

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
MAY 28, 2002, 6:15 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

**6:15 P.M. - Council Conference Room**

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

**CLOSED SESSION:**

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

Potential Cases: One

Meeting adjourned at 6:27 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, MAY 28, 2002, 7:00 P.M.,  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Vice Mayor Dutra-Vernaci called the meeting to order at 7:23 p.m.

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

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

A. Approval of minutes of the Regular City Council meeting of Tuesday, May 14, 2002

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

AYES: 3 NOES: 0 ABSENT: 2 (RV/MG)

**PROCLAMATIONS/PRESENTATIONS**

A. Presentation of certificates to graduates of Community Workshop

Certificates of participation were awarded to Ethel Alt, Teresa Arciniaga, Sarabajit Cheema, Avtar Dhami, Ronald Frank, Irene Garcia, Herman Loo, Miranda Loo, Judy Muramoto, Tracee Pembleton, Navjot Cheema, graduates of the Community Workshop.

B. Resolution proclaiming June 1-9, 2002 as Affordable Housing Week

Councilmember Elias moved, seconded by Councilmember Fernandez to adopt resolution, read in its entirety.

AYES: 3 NOES: 0 ABSENT: 2 (RV/MG) ADOPT  
RESO. 2182-02

Vice Mayor Dutra-Vernaci read the resolution in its entirety and presented it to Diane Jackson McLean, who accepted the resolution on behalf of East Bay Housing organizations.

C. Resolution proclaiming May 27-31 as Emergency Medical Services Week

Councilmember Elias moved, seconded by Councilmember Fernandez to adopt resolution, read in its entirety.

AYES: 3 NOES: 0 ABSENT: 2 (RV/MG) ADOPT

Vice Mayor Dutra-Vernaci read the resolution in its entirety and presented it to Marlene Rivers, who accepted the resolution on behalf of the emergency providers in Union City.

**ORAL COMMUNICATIONS**

Dave Bhatia spoke about the India Festival.

Leonor Amaya commented on difficulty in getting copy of 2000 Police Annual Report.

**HEARINGS**

- A. HEARING RE: Final Reading Ordinance No. 583-02: **ORDINANCE OF THE CITY OF UNION CITY AUTHORIZING THE ADOPTION OF A FEE TO RECOVER THE COSTS INCURRED BY THE CITY IN UPDATING THE GENERAL PLAN**

*This ordinance is an enabling ordinance that will authorize the adoption of a fee to recover the costs of preparing the 2002 General Plan, the Intermodal Station District and Transit Facility Plan, the necessary environmental documents for these plans, and maintaining the currency of the General Plan and preparing required annual reports.*

Joan Malloy, Planning Manager, gave the staff report.

Vice Mayor Dutra-Vernaci opened the hearing for public comment.

There being no public comments, the hearing was closed.

Councilmember Fernandez moved, seconded by Councilmember Elias to adopt Ordinance, waiving reading of the Ordinance.

AYES: 3	NOES: 0	ABSENT: 2 (RV/MG)	FINAL
			ORD. 583-02

**REPORTS FROM CITY MANAGER**

- A. Revisions to the Landscape Standards Policy Statement to Address Landscape Berms  
(Resolution)

*Staff recommends revision to the Landscape Standards Policy Statement that incorporates a 30 inch height standard for landscape berms along street frontages of parking lot areas.*

Joan Malloy, Planning Manager, gave the staff report.

Barry Ferrier feels this policy will greatly enhance the looks of the City.

Councilmember Elias moved, seconded by Councilmember Fernandez to adopt resolution, reading of title suffice.

AYES: 3                      NOES: 0                      ABSENT: 2 (RV/MG)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF                      ADOPT  
UNION CITY ADOPTING REVISIONS TO THE LANDSCAPE                      RESO.NO. 2184-02  
STANDARDS POLICY STATEMENT

**REDEVELOPMENT AGENCY**

There was Council concurrence to continue Item A to the June 11, 2002 Council meeting.

A.     HEARING RE: **RESOLUTION OF NECESSITY 33103 - 33125 MISSION BOULEVARD, APN 087-0091-016 AND APN 087-0091-016-04**

*Mid Peninsula Housing Coalition has requested the Agency Board to secure the acquisition of the property before it enters into a Disposition, Development and Loan Agreement (DDLA) with the Agency to develop Mission Gateway affordable housing.*

B.     **Resolution of the Redevelopment Agency of the City of Union City ACCEPTING GRANT DEED**

*Len Ashford III, LLC, a Delaware Limited Liability Company, through its managing member Lennar Homes of California, Inc., is deeding three parcels to the City of Union City Redevelopment Agency. This resolution authorizes the Executive Director to execute the Certificate of Acceptance and directs the filing of the grant deed.*

Mark Evanoff, Redevelopment Agency Manager, gave the staff report.

Agencymember Elias moved, seconded by Agencymember Fernandez to adopt resolution, reading of title suffice.

AYES: 3                      NOES: 0                      ABSENT: 2 (RV/MG)                      ADOPT RDA  
RESO. NO. 256-02

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

Vice Mayor Dutra-Vernaci requested Item B removed from the consent calendar.

Councilmember Fernandez moved, seconded by Councilmember Elias to adopt Items A, C-H, numbered appropriately.

