

**MINUTES  
CITY OF UNION CITY  
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**Tuesday, October 24, 2006  
7:00 P.M.**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER** – Vice Mayor Valle called the meeting to order at 7:05 p.m.

- a. Pledge of Allegiance – Vice Mayor Valle lead the flag salute.
- b. Roll Call

Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle.  
Absent: Mayor Green (arrived at 7:21 p.m.)

City Attorney Riback reported the City Council had met in closed session to conference with real property negotiators about property located at 33000 Almaden Boulevard in Union City. Because there was sufficient time, Council also considered the closed session item scheduled under agenda Section XV [below] to conference with real property negotiators regarding property located at 1100 Decoto Road in Union City. No reportable action was taken on either item.

Councilmember Dutra-Vernaci requested Public Hearing Item 6.c be moved up in the order of the agenda and heard at this time in order to accommodate any speakers present. Councilmember Dutra-Vernaci noted Item 6.b was inadvertently listed as a Public Hearing item and requested it be considered as Item 5.k on the Consent Calendar. It was so moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez.

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle.  
Noes: None  
Absent: Mayor Green.  
Abstain: None

**Item 6.c was heard at this time:**

- 6.c Continued Public Hearing: Adopt City Council Resolution Approving the Issuance of Mobile Home Park Revenue Refinancing Bonds by the California Mobilehome Park Financing Authority for the Tropics Mobile Home Park; and Adopt Agency Board Resolution amending the Tropics Revocable Grant Agreement between the Agency and the Borrower, the Regulatory Agreement and Declaration of Restrictive Covenants between the Agency and the Borrower, and the Subordination Agreement among the Agency, the Trustee, and the Borrower.

Vice Mayor/Agency Vice Chair Valle opened the public hearing. Irene Wolfe, resident and past president of the Tropics Homeowners Association, spoke about various maintenance issues and stated no more money was needed for the rental assistance fund and that surplus monies should go into the surplus fund. George Turk stated surplus funds generated by refinancing should remain as surplus funds and not be deposited for rental assistance. There were no other speakers on the matter.

It was moved by Council/Agency member Dutra-Vernaci, seconded by Council/Agency member Navarro, to continue the matter to the regular City Council/Redevelopment Agency meeting scheduled for November 14, 2006.

Ayes: Council/Agency members Dutra-Vernaci, Fernandez, Navarro, Vice Mayor/Agency Vice Chair Valle.  
Noes: None  
Absent: Mayor/Agency Chair Green.  
Abstain: None

In response to a follow-up question from Mr. Turk regarding process, Vice Mayor/Agency Vice Chair Valle stated negotiation discussions should continue with staff regarding the terms of the refinancing.

**II. UNFINISHED BUSINESS – None.**

**III. PROCLAMATIONS AND PRESENTATIONS**

- 3.a Resolution of the City of Union City Proclaiming October 2006 as National Arts and Humanities Month in Union City

A representative was unable to attend the meeting.

- 3.b Resolution of the City of Union City Proclaiming October 28, 2006 as National Immigrants day in Union City

A representative was unable to attend the meeting.

- 3.c Presentation on Emergency Preparedness by the American Red Cross

Harris Bostic, Director of *Prepare Bay Area* for the American Red Cross Bay Area Chapter, presented information about emergency preparedness.

- 3.d Presentation of GreenPointRated, a program of Build It Green, promoting healthy, energy and resource efficient building in California (by Wendy Sommer, Senior Program Manager for Stopwaste.org)

**(Note: Mayor Green joined the meeting in progress at 7:21 p.m.)**

Wendy Sommer, Senior Program Manager for Stopwaste.org, presented information about the *GreenPointRated* program and thanked the City Council for its leadership in supporting the Green Building Program. *Build-It-Green* Development Director Bruce Mast provided informational materials for Council members and expressed his appreciation for Council's support of the program. Mayor Green requested the City Manager direct staff to work with Green Building representatives and return with program proposals, including options for incentives and training, for Council consideration. City Manager Cheeves stated staff would return with information at the December 12, 2006 regularly scheduled City Council meeting.

**IV. ORAL COMMUNICATIONS - None.**

**V. CONSENT CALENDAR**

Mayor Green removed items 5.c, 5.j and 5.k from the Consent Calendar for separate consideration.

