

**MINUTES  
CITY OF UNION CITY  
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING  
March 28, 2006**

**I. CALL TO ORDER:** Mayor Green called the regular meeting to order at 7:07 p.m.

I.a Pledge of Allegiance: Mayor Green led the Pledge of Allegiance.

I.b Roll Call: Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle,  
Mayor Green  
Absent: None

**II. UNFINISHED BUSINESS:** None

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Proclamation recognizing April 2<sup>nd</sup> – 8<sup>th</sup> as “Week of the Young Child”

Mayor Green read and presented a proclamation recognizing April 2<sup>nd</sup> – 8<sup>th</sup> as “Week of the Young Child”.

3.b Proclamation recognizing March 20<sup>th</sup> – 26<sup>th</sup> as “Knights of Columbus Week”

Mayor Green read and presented a proclamation recognizing March 20<sup>th</sup> – 26<sup>th</sup> as “Knights of Columbus Week”.

3.c Proclamation recognizing April 2<sup>nd</sup> – 8<sup>th</sup> as “National Library Week”

Mayor Green read and presented a proclamation recognizing April 2<sup>nd</sup> – 8<sup>th</sup> as “National Library Week”.

3.d Proclamation recognizing March as “Art /S Education Month”

Mayor Green read and presented the proclamation recognizing March as “Art /S Education Month”.

3.e Presentation by Alameda County Waste Management Authority concerning the Environmental Impact Report for the Regional Composting Facility proposed for Sunol

Karen Smith, Executive Director of Alameda County Waste Management Authority, introduced the Authority’s Recycling Coordinator Tom Padilla and the Project Consultant Larry Tyson.

Tom Padilla, Recycling Coordinator, for stopwaste.org, also known as Alameda County Waste Management Authority, outlined the proposed project and spoke of the EIR process and outcomes.

Larry Tyson, professional consultant for the project, addressed Vice Mayor Valle’s questions concerning the building type, mitigation of excess nitrates, the operators experience, the number of residents within ½ mile of the facility, mitigation measures for truck traffic into the facility, and the state permitting requirements.

Mr., Padilla advised that future development is strictly limited in the area of the proposed site. Councilmember Navarro asked for this issue to be brought back to the Council for further discussion.

The following Sunol residents expressed concern with the final EIR: Caz Szlendak, Art Stine, and Brooks Loeffler who also expressed concern with the odor emitted from this type of facility and described experience with the underestimated Milpitas facility.

A Sunol resident stated the EIR addresses the 23 receptors in the area, but ignores the residents and businesses. The wind study addressed the toxins that will be pumped into the air, but there are seven errors and omissions in the study.

Mayor Green suggested that the full EIR be reviewed before any action is taken by the Council. He requested that the item be scheduled before the May action by the Authority.

#### **IV. ORAL COMMUNICATIONS**

Chang He Cheng spoke of recent developments discovered in China of the Falon Gong practitioners that are in a concentration camp.

Myrla Raymundo announced that her book "Union City Through the Years" has been published and is now available for sale.

Ing Yang spoke of the secret death camp in China and the persecution they have endured for 6 years. She requested letters sent to the President asking for an investigation into this matter.

Hugh McNamara announced the Annual Spring Craft Faire and the upcoming 50<sup>th</sup> Anniversary planning event.

Though a translator, Miss R. L. Cheng spoke of the human atrocities taking place in China and the need for help.

John Zowin and Shauna Taradash, representing the American Cancer Society, spoke about the Relay for Life event fundraiser to be held at Logan High School, and the need for volunteers and teams to compete in the event.

Fred Sims, Member of the Alameda County Board of Education, spoke of the new early childhood education workshops being held at various locations throughout the tri-cities.

Rick Fonteno feels it is waste of city workers' time to tag cars on the street. He expressed concern over the appearance of the Whipple exit off I-880, and issues concerning the gate in the KB Home area.

Motion: it was m/s by Dutra-Vernaci/Valle to move item 7.c forward on the agenda. Motion carried unanimously.

### 7.c Report on Contempo/4-Corners Action Plan

Director Leonard presented the staff report and outlined the recommendation of possible actions identified by subcommittees which looked at the areas of public education, physical conditions, COPPS Program, major redevelopment, and possible public legal remedies.

