

**MINUTES FOR THE SPECIAL  
CITY COUNCIL MEETING  
CITY OF UNION CITY  
FEBRUARY 8, 2005, 6:00 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the special meeting to order at 6:10 p.m.

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

Council met in closed session on the following:

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
(Pursuant to Subdivision (a) of Section 54956.9)

Name of Case: City of Union City, a municipal corporation v. Equity Capital, Inc., a  
Nevada Corporation  
Superior Court

Councilmember Fernandez arrived at the meeting at 6:18 p.m.

Council moved into the adjourned meeting immediately following the special meeting.

**A. CONFERENCE WITH LABOR NEGOTIATORS**

Designated Representatives: Larry Cheeves, City Manager, Tony Acosta, Deputy City  
Manager, Rich Digre, Administrative Services Director

Employee Organization: Management

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

Meeting adjourned at 7:10 p.m. and reconvened after the regular Council meeting.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, FEBRUARY 8, 2005, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:22 p.m. and led the audience in the salute to the flag.

Mayor Green stated there were no actions taken in the earlier closed sessions.

**ROLL CALL:** Present: Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green  
Absent: None

Mayor Green read the rules for conduct of the meeting.

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of Minutes of the adjourned regular City Council meeting of Saturday January 15, 2005

Councilmember Navarro requested the correct spelling of School Board member Aro-Valle.

Councilmember Valle moved, seconded by Councilmember Fernandez to approve minutes as amended.

AYES: 5                      NOES: 0                      ABSENT: 0

- B. Approval of Minutes of the adjourned regular City Council meeting of Saturday January 22, 2005

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

AYES: 4                      NOES: 0                      ABSENT: 0                      ABSTAIN: 1 (CDV)

C. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, January 25, 2005

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

AYES: 4                      NOES: 0                      ABSENT: 0                      ABSTAIN: 1 (MF)

D. Approval of Minutes of the adjourned regular City Council meeting of Saturday January 29, 2005

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

AYES: 5                      NOES: 0                      ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS**

A. Resolution in recognition of the 12<sup>th</sup> Annual Asian American Heritage Festival to be held on May 21, 2005 in Cesar Chavez/Old Alvarado Park

Councilmember Fernandez moved, seconded by Vice Mayor Dutra-Vernaci to approve resolution, numbered appropriately, and read in its entirety.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT RESO.  
NO. 2820-05

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

B. Presentation by Centro De Servicios regarding services provided to the City

Jaime Jaramillo, Executive Director of Centro De Servicios, gave a presentation to the Council.

Yolanda Triana stated that Centro has provided great services to the community for a long time and requested support for Centro.

Reverend Brown expressed support for Centro because of the services provided to the African American community.

Hugh McNamara stated he has helped Centro over the years through food distribution.

Ben Elias stated that Centro and Spectrum serve many residents and spoke in favor of increasing funding for Centro.

Leonor Amaya stated the City should increase funding for Centro.

Pat Gacoscos expressed support for Centro

There was Council concurrence to schedule this item for action on the February 22, 2005 agenda.

### **ORAL COMMUNICATIONS**

*Comments from the floor on non-agenda items will be accepted for a period of ½ hour maximum. Speakers are limited to three minutes each. Persons wishing to speak must complete a Speaker Card available at the rear of the Council Chambers or from the Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XIII of the agenda if they wish.*

Michael Sweeney, new Executive Director for Spectrum Community Services, requested to be agendized to make a presentation about the services Spectrum provides to Union City.

Ben Elias spoke about comments made by Councilmember Navarro at a recent City function, and follow-up e-mails.

There was Council concurrence to agendize a presentation by Spectrum on the February 22, 2005 agenda.

### **HEARINGS - NONE**

### **REPORTS FROM CITY MANAGER**

A. Follow-up report on the January 15, 2005 Youth Non-Violence Summit; option for a City Youth Commission

*This report is to provide an overview of the Union City Youth Non-Violence Summit held on Saturday, January 15, 2005 at the Ruggieri Senior Center, and to present options for the City Council to consider on how Union City's youth can participate in the community-wide process of addressing youth issues and needs.*

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

Mary Kong, member of the Youth Committee, expressed support for a Youth Commission.

