

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
DECEMBER 9, 2003, 6:00P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:07 p.m.

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

**CLOSED SESSION:**

There was no one present to speak under oral communications.

The Council met in closed session on the following:

- A. **LICENSE/PERMIT DETERMINATION**  
(Pursuant to Section 54956.7 of the California Government Code)

Title: Driver's Permit to Operate Union City Paratransit Bus

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

Number of cases: One

- C. **CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Section 54957.6)

Agency Designated representatives: Larry Cheeves, Interim City Manager; Rich Digre, Administrative Services Director; Tony Acosta, Deputy City Manager; Randy Ulibarri, Chief of Police

Employee Organization: Police Officers Association

Meeting adjourned at 6:53 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, DECEMBER 9, 2003, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:00 p.m. and led the audience in the salute to the flag.

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

City Attorney, Mike Riback, reported the Council, on a 3-0 vote, determined that a bus driver permit may be issued to applicant Deborah Page.

Mayor Green read the rules for conduct of the meeting.

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

A. Approval of minutes of the Regular City Council meeting of Tuesday, November 25, 2003

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

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

**PROCLAMATIONS/PRESENTATIONS - NONE**

**ORAL COMMUNICATIONS**

Dave Bhatia commented on roadwork on Alvarado, and spoke about the relationship with the Sister City of Jalandhar, India.

Gertrude Corchero commented on the parcel tax and 911 tax.

Mattie Rousseau spoke on the parcel tax.

Santosh Wadhwa spoke about the sister city relationship with Jalandhar, India.

John Haley spoke on the parcel tax increase.

Interim City Manager, Larry Cheeves stated there will be a report on the January 13 Council agenda regarding a fee for the 911 public safety tax.

## HEARINGS

- A. HEARING RE: ANNEXATION NO. 4 OF TERRITORY TO THE COMMUNITY FACILITIES DISTRICT 96-1 (DIPSA), FOR (1) BRADDOCK & LOGAN GROUP II, L.P., A CALIFORNIA LIMITED PARTNERSHIP AND (2) COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY (AGENCY)  
(Resolutions)

*Pursuant to the Resolution of Intention, the Council determined that the public convenience and necessity require that certain territory, as more particularly described in the Resolution of Intention, be annexed to the existing CDF, all as provided in the Mello-Roos Community Facilities Act of 1982. The Resolution of Intention provides that the special taxes heretofore caused to be levied in the CFD for financing the public facilities and services provided through the CFD shall be levied in the territory proposed to be annexed, subject to the public hearing and landowner election proceedings as specified in the Act.*

Steve Sprotte, Management Analyst, gave the staff report.

Mayor Green opened the hearing for public comment for those speaking in favor of this resolution.

There were no comments in favor.

Mayor Green requested comments from those speaking in opposition to this resolution.

There being no public comment in opposition, Mayor Green closed the public hearing.

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

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

The titles of the Resolutions adopted by this motion are as follows:

|   |                            |
|---|----------------------------|
| RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS OF THE CITY OF UNION CITY COMMUNITY FACILITIES DISTRICT NO. 96-1 (DIPSA) ANNEXATION NO. 4 | ADOPT RESO.<br>NO. 2548-03 |
|---|----------------------------|

|   |                            |
|---|----------------------------|
| RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN OF THE CITY OF UNION CITY COMMUNITY FACILITIES DISTRICT NO. 96-1 (DIPSA) ANNEXATION NO. 4 | ADOPT RESO.<br>NO. 2549-03 |
|---|----------------------------|

## REPORTS FROM CITY MANAGER

### A. Naming of Teen Center after Leisure Services Director Bill May

*At a recent meeting, the City Council requested to have a City building named after the late Leisure Services Director Bill May. This resolution authorizes the naming of the Union City Teen Center after William C. May, Jr.*

Tony Acosta, Deputy City Manager, gave the staff report.

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

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

The title of the resolution adopted by this motion is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
UNION CITY NAMING THE UNION CITY TEEN CENTER AS  
THE WILLIAM C. MAY, JR. TEEN CENTER

ADOPT RESO.  
NO. 2550-03

### B. Report on crosswalk at Union City Boulevard and Delores Drive

*Several parents of students at Delaine Eastin Elementary School requested Council consider installation of a crosswalk at the existing signalized intersection of Union City Boulevard and Delores Drive. This report requests staff direction as to available options to the City for this intersection.*

Larry Cheeves, Interim City Manager, gave the staff report.

Harbinder Johal thanked Council for addressing the issue on the pedestrian crossing on Union City Boulevard.

Hugh McNamara stated a crosswalk is a good idea if the sidewalk is wide enough.

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Fernandez to approve staff's recommendation to install the crosswalk.

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

### C. Set date and time for a Council work session on Route 84

*Staff is requesting Council to set January 20, 2004 as the date to hold a work session on Route 84.*

Larry Cheeves, Interim City Manager gave the staff report, including information that the Fremont City Council and Union City Council will jointly meet on Monday, February 9, 2004.