Donna Floyd, Contempo Homeowners Association President, expressed her irritation that Union Landing has increased the problems in the Contempo area. She also stated that they have not had access to the COPPS unit officer for over a year due to injury. 682 townhouses felt the area was doing well and have been working well with the city. She wants to work on the issues together instead of changing the configuration of their park.

Sheryl Yonkie-Hillman, property manager at Contempo for 30 years, felt the presentation was a tainted image of the Contempo area. She spoke of the amount of money they have spent in upgrades in recent years.

Al Joshua stated he is familiar with several Union Cities in the United States. He stated that the residents of Contempo take pride in where they live. He suggested looking at the suggestions presented and best practices to enhance the development.

Valerie Hodges, renter for four years in Contempo, suggested that the Contempo staff be trained in background checks to help weed out the "bad apples".

Business owner in Four Corners stated the crime is going up in the area and immediate action is needed. He appreciates the work that has been done, but more help is needed. He supports the idea of a police substation in the area.

Resident on Solar Circle expressed concern with rental properties and feels most of the issues are because of the rentals.

Chuck Tonnacliff, Union City Police Officer, stated the approach presented is a multi-faceted approach that has a chance of success. He feels the proposed substation is a good idea and an ideal location. He suggested the use of security cameras, and having two officers assigned to the Four Corners area. He also suggested the City have a full-time grant writer to be able to secure funding for these projects.

J. J. Amaya suggested that city resources could make a difference in this area to create opportunities for the younger generation, and that the residents of Union City may need to step up to the plate in way of funding.

Council recessed at 9:26 p.m. Mayor Green reconvened the meeting at 9:49 p.m. with all Members present.

Motion: It was m/s by Green/Navarro to direct staff to continue working with Contempo staff on utilizing the funds, to establish a priority list, to consider PBID assessment, continue effort with the Neighborhood Watch Program and Green Haven, work with Contempo to see if we can get an ex-officio on their Board, work with Centro de Servicios and Leisure Services for an assessment of services needed at the resource

center, and continue to work on establishing a police substation in the area. Staff will return to Council in April. Motion carried unanimously.

Councilmember Dutra-Vernaci left the meeting at 10:15 p.m.

**V. CONSENT CALENDAR;** Items 5.d, 5.e and 5.f were pulled for discussion

- 5.a Approved Regular Minutes of January 10, 2006 and Adjourned Regular Minutes of March 11, 2006.
- 5.b Adopted **Resolution No. 3137-06** authorizing the City Manager to execute a BART Plus Agreement for the period ending December 31, 2007.
- 5.c Adopted **Resolution No. 3138-06** authorizing filing of applications with the Metropolitan Transportation Commission for allocation of the Transportation Development Act Article 4 and 4.5/State Assistance Funds and with the Alameda County Transportation Improvement Authority for allocation of Measure B funds for Fiscal Year 2006-2007.
- 5.g Adopted **Resolution No. 3139-06** amending the Salary Compensation Plan, creating Assistant Fire Chief Classification and amending the Authorized Positions List.
- 5.h Waived second reading and adopted **Ordinance No. 665-06** adding Chapter 15.76, Green Building and Landscaping Practices to Title 15, Building and Construction of the Municipal Code.
- 5.i Rejected Claim No. 641(b) presented by Jonathan Standifer as recommended by the City Insurance Administrator.

Motion: It was m/s by Valle/Fernandez to approve Consent Items 5.a, 5.b, 5.c, 5.g, 5.h and 5.j as presented and recommended by staff. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

- 5.d Adopt a Resolution accepting work performed by DeSilva Gates Construction for 11<sup>th</sup> Street Extension Project, City Project No. 01-36

Mayor Green requested separate action on this Item to question if it is possible to get emergency access from the development.

City Manager Cheeves responded that they need to work with Fremont. The street is an adequate width and Union City has control of the gate.

Motion: It was m/s by Green/Navarro to adopt **Resolution No. 3140-06** accepting work performed by DeSilva Gates Construction for 11<sup>th</sup> Street Extension Project, City Project No. 01-36. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

Mayor Green received concurrence to address Item 5.f at this time.

- 5.f Adopt a Resolution awarding a contract to low bidder, Richard A. Heaps, in the amount of \$144,444 for Mission Boulevard and Daggett Avenue Signalization, City Project No. 04-12

Mayor Green stated the bid for this project was \$22,000 under the Engineer's estimate. He questioned if they expected many change orders.