Reverend Brown stated there is a need to draw the youth, and that the faith based community should be involved.

There was Council concurrence to return this issue to the Youth Committee for suggestions and options, returning to Council in late April or May.

B. Report on status of Route 84 and alternative alignment

*This report is to summarize the regional benefits of the Route 84 Historic alignment, identify the amenities and improvements to traffic circulation that will occur for the residents of Fremont with the Route 84 Historic Alignment, and document the financial commitment of the City of Union City in preserving the Route 84 right-of-way.*

Executive Director and Assistant Executive Director, Christine Monson and Art Dao, ACTA, gave a report on the status of Route 84.

Councilmember Fernandez left the meeting at 9:26 p.m. and returned at 9:29 p.m.

Councilmember Navarro left the meeting at 9:29 p.m. and returned at 9:31 p.m.

J. J. Amaya stated he is in favor of the historic alignment. He feels Option 2 will create some problems and questioned the overflow of traffic on local streets and the drain this may have on city resources.

Margaret Edgelow encouraged the historic parkway, but if not possible, would support Option 2 and commented on the need for a citizens watchdog committee that would insist on follow-through.

Barry Ferrier stated his support of Option 2.

This item will return to Council for recommendation after ACTA has met with Fremont residents.

At 9:58 p.m., Council recessed for a short reception for Public Works Director, Mintze Chang.

Council meeting reconvened at 10:25 p.m.

C. Report on expiration of Redevelopment Advisory Committee (RePAC) (Resolution)

*RePAC has completed its role for providing policy direction to the City Council and Agency Board on the Amended and Restated Redevelopment Plan, the use of eminent domain within the Project Area and in formulating an Agency Project expenditure list. Because there is no further need for RePAC to continue its advisory services, staff is recommending the adoption of the resolution which recognizes their services to the Council and Agency Board. Staff is also recommending appointing Dave Lencioni to serve as a citizen member on the Tree and Landscape Review Committee and Yolanda Triana to serve on the Bicycle Pedestrian Advisory Committee as a citizen member. The Planning Commission would expand its role in providing direction on Economic Development.*

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

J. J. Amaya stated addressing this issue tonight is unfair due to the lack of notice to the RePAC members of this item on the agenda.

Barry Ferrier commented on concerns he has had that he could not participate on the committee because he didn't live in the project area.

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

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY THANKING THE REDEVELOPMENT PROJECT AREA COMMITTEE FOR IT'S SERVICE IN FORMULATING AND IMPLEMENTING THE AMENDED AND RESTATED REDEVELOPMENT PLAN                      ADOPT RESO. NO. 2821-05

**D. FY 2005/06 & FY 2006/07 Budget Calendar**

*This report provides a proposed schedule of events between now and the end of the fiscal year when a new bi-annual budget for fiscal years 2005-06 and 2006-07 is planned to be presented to Council for adoption.*

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

Mayor Green moved, seconded by Vice Mayor Dutra-Vernaci to approve staff recommendation for calendar for the bi-annual budget for fiscal years 2005-06 and 2006-07. Two additional meetings will be scheduled for June 7 and 9<sup>th</sup> for public workshop on the budget.

AYES: 5                      NOES: 0                      ABSENT: 0

**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 to remove Item A from the consent agenda.

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to approve Items B-F, numbered appropriately, reading of Ordinance title to suffice.

AYES: 5                      NOES: 0                      ABSENT: 0

The titles of the resolutions and ordinance introduced by this motion are as follows:

- B.      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL MAP OF PARCEL NO. 8296, IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA                      ADOPT RESO. NO. 2822-05

*Kohoutek Condominiums, LLC has submitted Final Parcel Map 8296 for approval. Parcel Map 8296 is a single lot subdivision of an approximately 3.11 acre MS (Special Industrial) site to create nineteen individual condominium units. The site is located on the northeast side of Kohoutek Way approximately 1000 feet north of Whipple Road.*

- C.      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING COMPENSATION FOR VACATED RIGHT-OF-WAY HELD IN FEE                      ADOPT RESO. NO. 2823-05