- 5.a Waived Further Reading of Proposed Ordinance (Permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)

- 5.b Approved Minutes for the Special and Regular meetings of October 10, 2006

- 5.d Adopted **Resolution No. 3266-06** Authorizing the Auction of Certain Vehicles and Equipment as Surplus

- 5.e Adopted **Agency Resolution No. 341-06** Approving the Replacement Housing Plan for the Horner Street project, and **Agency Resolution No. 342-06** Accepting the Relocation and Last Resort Housing Plan for 4995 Horner Street

- 5.f Adopted **Agency Resolution No. 343-06** Authorizing the Deposit of \$500,000 into an Alameda County Flood Control and Water Conservation District Escrow Account that will be used to Day Light Zone 2 Line J Channel in Castro Valley, as Mitigation for Boxing the Line M Channel, in Accordance with Resolution 3218-06, and the Agreement Between Alameda County Flood Control and Water Conservation District and the City of Union City

- 5.g Adopted **Resolution No. 3267-06** Approving Sobriety Checkpoint Program for Local Law Enforcement Agencies

- 5.h Adopted **Resolution No. 3268-06** Approving the Purchase of Three Lease/Rental Return Police Sedans

- 5.i Introduced an Ordinance regulating the parking of large vehicles and non-motorized vehicles

It was moved by Councilmember Dutra-Vernaci, seconded by Vice Mayor Valle, to approve Consent Items 5.a, 5.b, 5.d through 5.i as recommended by staff. Motion carried unanimously.

**Consideration of items 5.c, 5.j and 5.k removed from the Consent Calendar:**

- 5.c Resolution of the City Council of the City of Union City Appointing Individuals to Serve on the Public Art Review Board

Deputy City Manager Acosta reported a residency question had arisen affecting the eligibility of applicant David Epps for the Citizen Representative position on the Public Art Review Board. Staff will contact eligible applicants and return with a recommendation for Council's consideration at the November 14, 2006 meeting.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3265-06** approving the following appointments to the Public Art Review Board:

|                            |                                |
|----------------------------|--------------------------------|
| William Boylan (PRC)       | Term expiring October 24, 2008 |
| Dee Bueno (Artist)         | Term expiring October 24, 2008 |
| Diane LaMountaine (Artist) | Term expiring October 24, 2008 |
| Enrique Romero (Artist)    | Term expiring October 24, 2008 |

Motion carried unanimously.

- 5.j Introduce an Ordinance Amending Chapters 2.20 (PARK AND RECREATION COMMISSION), 2.24 (PLANNING COMMISSION), 2.25 (HUMAN RELATIONS COMMISSION), AND 2.26 (SENIOR CITIZENS COMMISSION) of the Union City Municipal Code to authorize the appointment of Alternate Members to said Commissions

Following a brief discussion, it was moved by Mayor Green, seconded by Vice Mayor Valle, to approve the first reading of an ordinance amending Chapters 2.20 (Park and Recreation Commission), 2.24 (Planning Commission), 2.25 (Human Relations Commission), and 2.26 (Senior Citizens Commission) of the Union City Municipal Code to authorize the appointment of alternate members to said Commissions, with the following changes:

- Two (2) alternates for each commission
- Alternates not required to attend meetings unless called upon to do so
- Absent Commissioner to notify staff who, in turn, will contact the alternate
- Alternates to be included in packet distribution and training opportunities

Motion carried unanimously.

- 5.k Adopt a Resolution amending the fee schedule for the Building Division regarding permit fees for Photovoltaic Systems

Chief Building Official Diana Rapposelli presented the staff report and responded to questions from Councilmembers. Sierra Club representative Kirt Newick spoke about the importance of making dramatic and leadership solutions like renewable energy, and recommended reducing the fee or waiving it altogether. There were no other speakers on the matter.

It was moved by Vice Mayor Valle, seconded by Councilmember Navarro, to adopt **Resolution No. 3269-06** amending the fee schedule for fiscal year 2006-07. Motion carried unanimously.

## VI. PUBLIC HEARINGS

- 6.a Appeal of a Planning Commission decision denying Use Permit UP-10-06 to locate a day care center with a maximum capacity of twenty (20) children in an existing single-family residence at 2660 Hop Ranch Road

Assistant Planner Janice Lum presented the staff report, noting some concerns that had been received about the proposed location, and responded to questions from Councilmembers.

Councilmember Fernandez asked if he should recuse himself since his residence is within approximately 600 feet of the proposed day care center. City Attorney Riback stated 600 feet would be a sufficient distance from the proposed day care center to allow Councilmember Fernandez to participate in the decision.

Applicant Guzman presented information regarding his appeal.

