Fire, Management

Councilmember Valle arrived at the meeting at 6:55 p.m.

**ADJOURNMENT**

Meeting adjourned at 7:05 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, APRIL 13, 2004, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:08 p.m. and led the audience in the salute to the flag.

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

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.

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, March 16, 2004

Councilmember Dutra-Vernaci moved, seconded by Councilmember Valle to approve minutes as submitted.

AYES: 5                      NOES: 0                      ABSENT: 0

- B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, March 17, 2004

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

AYES: 5                      NOES: 0                      ABSENT: 0

- C. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, March 23, 2004

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

AYES: 5                      NOES: 0                      ABSENT: 0

D. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, March 30, 2004

Dave Bhatia stated he spoke at this meeting regarding the chiller.

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

AYES: 5                      NOES: 0                      ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS**

A. Resolution in honor of John Tester for his service on the Park and Recreation Commission

Councilmember Elias moved, seconded by Councilmember Valle to approve resolution, read in its entirety.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. NO. 2611-04

Mayor Green read the resolution in its entirety and presented it to John Tester who thanked the Council for the recognition.

B. Resolution in honor of Pat Gacoscos for her service on the Human Relations Commission

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

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. NO. 2612-04

Mayor Green read the resolution in its entirety and presented it to Pat Gacoscos who thanked the Council for the recognition.

C. Proclamation proclaiming April 18-24, 2004 as National Library Week

Councilmember Elias moved, seconded by Councilmember Valle to approve proclamation, read in its entirety.

AYES: 5                      NOES: 0                      ABSENT: 0

Mayor Green read the proclamation in its entirety and presented it to a representative of the Alameda County Library who thanked the Council for their support and recognition, and encouraged all to attend a performance by Folklorica on Sunday, April 18, 2004, at 2:00 p.m.

D. Proclamation proclaiming Month of April 2004 as Fair Housing Month

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

AYES: 5                      NOES: 0                      ABSENT: 0

Mayor Green read the proclamation in its entirety and presented it to Jessica Bradford on behalf of Echo Housing, who thanked the Council for their support and recognition.

**ORAL COMMUNICATIONS**

Dave Bhatia commented on safety at Union Landing.

Deborah Szabo commented on water nutrition and the City budget.

Tadelle Yifru commented on opening day April 17<sup>th</sup> for AYSL.

Laurie Pascual commented on the danger of chloramine in the water.

Gloria New expressed concerns regarding new retail being considered by the City of Hayward.

**HEARINGS - NONE**

**REPORTS FROM CITY MANAGER**

A. Report from Citizens Budget Advisory Committee

Kevin Harper, representing the Citizens Budget Advisory Committee, commented on the focus of the Committee; stated they would follow up at a Council meeting in May with any of Council's suggestions.

B. Report on requiring Council candidates to pay their prorated share of costs for printing of candidates statements

Linda West, City Clerk, gave the staff report.

John Haley stated that a candidate should not run for office if they cannot afford to pay the fee.

Councilmember Valle moved, seconded by Vice Mayor Fernandez to approve staff recommendation to establish the amount of \$500 to be paid in advance by each candidate who elects to file a Candidate's Statement. Each candidate must pay this deposit in advance as a condition of having his or her statement included in the voter's pamphlet. Should this amount not cover the entire cost of printing the candidate's statements, the City would bear the balance of the cost.

AYES: 5 NOES: 0 ABSENT: 0

C. Report on proposed reduction of City Council Salary

Michael Riback, City Attorney, gave the staff report.

Councilmember Elias moved, seconded by Councilmember Valle to include a 5% reduction in Council's salary as part of the budget adoption process.

AYES: 5 NOES: 0 ABSENT: 0

At 9:20 p.m. Council met in joint session with the Community Redevelopment Agency.

*Item A was discussed in a joint meeting of the City Council and the Community Redevelopment Agency.*

A. Allocation of \$250,000 in Redevelopment Tax Increment funds to staff Community Police Officers in Decoto and Contempo

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

Member of COR thanked everyone for their support of Measures A and K, and encouraged the Council to keep the SRO's, COPs and PAL programs.

Spanish interpreter for Ms. Valencia relayed her comments about concern for her daughter's safety due and encouraged Council to keep the police officers at the Decoto and Contempo Resource Centers.

George Adas expressed support for the COPs program and Crisis Intervention.

Mayor Green moved, seconded by Councilmember Valle to support staff recommendations.

Mayor Green amended his motion to approve staff recommendation to prepare a budget that appropriates an additional \$250,000 from Agency Tax Increment to fund one community resource officer at Contempo and one community resource office at Decoto.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Dutra-Vernaci to direct staff to prepare an appraisal for the teen workshop on Mission Boulevard, and authorize the Agency to purchase the property from the City for fair market value.