*The City Council has vacated the rights-of-way for portions of three parcels on the west of existing Union City Boulevard south of Bettencourt Way, at the request of Pinn Brothers Construction. Parcel 2 is owned in fee by the City, rather than having been dedicated for street purposes only. Because of this distinction, it was determined that there be compensation paid for the parcel. The standard compensation for vacated right-of-way designated property is fifty percent of the market value which the developer has agreed to pay. This resolution accepts the compensation for that portion of right-of-way owned by the City as a condition of recording said vacation.*

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE AUTHORIZED POSITIONS LIST (PART-TIME FIRE INSPECTOR) AND OPERATING BUDGET FOR FISCAL YEAR 2004/05 ADOPT RESO. NO. 2824-05

*Staff is requesting authorization to increase the part-time Fire Inspector position from 0.50 FTE's to 1.00 FTE's effective immediately. The addition of a part-time Fire Inspector will ease the current workload and increase inspection revenues in the future.*

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED A PROFESSIONAL SERVICES CONTRACT FOR ASSESSMENT ENGINEERING SERVICES FOR LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ADOPT RESO. NO. 2825-05

*It is the City's intent to continue the Landscape and Lighting District funding for on-going street lighting and signalization, street median and backup landscape maintenance, and street tree management within the city limits. It is also the City's intent to re-engineer the district to include park-related activities. Staff is recommending the firm of Berryman and Henigar to provide assessment-engineering services pursuant to the Landscape and Lighting Act of 1972 and Proposition 218.*

- F. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY ADDING CHAPTER 10.18 TO TITLE 10 OF THE UNION CITY MUNICIPAL CODE "FRANCHISES FOR POLICE TOWING"** INTRO ORD. 647-05

*This ordinance will create a franchise system for tow companies participating in Police Department rotational towing.*

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE UNION CITY FIRE DEPARTMENT TO PARTICIPATE IN THE SAFE HAVEN PROGRAM FOR NEWBORNS

*The Safely Surrendered Baby Law (also known as the Safe Haven or Newborn Abandonment Law) went into effect January 1, 2001 and authorizes the Alameda County Board of Supervisors to designate locations where newborns (less than 72 hours old) may be confidentially surrendered, by a parent or guardian having lawful custody of the infants, without fear of criminal prosecution. The use of fire stations as drop off locations for newborns is part of a statewide effort to end tragic consequences of infant abandonment.*

Mayor Green questioned where the City's liability begins and ends with this project.

Fire Chief Maxwell stated a 72 hour old or younger child can be brought to any Fire Station, the Fire Dept would call an ambulance who would pick up the infant, transport the baby to the closest medical facility (Washington or St. Rose) where it is checked. The infant would be at the fire station for a very limited amount of time (@20 minutes).

Mike Riback does not believe the city would have any increased liability for this program than it would for any other program.

Mayor Green moved, seconded by Vice Mayor Dutra-Vernaci to approve resolution, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT RESO.  
NO. 2826-05

**ORAL COMMUNICATIONS**

There were no oral communications.

**CORRESPONDENCE - NONE**

**APPROVAL OF BILLS - MONTH OF JANUARY**

A. Approval of disbursements issued for month of January

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Fernandez to approve disbursements issued for month of January.

AYES: 5                      NOES: 0                      ABSENT: 0

**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 Noise Forum where there is a potential change that will affect the SF Airport and the flight pattern over Union City.

Councilmember Fernandez stated Councilmember Navarro would like to be the representative to the Noise Forum. Councilmember Fernandez will be removed from this committee.

Councilmember Valle attended the Alameda County Library Commission where it was announced that Linda Wood is retiring March 26. There will be a retirement party at the

Fremont, Newark Hilton. The County will be conducting an active search for a new librarian.

Councilmember Valle reported attending the ACAP meeting.

Councilmember Valle questioned if a joint committee meeting with the School District has been scheduled.

City Manager Cheeves stated that they will contact the School District for a meeting date for this month or next.

### **GOOD OF THE ORDER**

Councilmember Valle stated the Science Festival will be held March 5 from 10-4 at Logan.

Council meeting recessed at 11:05 p.m. and reconvened in closed session at 11:10 p.m.

Mayor Green moved, seconded by Vice Mayor Dutra-Vernaci to adjourn meeting at 12:00 a.m. to February 22, 2005.

AYES: 5                      NOES: 0                      ABSENT: 0