

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
MAY 11, 2004, 6:00 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Vice Mayor Fernandez called the meeting to order at 6:11 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. 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

Due to the urgency, there was Council concurrence to place on this agenda the following:

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
One case.

Mayor Green arrived at meeting at 6:55 p.m.

**ADJOURNMENT**

7:30 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, MAY 11, 2004, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:38 p.m. and led the audience in the salute to the flag.

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

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 and Regular City Council meeting of Tuesday, April 27, 2004

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

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

**PROCLAMATIONS/PRESENTATIONS**

- A. Proclamation proclaiming week of May 16-22, 2004 as Emergency Medical Services Week

*This resolution recognizes the emergency medical services professionals who provide lifesaving care to those in need 24 hours a day, seven days a week.*

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

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

Mayor Green read the proclamation in its entirety and presented it to Marlene Rivers, who thanked the Council for the recognition.

**B. Resolution in honor of Dispatcher Clerk of the Year**

*The Records and Communications Section of the Police Department continue to recognize members of their Section who display individual effort and professionalism. The Union City Police Officer's Association has chosen Raquel Barragan as the Dispatcher/Clerk of the Year for 2003.*

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

AYES: 4                      NOES: 0                      ABSENT: 1 (RV)                      ADOPT  
RESO. NO. 2634-04

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

**C. Presentation by the 2004 Tri City Relay for Life sponsored by the American Cancer Society**

*Cathy Norvell, representing the 2004 Tri-City Relay for Life, will be presenting a video on "A Race to Find a Cure" to be held on June 26/27, 2004.*

Cathy Norvell, representing the 2004 Tri-City Relay for Life American Cancer Society, showed a video regarding Relay for Life, and requested participation from Union City residents and businesses. This year's Relay for Life will be held on June 26-27 at Washington High School Stadium.

**D. Presentation by Alameda County Water District**

*Representatives from the Alameda County Water District will present information regarding chloramine disinfection of the water in the Tri-city area.*

Jim Gunther, President of the Board of Alameda County Water District, introduced ACWD staff, Michael Lanier, who gave a presentation on chloramine in the water.

Laurie Pascual commented on chloramine's effect on humans.

Fremont resident commented on alternatives to chloramine in water supply.

**E. Presentation by Alameda County Mosquito Abatement District and Resolution declaring May 3-9, 2004 as Mosquito and Vector Control and West Nile Virus Awareness Week**

*West Nile virus is a mosquito-borne disease that can result in debilitating cases of meningitis and encephalitis and death to humans, horses, avian species and other wildlife. This presentation and adoption of the resolution can increase public awareness of the West Nile threat and encourage residents to eliminate mosquito-breeding sites on their property and take appropriate precautions when mosquito activity is high.*

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

AYES: 4                      NOES: 0                      ABSENT: 1 (RV)                      ADOPT RESO  
NO. 2635-04

Ron Quinn, Union City's representative on the Alameda County Mosquito Abatement District, accepted the resolution and introduced John Reismusal, representative from the Alameda County Mosquito Abatement District who gave a presentation on what the District is doing to prevent the spread of the West Nile virus.

### **ORAL COMMUNICATIONS**

Jarvis Hubbell, 33896 Washington Avenue, expressed support for Solid Rock Church.

Isabel Loyola commented on incident with Union City police.

John Haley commented on problems with construction on the McKesson property and suggested placing condition on contractors to correct the problems.

Tara Lee spoke on behalf of Solid Rock Church.

Shaun Hall spoke on behalf of Solid Rock Church and commented on their youth programs that will benefit the community.

Ray Morris spoke on behalf of Solid Rock Church and expansion of their ministry and impact on community.

Thomas Young stated his home is behind Union Square and several businesses run compressors all night long. Mr. Young requested assistance from the City.

Reverend Simpkins commented on progress of their future church building.

Mayor Green suggested that staff contact Mr. Young regarding businesses at Union Square.

Mayor Green requested Mrs. Loyola speak to Police Chief Ulibarri.

At this time, Mayor Green entertained a motion to place emergency item on the agenda for discussion on the Solid Rock Church project.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to place item on agenda for discussion on update of project regarding Solid Rock Church. This item will be addressed as the Council acting as the Community Redevelopment Agency.

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

At this time the Community Redevelopment Agency addressed issue of Solid Rock Church.

Staff distributed memo prepared to give at meeting scheduled with Solid Rock Church.

John Haley commented on possible requirements of a new agreement.

Michael Wilder, funding agent for Solid Rock Church project, responded to questions regarding delay in submitting appropriate documentation to the City.

Agency direction to Reverend Simpkins was to submit appropriate documentation to City by 5:00 p.m. on May 13 in accordance with the agreement, or to request a new agreement at the next Agency meeting.

At 10:17 p.m. Agency/Council meeting recessed, reconvening at 10:43 p.m.

Community Redevelopment Agency meeting adjourned at 10:43 p.m.

There was concurrence of the Council to address Section XIII at this time.

## **ORAL COMMUNICATIONS**

Sheila Chraft 4223 Silverstone, Contempo homeowner, expressed her concerns about possible changes at Contempo and questioned the city's plans for this area.