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

**AUTHORITIES/AGENCIES - NONE**

**REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE**

**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 Items A, C, F and G removed from the consent agenda.

Mayor Green stated that staff has requested to remove Item J from the consent calendar and continue the item to April 27, 2004.

Vice Mayor Fernandez requested Item D removed from the consent agenda.

Councilmember Valle moved, seconded by Councilmember Elias to approve Items B, E, H-L, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

The titles of Items B, E, H-L approved by the above stated motion are as follows:

B.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF                      ADOPT RESO.  
          UNION CITY DECLARING THE RESULTS OF THE MARCH                      NO. 2613-04  
          2, 2004 SPECIAL ELECTION

*A special municipal election was held in the City of Union City on March 2, 2004 for the adoption of the Public Safety Parcel Tax Measure. This resolution declares the results of this election.*

E.        Introduction of Ordinance: AN ORDINANCE OF THE CITY OF                      INTRO. ORD.  
          UNION CITY AMENDING TITLE 2 OF THE UNION CITY                      NO. 623-04  
          MUNICIPAL CODE ESTABLISHING THE NUMBER OF  
          COMMISSIONERS ON CITY COMMISSIONS

*There is a desire of the City Council to increase the number of members on the Senior Citizens Commission and to decrease the number of members of the Human Relations Commission. This ordinance will also amend Chapter 2.20 to correct an error in Ordinance 563-01 which should have established the number of members of the Park and Recreation Commission at seven.*

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING FEMA GRANT FOR FIRE PREVENTION EQUIPMENT AND AUTHORIZING USE OF THE CITY'S FUNDS FROM THE EXISTING FIRE DEPARTMENT CAPITAL BUDGET ADOPT RESO. NO. 2614-04

*The Federal Emergency Management Agency approved the Union City Fire Department 2003 grant application for Fire Prevention in the amount of \$73,550.00. 70% of the approved amount is the Federal share, and 30% is the City's share of the cost. It is recommended the Council accept the FEMA Grant Award No. EMW-2003-FG-16644 for the Union City Fire Department Fire Prevention equipment and authorize the use of \$22,065.00 from the existing Fire Department capital budget.*

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR QUARRY LAKES BIKE AND PEDESTRIAN IMPROVEMENTS, CITY PROJECT NO. 02-08 ADOPT RESO. NO. 2615-04

*Contractor has completed work shown on the project plans involving the installation of a new traffic signal bike and pedestrian path, repairing and paving Quarry Lakes Drive, reconfiguration of intersection of Osprey and Quarry Lakes Drive, striping and other miscellaneous items. This resolution accepts the improvements by Redgwick Construction Company.*

- K. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7369 ADOPT RESO. NO. 2616-04

*Tract 7369 is a 4.8 acre parcel which extends between Hop Ranch Road and Dowe Avenue approximately 200 feet southwest of Alvarado-Niles Road. The site was subdivided into 30 single family dwelling lots and two duplex/townhouse lots. Full street improvements, consisting of paved roads, curb, gutter, sidewalk, underground utilities, and street lights have been provided. This resolution accepts public improvements for Tract 7369, Braddock and Logan Group.*

- L. Rejection of Claims Nos. 571, 574, 575 and 577

*The City's Claim Administrator is requesting rejection of Claim No. 571 filed by Kimberly Brueninger regarding allegations against UCPD; rejection of Claim No. 574 filed by Daryl L. Dewayne regarding allegations of brutality by UCPD; rejection of Claim No. 575 filed by*

*Dale Scott Heineman for alleged improper tow of a vehicle by UCPD; and rejection of Claim No. 577 filed by Sandy Van regarding vehicle damage sustained allegedly as a result of construction work.*

The above claims were rejected by the earlier stated motion.

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY IN APPRECIATION TO NEW HAVEN UNIFIED SCHOOL DISTRICT FOR SUPPORT OF MEASURE K

*This resolution is in appreciation to the New Haven Unified School District Board for their support of the City of Union City's Parcel Tax, Measure K.*

Mayor Green requested Item A removed from the consent agenda to request concurrence of the Council for him to present the resolution to the School Board at their next regular meeting.

Council concurred for Mayor Green to present the resolution to the New Haven Unified School Board at their next regularly scheduled meeting.