Director Cheng responded that they are not expecting many change orders, but they usually keep 10% as a contingency amount.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3141-06** awarding a contract to low bidder, Richard A. Heaps, in the amount of \$144,444 for Mission Boulevard and Daggett Avenue Signalization, City Project No. 04-12. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

- 5.e Adopt a Resolution approving plans and specifications for 2005-06 Wheel Chair Ramps, City Project No. 05-64

Mayor Green questioned how many more ramps will be required to be cut.

Director Cheng did not have the information at this time, but stated that any under bid monies could be used to complete all necessary ramp cuts.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3142-06** approving plans and specifications for 2005-06 Wheel Chair Ramps, City Project No. 05-64. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

## VI. PUBLIC HEARINGS

- 6.a Consideration of the following actions concerning Alvarado Place Shops, Duckett-Wilson Development, Inc., 32100 Alvarado Boulevard (next to AutoZone):
- i. Resolution approving General Plan Amendment AG-02-05 to change the land use designation of a one acre portion of the subject property from Private Institutional (PI) to Retail Commercial (CR)
  - ii. Ordinance approving Zoning Map Amendment A-02-05 to change the zoning designation of a one acre portion of the subject property from Private Institutional (PI) to Community Commercial (CC)
  - iii. Resolution approving Site Development Review SD-09-05 to construct two one-story buildings to expand the Alvarado Place shopping center

- iv. Resolution approving Use Permit UP-09-05 to allow a drive-through use in the Community Commercial (CC) zoning district
- v. Resolution approving Variance Permit V-04-05 to allow no rear yard setback behind Building A

Patrick Conway, representing the applicant Duckett-Wilson, responded to a question regarding trees in the patio area. Mr. Conway stated that no trees are planned for the patio, but that Starbucks generally has umbrellas for their tables that provide shade.

Mayor Green opened the public hearing.

Those speaking in favor of this project:

Barry Ferrier spoke in favor of this project, but expressed concern that the building faces Alvarado and lacks any architectural design as an entrance to the city.

Speaking in opposition:

Patricia Vaughn stated that instead of a Starbucks, this would be a good place for the police substation.

Patrick Conway extended the applicant's cooperation in working with the Police Department either on an interim basis or more permanent basis for the potential use of a site for a substation.

There being no further comments, Mayor Green closed the public hearing.

Motion: It was m/s by Green/Valle to adopt **Resolution No. 3143-06** approving General Plan Amendment AG-02-05 to change the land use designation of a one acre portion of the subject property from Private Institutional (PI) to Retail Commercial (CR); Introducing **Ordinance No. 666-06** approving Zoning Map Amendment A-02-05 to change the zoning designation of a one acre portion of the subject property from Private Institutional (PI) to Community Commercial (CC); adopting **Resolution No. 3144-06** approving Site Development Review SD-09-05 to construct two one-story buildings to expand the Alvarado Place shopping center; adopting **Resolution No. 3145-06** approving Use Permit UP-09-05 to allow a drive-through use in the Community Commercial (CC) zoning district; and adopting **Resolution No. 3146-06** approving Variance Permit V-04-05 to allow no rear yard setback behind Building A. Motion passed by the following vote:

Ayes:	Councilmembers Fernandez, Navarro, Valle, Mayor Green
Noes:	None
Absent:	Councilmember Dutra-Vernaci

## VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution endorsing Proposition 81, The California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006

Deputy City Manager Acosta introduced the staff report and recommended approval of the proposed resolution.

Motion: It was m/s by Green/Navarro to adopt **Resolution No. 3147-06** endorsing Proposition 81, The California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

- 7.b Adopt a Resolution conceptually approving a Memorandum of Understanding with Alameda County Transportation Authority, Caltrans, and City of Fremont for the Route 84 Realignment (Option 2) Project

Director Cheng presented the staff report. Approval of a Memorandum of Understanding with Alameda County Transportation Authority, Caltrans, and City of Fremont for the Route 84 Realignment (Option 2) Project will document each agency's conditions for proceeding with the development and construction of Option 2. The document outlines each agency's conditions for proceeding with the development and construction of Option 2 and also outlines the funding nexus and requirements for both Option 2 and Fremont's I880/Mission Interchange projects.