There was Council concurrence to schedule a work session on Route 84 for January 20, 2004 at 7:00 pm.

**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

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

**CONSENT CALENDAR/RESOLUTIONS**

Mayor Green requested Item G removed from the consent agenda.

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Fernandez to adopt Items A, B C, D, E, F, H, and I, numbered appropriately.

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

The 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 CITY MANAGER TO EXECUTE CONTRACT EXTENSION WITH MV TRANSPORTATION FOR FY 2004-2005 | ADOPT RESO.<br>NO. 2551-03 |
|----|---|----------------------------|

*Union City contracts with MV Transportation for operations and maintenance of Union City Transit and Paratransit. The current contract expires at the end of FY2003/2004. Staff is requesting Council approval for a contract extension for FY 2004/2005.*

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED CONTRACT TO SOIL ENTERPRISES, INC. OF BRENTWOOD FOR THE FINAL DEMOLITION AND COLLECTION OF ENVIRONMENTAL INFORMATION FOR THE UNION CITY GYMNASIUM, CITY PROJECT NO. 02-12 ADOPT RESO. NO. 2552-03

*This resolution awards the contract for the demolition and collection of information. The final phase of demolition and collection of environmental information consists of removal of foundations and sub-surface materials to include collection of environmental information to complete required environmental assessments. Upon completion of this phase, the site will be ready for construction of the Union City Gymnasium..*

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL TRACT MAP 7393, IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA ADOPT RESO. NO. 2553-03

*The developer of Tract 7393, Braddock & Logan, has complied with all conditions of the tentative tract map. This development is located at 33950 7<sup>th</sup> Street, on the east side of 7<sup>th</sup> Street, south of Decoto Road. Tract 7393 is a subdivision of 8.69 acres into 58 small lots, single family residential lots with a minimum lot size of 3,080 square feet; four duplex lots on corner sites; a 35,760 square foot lot for a new fire station and a 23,463 square foot lot to serve as park extension to Shorty Garcia Park.*

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-12-03 AND VARIANCE V-06-03 FOR THE SOUTHERN ALAMEDA COUNTY BUDDHIST CHURCH ADOPT RESO. NO. 2554-03

*This resolution authorizes a request by the Southern Alameda County Buddhist Church for a Site Development Review and Variance to develop an 8,786 square foot private senior residential care facility for 16 senior citizens and a variance for a reduced number of parking spaces.*

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-11-03 FOR THE SAN FRANCISCO CHRONICLE ADOPT RESO. NO. 2555-03

*This resolution approves a Site Development review application for the construction of a 22,000 square foot addition to the existing San Francisco Chronicle newspaper printing press facility located at the corner of Pacific Street and Central Avenue.*

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING DEVELOPMENT IMPACT FEES TO INCORPORATE SECONDARY DWELLING UNITS UNDER THE AUTHORITY OF MUNICIPAL CODE CHAPTER 18.105 ADOPT RESO. NO. 2556-03

*Ordinance 609-03 adopted Zoning Text Amendment AT-02-03 to allow secondary dwelling units in all single-family residential zones as a permitted use. This resolution is an amendment to the Capital Facilities Fee schedule to incorporate secondary dwelling units to clarify that these new residential units also would be subject to the fee.*

- H. Rejection of Claim No. 565

*The City's Claim Administrator is requesting rejection of claim No. 565, filed by Dalia Vernikovsky for alleged damages to her vehicle as a result of road work.*

This claim was rejected by the earlier stated motion.

- I. 2004 Appointments List

*As required by Government Code Section 54972, on or before December 31 of each year, the legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List.*

The 2004 Appointment List was approved by the earlier stated motion.

The title of Item G is as follows:

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CERTIFYING THE MITIGATED NEGATIVE DECLARATION, PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENTAL FUNDS, AND PUBLIC LIBRARY OPERATION FOR THE UNION CITY LIBRARY

*This resolution approves the project for the replacement of the Union City Library with a new, approximately 46,995 sq. ft. building and authorizes the application of funds for this project from the California Reading and Literacy Improvements and Public Library Construction and Renovation Bond Act of 2000 to assist with the construction.*

Tony Acosta, Deputy City Manager, gave staff report.

Ron Smith, resident, stated his concerns on the loss of open space and additional parking.

Mayor Green moved, seconded by Vice Mayor Fernandez to approve Item G, numbered appropriately.

AYES: 3

NOES: 0

ABSENT: 2

ADOPT  
RESO. NO. 2557-03

### **ORAL COMMUNICATIONS**

There were no oral communications.

### **CORRESPONDENCE -NONE**

### **APPROVAL OF BILLS - NONE**

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

### **ITEMS REFERRED BY COUNCIL**

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

There were no oral reports.

### **GOOD OF THE ORDER**

There were no items under Good of the Order.

At 7:59 p.m. Vice Mayor Fernandez moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting to January 13, 2004.

AYES: 3

NOES: 0

ABSENT: 2 (BE/RV)