The following individuals spoke in favor of the proposed day care facility:

|                                |                              |
|--------------------------------|------------------------------|
| Annette Bergendahl, Fremont    | Marina Bamont, Union City    |
| Victoria Scott, Newark         | Raquel Villakoman, Hayward   |
| Christine Suarez, Fremont.     | Jan Green, Fremont           |
| Marianne Miller, Union City    | Eduardo Cee, Union City      |
| Rochelle Smith, Union City     | Erik Lorenzana, Union City   |
| Bob Vinson, Union City         | Sonia Jun, San Leandro       |
| Elmina Verzosa. Union City     | Ramorcito Cuenco, Union City |
| Ethel Cavender, Hayward        | Maria Verzosa, Union City    |
| Margaret Jefferson, Union City | Jennifer Fonseca, Union City |

The following individuals spoke in opposition to the proposed day care facility:

|   |                                      |
|---|--------------------------------------|
| Donald Kendrick, Union City                         | Sandra Howery, Union City            |
| Michelle McKeen, Union City                         | Vida Bonansed, Union City            |
| Janet Strickler, Union City                         | Bonnie Han, Union City               |
| Robert Mutsuyasu, Union City                        | Pam Jones, Union City                |
| Ben Elias, Union City                               | Susan Quant, Union City              |
| Negaka Yahua, Union City                            | Loc Thai for Co & Anm Ha, Union City |
| Paoua Pardo Paule, Union City (submitted petitions) |                                      |

Angie Garling, Child Care Coordinator with Alameda County, stated she could not express an opinion either for or against the proposed project, but spoke about the importance of providing day care for children in Union City.

Applicant Guzman responded with rebuttal comments. Also speaking in rebuttal were Victoria Scott and Annette Berghdahl.

There were no other speakers on the matter. Mayor Green closed the public hearing.

Assistant Planner Lum responded to questions from Councilmember's regarding capacity issues and the maximum allowable number of children for the proposed use at the Hop Ranch Road site. Economic and Community Development Director Leonard clarified that a child care center proposal for 8 children or less would not require a use permit; that an administrative use permit could be requested for 9-14 children, and would not require a public hearing but rather be decided by staff; and facilities for more than 14 children require a public hearing for a use permit.

Councilmember's acknowledged the importance of providing day care facilities while maintaining neighborhood preservation standards.

It was moved by Mayor Green, seconded by Vice Mayor Valle, to uphold the Planning Commission's decision to deny the applicant's request for Use Permit approval (UP-10-06), and adopted **Resolution No. 3270-06** confirming the action. Council recommended applicant consider returning to staff or the Planning Commission to request approval for the establishment and operation of a preschool for a fewer number of children than the 20 originally proposed. Motion carried unanimously.

- 6.b Adopt a Resolution amending the fee schedule for the Building Division regarding permit fees for Photovoltaic Systems

(See Consent Calendar item 5.k above.)

- 6.c Continued Public Hearing: Adopt City Council Resolution Approving the Issuance of Mobile Home Park Revenue Refinancing Bonds by the California Mobilehome Park Financing Authority for the Tropics Mobile Home Park; and Adopt Agency Board Resolution amending the Tropics Revocable Grant Agreement between the Agency and the Borrower, the Regulatory Agreement and Declaration of Restrictive Covenants between the Agency and the Borrower, and the Subordination Agreement among the Agency, the Trustee, and the Borrower.

(See pages 1 and 2 of these minutes for action taken on this item.)

**VII. CITY MANAGER REPORTS - None**

**VIII. REDEVELOPMENT AGENCY - None**

**IX. AUTHORITIES AND AGENCIES – None**

**X. CITY COMMISSION/COMMITTEE REPORTS**

Mayor Green stated he was pleased with the quality and number of applicants interviewed by Councilmembers for the current and upcoming vacancies on the various boards and commissions. It is anticipated Council will be appointing alternates to the boards and commissions in the near future.

**10.a Adopt a Resolution Appointing Individuals to Serve on the Senior Commission**

It was moved by Mayor Green, seconded by Vice Mayor Valle, to adopt **Resolution No. 3271-06** appointing the following individuals to serve on the Senior Commission:

|                               |                                 |
|-------------------------------|---------------------------------|
| Naomi Aylesworth              | Term expiring June 30, 2010     |
| Irene Wolfe (reappointment)   | Term expiring June 30, 2010     |
| Hugh McNamara (reappointment) | Term expiring December 31, 2010 |

|          |   |
|----------|---|
| Ayes:    | Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green |
| Noes:    | None  |
| Absent:  | None  |
| Abstain: | None  |

|                             |                                 |
|-----------------------------|---------------------------------|
| Eva Kamakea (reappointment) | Term expiring December 31, 2010 |
|-----------------------------|---------------------------------|

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

**10.b Adopt a Resolution Appointing Individuals to Serve on the Parks and Recreation Commission**

It was moved by Mayor Green, seconded by Vice Mayor Valle, to adopt **Resolution No. 3272-06** appointing the following individuals to serve on the Parks and Recreation Commission:

|                                   |                               |
|-----------------------------------|-------------------------------|
| Steven C. Nichols (reappointment) | Term expiring August 15, 2010 |
| Bruce Stanley (reappointment)     | Term expiring August 15, 2010 |

|          |   |
|----------|---|
| Ayes:    | Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green |
| Noes:    | None  |
| Absent:  | None  |
| Abstain: | None  |