Councilmember Elias moved, seconded by Councilmember Valle to approve Item A, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2617-04

The title of Item C is as follows:

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-05-04, USE PERMIT UP-02-04, AND VARIANCE V-01-04, PAPPAS LP., COURTHOUSE DRIVE, UNION LANDING

*Initiated by the applicant, Pappas Union City, LP., is requesting Site Development Review approval to construct three shop buildings and a bank pad for a total of 38,846 square feet. The applicant is also requesting a Use Permit to allow 5,000 square feet of restaurant uses and 2,500 square feet of ancillary food uses in a Sub-regional Specialty Commercial area in the Union Landing Commercial District; and a Variance for 25 parking spaces to accommodate the restaurant uses. The subject site is located on Courthouse Drive and Dyer Street and is identified as Assessor's Parcel Number APN: 463-60-51. A program EIR was adopted for Union Landing in 1995 and a draft Negative Declaration was prepared to address the construction of 316,000 square feet of retail commercial, which included the project site, therefore, no additional environmental review is required.*

Mayor Green requested Item C removed from the consent calendar to discuss the usage

restrictions, tenant mix, and the PBID.

Thad Johnson, Pappas Investments, commented on their commitment to the BPID, if the process is a voluntary one.

Craig Burress, leasing agent for the property, commented on the types of tenants they are trying to attract.

Mark Marvelli, architect, addressed design issues raised by Councilmember Valle.

Councilmember Elias moved to approve staff's recommendation.

There was no second to this motion.

Mayor Green moved, seconded by Councilmember Elias to approve staff recommendations with the amendment that parking shall be unrestricted; the applicant shall agree to the formation and pay its fair share of a Property Based Business Improvement District (PBID) for the property that comprises this project (SD-05-04). The PBID shall pay for city policing services in Union Landing.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. NO. 2618-04

The title of Item D is as follows:

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-06-04, USE PERMIT UP-03-04; BEN CHAWLA, 449 RIVIERA DRIVE

*Initiated by the property owner, Ben Chawla, is requesting approval to construct a new two and a half story, 4,360 square foot single-family residence with an attached three-car garage located at 449 Riviera Drive and is identified as Assessor's Parcel Number APN: 087-0096-020. Use Permit approval is required for any development project in the Hillside Combining District, which includes the subject property. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.*

Vice Mayor Fernandez removed this item from the consent agenda to express concern on behalf of a resident that this site will not be able to support the proposed home.

Mark Leonard, Community/Economic Development Director responded that the geotechnical concerns have been discussed addressed.

Vice Mayor Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve Item D, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT RESO.  
NO. 2619-04

The title of Item F is as follows:

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO SERVE ON THE SENIOR CITIZENS COMMISSION

*Interviews were held on Tuesday, March 30 with applicants to fill vacancies on the Senior Citizens Commission. This resolution appoints three individuals to serve for four year terms expiring March 30, 2008.*

Mayor Green moved, seconded by Councilmember Elias to appoint Margaret Tai, Estrellita Munsayac, and Domingo Filardo to the Senior Citizens Commission.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT RESO.  
NO. 2620-04

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO SERVE ON THE HUMAN RELATIONS COMMISSION

*Interviews were held on Tuesday, March 30 with applicants to fill vacancies on the Human Relations Commission. This resolution appoints individuals to serve four year terms expiring March 30, 2008.*

Mayor Green moved, seconded by Vice Mayor Fernandez to appoint Dianne Gates-Anderson and Phyllis Gray to the Human Relations Commission.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT RESO.  
NO. 2621-04

Item J was removed from the consent calendar and continued to April 27, 2004.

J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONSTRUCTION CONTRACT FOR CITY PROJECT NO. 01-36, 11<sup>TH</sup> STREET EXTENSION

*The 11<sup>th</sup> Street project is an enhanced four-lane roadway system designed as a pedestrian and bike friendly facility to compliment the proposed transit-oriented, mixed-use development which includes housing, office, commercial, open space and some type of community facility. This resolution authorizes the City Manager to execute contract agreement for the 11<sup>th</sup> Street Extension project on the former PG&E site from Dacoit Road to the PSSC site.*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT  
WITH MARK THOMAS AND CO., INC. FOR CONSTRUCTION ADMINISTRATION,  
CONSTRUCTION INSPECTION, SURVEYING AND MATERIAL TESTING FOR CITY  
PROJECT NO. 01-36, 11<sup>TH</sup> STREET EXTENSION

*This resolution authorizes the City Manager to execute a contract for construction administration, construction inspection, construction staking and material testing of the 11<sup>th</sup> Street Extension project.*

**ORAL COMMUNICATIONS**

There were no requests to speak under this item.

**CORRESPONDENCE - NONE**

**APPROVAL OF BILLS - MONTH OF MARCH**

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

Councilmember Elias moved, seconded by Vice Mayor Fernandez to approve disbursements for payment.

Mayor Green moved, seconded by Councilmember Elias to appoint Margaret Tai, Estrellita Munsayac, and Domingo Filardo.

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 Elias reported discussing with Alameda County Librarian Linda Wood the possibility of having a joint library bond with the City of Newark in the year 2005.

**GOOD OF THE ORDER**

There were no items.

At 11:32 p.m. Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting to Tuesday, April 27, 2004.

AYES: 5                      NOES: 0                      ABSENT: 0