AYES: 3                      NOES: 0                      ABSENT: 2 (RV/MG)

Titles of the resolutions adopted by this motion are as follows:

- A.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENTS WITH THE ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY FOR MEASURE B PROGRAMMATIC PASS-THROUGH FUNDS                      ADOPT  
RESO. NO. 2185-02

*Staff is requesting City Council authorization for the City Manager to enter into 20-year funding agreements with the Alameda County Transportation Improvement Authority for Measure B Programmatic Pass-through funds. The programs include Mass Transit - Countywide Local and Feeder Bus Service, Special Transportation for Seniors and People with Disabilities, Local Streets and Roads, and Bicycle and Pedestrian Safety.*

- C.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR PURCHASE AND INSTALLATION OF THREE COMPRESSED NATURAL GAS FUEL METERING DEVICES, CITY PROJECT NO. 02-07                      *This resolution authorizes the City Manager to execute a cooperative agreement with the State of California for the installation of*

*This resolution awards and authorizes the City Manager to execute the contract to Accel Project Systems Inc., of Buda, Texas for purchase and installation of three Compressed Natural Gas Fuel Metering Devices.*

- D.        RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE COOPERATIVE AGREEMENT NO. 4-1906-C BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF UNION CITY                      *traffic signal on Route 238 (Mission Boulevard) at O'Connell Lane/Holly*

*Leaf Lane.*

ADOPT  
RESO. NO. 2186-02

ADOPT  
RESO. NO. 2187-02

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-04-02; VARIANCE V-02-02, DECOTO HOUSING PROJECT

*Initiated by the Union City Redevelopment Agency, a proposal to construct five, four bedroom, one-story, single-family homes on*

*five vacant lots in the Decoto neighborhood to create additional affordable*

*housing opportunities in the City.*

ADOPT  
RESO. NO. 2188-02

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR CITY PROJECT NO. 01-37, UNION LANDING BOULEVARD IMPROVEMENT PROJECT AS CONDITIONED BY THE DEVELOPER, PAPPAS UNION CITY, L.P. FOR DEVELOPMENT FOR IN-N-OUT BURGER
- ADOPT  
RESO. NO. 2189-02

*The developer, Pappas Union City, L.P. was conditioned to widen Union Landing Boulevard to its ultimate width as part of the development of the In-N-Out Burger on Union Landing Boulevard.*

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR THE ALVARADO-NILES ROAD IMPROVEMENT PROJECT, CITY PROJECT NO. 01-39
- ADOPT  
RESO. NO. 2190-02

*The developer, AR-EM, Inc. (Burger King) and Equilon Enterprises LLC (Shell Gas) was conditioned to widen Alvarado-Niles Road to its ultimate width as part of the development of the Shell Gas Station/Burger King site on the corner of Alvarado-Niles Road and Santa Theresa Drive.*

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY TO ACCEPT A DOMESTIC VIOLENCE GRANT FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING AND APPROPRIATE GRANT AMOUNT
- ADOPT  
RESO. NO. 2191-02

*This is a one time funding source offered by the Shelter Against Violent Environments, (S.A.V.E.), intended to enhance the Departments' response to domestic violence.*

The title of Item B is as follows:

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED CONTRACT FOR UNION CITY STREETS REHABILITATION PROJECT (STIP) AND 2001-02 OVERLAY PROGRAM, PHASE II, CITY PROJECT NOS. 01-14 AND 01-16

*This resolution awards and authorizes the City Manager to execute the contract to DeSilva*

*Gates of Dublin for Union City Streets Rehabilitation Project (STIP) and 2001-02 Overlay Program, Phase II.*

Vice Mayor Dutra-Vernaci pulled Item B to receive information on the overlay of streets that are near school sites.

Larry Cheeves, Public Works Director, responded that those streets that are near schools would started and completed prior to start of school in September.

Councilmember Fernandez moved, seconded by Councilmember Elias to adopt resolution, reading of title suffice.

AYES: 3                      NOES: 0                      ABSENT: 2 (RV/MG)                      ADOPT  
RESO.NO. 2192-02

**ORAL COMMUNICATIONS**

Barry Ferrier requested status of railroad crossing at Alvarado Boulevard.

Larry Cheeves, Public Works Director, responded that Fremont has not kept with the schedule they have provided. Director Cheeves will direct staff to contact Fremont for an updated schedule.

**CORRESPONDENCE - NONE**

**APPROVAL OF BILLS - MONTH OF APRIL**

A. Approval of warrants for payment - April 2002

Councilmember Elias moved, seconded by Councilmember Fernandez to approve warrants for payment.

AYES: 3                      NOES: 0                      ABSENT: 2 (RV/MG)

**SCHEDULED ORAL COMMUNICATIONS - NONE**

**ITEMS REFERRED BY COUNCIL**

A. Oral Reports by Councilmembers on Meetings of County or Regional Boards and Commissions

Councilmember Fernandez reported attending the Congestion Management Agency meeting where it was approved to spend \$7 million for construction management of I680.

Vice Mayor Dutra-Vernaci reported attending the League of California Cities East Bay Division Sacramento Legislative Action Days where local officials met with legislators and enforced their concerns regarding State taking of local monies.

**GOOD OF THE ORDER**

Councilmember Fernandez stated the median planting on Alvarado Niles Road is in need of replacement or redesign.

Councilmember Elias requested status of parking changes at Union Landing.

Councilmember Elias questioned if Fremont has responded to Mayor's letter.

Councilmember Elias stated there are shopping carts being left across from Wal-Mart.

Councilmember Elias questioned dates for budget meetings in June.

Vice Mayor Dutra-Vernaci commented on times for budget meetings, June 1 at 9:00; June 10 at Holly Community Center at 8:30 p.m., June 17 at 7:00 p.m.

Vice Mayor Dutra-Vernaci stated Saturday is Quarry Lakes official ribbon cutting ceremony with admission to park free.

At 7:57 p.m., Councilmember Fernandez moved, seconded by Councilmember Elias to adjourn meeting to Saturday, June 1, 2002, at 9:00 a.m.

AYES: 3                      NOES: 0                      ABSENT: 2 (RV/MG)