**10.c Adopt a Resolution Appointing Individuals to Serve on the Human Relations Commission**

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3273-06** appointing the following individuals to serve on the Human Relations Commission:

|                               |                                 |
|-------------------------------|---------------------------------|
| Helen Hsu                     | Term expiring March 31, 2008    |
| Lee Guio (reappointment)      | Term expiring March 31, 2010    |
| Helen Cabiles (reappointment) | Term expiring December 31, 2010 |

|          |   |
|----------|---|
| Ayes:    | Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green |
| Noes:    | None  |
| Absent:  | None  |
| Abstain: | None  |

10.d Adopt a Resolution Appointing an Individual to Serve on the Planning Commission

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3274-06** appointing the following individual to serve on the Planning Commission:

Gary Singh

Term expiring October 31, 2010

|          |   |
|----------|---|
| Ayes:    | Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green |
| Noes:    | None  |
| Absent:  | None  |
| Abstain: | None  |

**XI. ORAL COMMUNICATIONS – None.**

**XII. SCHEDULED ORAL COMMUNICATION - 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 that the ACAP board had met, electing Bill Kirk as its Chair and nominating Vice Mayor Valle as Vice Chair. Vice Mayor Valle also reported that the Alameda County Library Commission would be meeting on November 1 at the Fremont Main Library.

Councilmember Dutra-Vernaci reported attending a Housing Commission meeting where the Mission View property on Dyer Street was discussed, noting a class action lawsuit has been filed by the Housing Authority against the manufacturer for inferior siding used. The Housing Commission will be replacing and painting to restore the complex. Councilmember Dutra-Vernaci also reported attending a League of California Cities disaster preparedness presentation, given by the Livermore-Pleasanton Fire Department, including information regarding the National Incident Management System (NIMS) presidential directive.

Councilmember Navarro stated he had attended the ABAG emergency preparedness meeting with Councilmember Fernandez and City Manager Cheeves. Councilmember Navarro further reported he had attended the business symposium; the Airport Noise Management Forum meeting where he introduced Dr. Roy Panlilio to committee members; and, also attended the Contempo appreciation dinner.

Councilmember Fernandez and Vice Mayor Valle reported attending the joint Council/School Board subcommittee meeting where discussions included the potential effects of school closures and vandalism issues when schools sit vacant; boundary lines and how they are drawn and the impacts of boundaries created; Proposition 49 funding for after school programs; and issues regarding the Canadian Geese control program. City Manager Cheeves confirmed the district still has their program of using dogs to discourage the geese.

Deputy City Manager Acosta reported city staff would be meeting with the school district, and hopefully CORE representatives as well, regarding our intent to file an application with the school district once the eligibility question has been clarified.

**XIV. GOOD OF THE ORDER**

Councilmember Fernandez spoke about the importance of keeping neighbors talking and the potential for the Farmers Market to create an opportunity for just such interaction between residents. A suggestion was made for staff to review the benefits derived from the market as well as the market's impact on parking and traffic.

Councilmember Navarro extended thanks to Mark Leonard for acting quickly regarding the property at Amaral and Whipple noting the lot had been mowed and was looking much better.

Councilmember Dutra-Vernaci provided a positive update regarding the health condition of former Mayor Tom Kitayama.

Vice Mayor Valle reported the Chamber of Commerce business expo was well attended and a successful event. The Vice Mayor spoke about an upcoming Veteran's Day fund raising event at Safeway to benefit disabled veterans at the VA Hospital in Livermore.

In response to Mayor Green's inquiry, Public Works Director Cheng spoke about the various public works projects that volunteers will be helping with as part of this year's Make-A-Difference-Day event on Saturday, October 28.

Mayor Green reported he would be attending an upcoming CMA meeting as vice chair for that committee. Mayor Green requested the City Clerk prepare an advertisement to recruit for a cycling/pedestrian enthusiast to apply for the Bike and Pedestrian Advisory Committee of the Alameda County Transportation Improvement Authority. Mayor Green reported he had received a call from a candidate regarding the theft of political signs.

## **XV. CLOSED SESSION**

Closed Session - Conference with Real Property Negotiators Pursuant to Section 54956.8 of the Government Code

**Note: This matter was heard at 6:35 p.m. (see note in Section 1 above.)**

Vice Mayor Valle convened the closed session at 6:35 p.m.

Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle.

Absent: Mayor Green

Property: 1100 Decoto Road, APN 087-0019-004-02

Agency negotiators: Mark Leonard, Mark Evanoff

Negotiating party: Barry Swenson Builder

Under negotiation: Price and terms

Vice Mayor Valle adjourned the closed session at 6:55 p.m.

## **XVI. ADJOURNMENT**

There being no further business, Mayor Green adjourned the meeting at 10:21 p.m.

Respectfully submitted,

Renee Elliott, City Clerk