City Manager Larry Cheeves responded that at the September Council meeting there will be staff report on possible options for Contempo. Staff will identify options, perform studies and return to the Agency Board with recommendations.

Barry Ferrier spoke about concerns regarding the construction at the Alvarado railroad crossing.

At this time, Council returned to the printed agenda.

## **HEARINGS - NONE**

## **REPORTS FROM CITY MANAGER**

### **A. Fiscal Year 2004-05 Budget**

*This report continues the practice of providing periodic updates to the City Council on the status of the Fiscal Year 2004-05 General fund budget. This report contains budget balancing initiatives approved at the April 27, 2004 Council meeting and corrections to previously presented material as staff continues to develop the proposed budget to be submitted by the City Manager later this month.*

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

Mayor requested Councilmembers get dates to the City Manager in order to schedule budget meetings.

**REDEVELOPMENT AGENCY - NONE**

**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 Item A removed from the consent agenda.

Councilmember Dutra-Vernaci requested Item B removed from the consent agenda.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to adopt/approve Items C-E, numbered appropriately.

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

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

C.	RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF UNION CITY AND THE PROFESSIONAL EMPLOYEES GROUP	ADOPT RESO. NO. 2636-04
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*This resolution approves the Third Amendment to the Memorandum of Understanding between the City and the Professional Employees Group to incorporate the negotiated changes.*

D. Final Reading Ordinance No. 624-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-03-04

FINAL ORD.  
624-04

a. Add new Chapter 18.38 Station Mixed Use District

*The proposal is to add Chapter 18.38, Station Mixed Use District, to provide for high-density, mixed use development in the area around the Union City BART Station. The text shall include permitted and conditionally permitted uses, performance standards, setbacks, design criteria, and other standards for development.*

b. Modify Chapter 18.36, Commercial Districts

*The proposal is to add a new section to Commercial Districts known as Section 18.36.190, Sidewalk Café Standards to allow café seating within public sidewalk areas.*

Item E was rejected on the earlier stated motion.

E. Rejection of Claim No. 578

*The City's Claim Administrator is requesting rejection of Claim No. 578 filed by Valerie Hodges for alleged injury as a result of a trip and fall from a water main vault which is the property of Alameda County Water District.*

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING CERTAIN VEHICLES AND EQUIPMENT NOT IN USE AS SURPLUS

*Two buses have reached the end of their useful services lives and have been replaced with Compressed Natural Gas buses. Staff is evaluating the feasibility of recycling the buses for use as Leisure Services transportation vehicles. This resolution declares the two buses as surplus and authorizes the sale of the vehicles at auction, should internal City re-use prove impractical.*

Mayor Green removed this item from the consent calendar to receive information as to how the determination will be made on whether Leisure Services will use the vans.

City Manager Larry Cheeves responded that it will be based on maintenance costs.

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

AYES: 4                      NOES: 0                      ABSENT: 1 (RV)                      ADOPT  
RESO. NO. 2637-04

The title of Item B is as follows:

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING COUNCILMEMBER DUTRA-VERNACI AS VOTING DELEGATE AND TONY ACOSTA AS ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES GENERAL ASSEMBLY SPECIAL MEETING

*The Executive Committee of the League Board of Directors has called a Special Meeting of the General Assembly for Thursday, May 13, 2004. To expedite the conduct of business, each city council should designate a voting representative and an alternate who will be present at the meeting.*

Councilmember Dutra-Vernaci removed Item B from the consent agenda to provide an information as to what will be voted upon at the General Assembly meeting regarding the Local Taxpayers Initiative.

Councilmember Elias moved, seconded by Vice Mayor Fernandez to approve Item B, numbered appropriately.

AYES: 4                      NOES: 0                      ABSENT: 1 (RV)                      ADOPT  
RESO. NO. 2638-04

#### **CORRESPONDENCE - NONE**

#### **APPROVAL OF BILLS - MONTH OF APRIL**

- A. Approval of disbursements for payment for Month of April 2004

Councilmember Elias moved, seconded by Vice Mayor Fernandez to approve disbursements for payment for Month of April 2004.

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

#### **SCHEDULED ORAL COMMUNICATIONS -NONE**

## ITEMS REFERRED BY COUNCIL

### A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Fernandez reported attending an ABAG meeting where it was reported that the housing shortages are due to divorces.

Councilmember Dutra-Vernaci attended the Housing Authority Committee meeting where it has been determined that rules regarding Section 8 housing have changed. Alameda County Housing Authority is ok with this proposed changes and will still be able to pay landlords.

## GOOD OF THE ORDER

Councilmember Elias commented that the bus advertising for Cal State Hayward looks good on UC Transit buses.

Councilmember Elias requested an update on cable tv at a future meeting.

Councilmember Dutra-Vernaci stated a resident reported a lot of illegal dumping on Lowry Road.

Councilmember Dutra-Vernaci questioned the practice of charging double for park permit fees for holidays.

Vice Mayor Fernandez commented on other agencies that have left uneven pavement after performing road work.

City Manager Larry Cheeves responded that agencies will sometimes come in and do a temporary patch on the road and then not return with permanent work in a timely manner.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting at 11:38 p.m. to Tuesday, May 25, 2004.

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