Art Dowe, ACTA, stated that should Fremont approve their portion of the MOU in April, the ACTA Board will act upon it in May.

J. J. Amaya questioned why the design would take so long if all monies have been budgeted.

John Haley stated that most Union City and Fremont residents are in favor of this project, but he feels that Fremont will continue to play games and not go forward with this project.

Barry Ferrier stated he is in favor of this project because it is good for the Intermodal station.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3148-06** conceptually approving a Memorandum of Understanding with Alameda County Transportation Authority, Caltrans, and City of Fremont for the Route 84 Realignment (Option 2) Project. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

## VIII. REDEVELOPMENT AGENCY

- 8.a Adopt a Resolution authorizing the Executive Director to execute an Exclusive Negotiating Agreement with The Olson Company for property bounded by D Street, E Street, Mission Boulevard and Second Street

Mark Evanoff, Redevelopment Agency Manager, presented the staff report and provided the terms of the Exclusive Negotiating Agreement (ENA). The ENA is a contract between the RDA and the Olson Company with a 180 day term, and will include negotiation of the purchase price, and provide public improvements. If the inclusionary housing ordinance is exceeded, the site is conveyed as is.

J. J. Amaya stated he is opposed to hiring a developer at this stage of the project. He stated the PAC never addressed this issue and wants the Decoto residents to have a say in the project.

A representative from the Carpenter's Union wanted to propose to the Olson Company to discuss any issues on the project labor agreement and answer any labor questions or concerns.

Motion: It was m/s by Green/Navarro to adopt **Community Development Resolution No. 331-06** authorizing the Executive Director to execute an Exclusive Negotiating Agreement with The Olson Company for property bounded by D Street, E Street, Mission Boulevard and Second Street. Motion passed by the following vote:

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci

**IX. AUTHORITIES AND AGENCIES:** None

**X. CITY COMMISSION/COMMITTEE REPORTS:** None

**XI. ORAL COMMUNICATIONS**

J. J. Amaya commented on a letter to City Manager Cheeves regarding an appeals process, spoke about arrests by ethnicity and information he would like on the website.

**XII. SCHEDULED ORAL COMMUNICATIONS:** None

**XIII. ITEMS REFERRED BY COUNCIL**

13.a Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Valle reported he will be attending an ACAP meeting tomorrow.

**XIV. GOOD OF THE ORDER**

Councilmember Navarro requested status on the development across from St. Anne's Church. Director Leonard responded that this item should go before the Planning Commission in the next 60 days.

Councilmember Navarro requested status on the median barrier (fence) on Alvarado to present pedestrian crossing. Staff will check on the status.

Councilmember Fernandez requested that staff allow bushes to grow naturally and to avoid trimming.

Vice Mayor Valle reported that the street in front of 32186 Lupe Court has a pothole that puddles and needs to be repaired.

Vice Mayor Valle requested staff to draft a letter for Council approval to be addressed to Washington regarding the China issue.

Mayor Green asked if there had been any progress on the shopping cart problem. City Manager Cheeves responded that Directors Cheng and Leonard are working together on this issue. He also stated that Hayward has told their store owners to control their carts or they are required to put a locking devise on them. There is also a fee option they are exploring.

Mayor Green questioned the issue at Lowry and Union City Boulevard. Director Cheng responded that she has met with the property owner and the issue has been resolved.

Mayor Green stated that the bush on Whipple has been cleared.

Mayor Green stated that the next 50<sup>th</sup> anniversary meeting will be held on April 17<sup>th</sup> and encouraged Councilmembers to attend.

Mayor Green commented on the good Chamber event (crab feed).

Mayor Green asked for status on the Museum/Chamber sublease agreement. City Manager Cheeves responded that this will be going to the Museum Board shortly.

Mayor Green requested information on the school district's reallocation/consolidation.

City Manager Cheeves responded that the Superintendent has indicated they are in need of money due to declining enrollment and there is the possibility of three schools closing.

Mayor Green stated that the Green Oaks Development Center is showing some interest in the gymnasium.

**XV. ADJOURNMENT:** There being no further business, Mayor Green adjourned the meeting at 12:20 a.m.

Respectfully submitted,

Renee Elliott  
City Clerk