

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
AND COMMUNITY REDEVELOPMENT AGENCY
CITY OF UNION CITY
SEPTEMBER 10, 2002, 6:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

6:30 P.M. - Council Conference Room

Mayor Green called the meeting to order at 6:45 p.m.

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

Council met in closed session on the following:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)**

Name of Case: City of Union City v. Union Pacific Railroad Company,
Case No. H210710-1, Alameda County Superior Court

Meeting adjourned at 7:30 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING
AND COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF UNION CITY
TUESDAY, SEPTEMBER 10, 2002,7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:45 p.m. and lead the audience in the salute to the flag.

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

City Attorney, Michael Riback reported that the Council unanimously approved a settlement agreement with Union Pacific Railroad Company, an eminent domain action entitled City of Union City v. Union Pacific Railroad Company, Case No. H210710-1, Alameda County Superior Court

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 Monday August 19, 2002

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

AYES: 5 NOES: 0 ABSENT: 0

- B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, August 20, 2002

Required Action: Motion

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

AYES: 5 NOES: 0 ABSENT: 0

C. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, August 27, 2002

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Presentation to Chris Guckert as Officer of the Year by the Newark Optimist Club
Required Action: Presentation

Frank Otts, Newark Optimist Club, presented Officer Chris Guckert with plaque for being selected Officer of the Year.

Chris Guckert accepted the plaque and thanked the Newark Optimists Club for the recognition.

B. Proclamation proclaiming September 11, 2002 as Public Safety Appreciation Day
Required Action: Present

Mayor Green read the proclamations in their entirety and were presented to Police Chief Randy Ulibari and Fire Chief Brian Kelly who thanked Council on behalf of the Fire and Police Departments.

Mayor Green invited all to attend a ceremony on September 11 in front of City Hall at 5:00 p.m.

ORAL COMMUNICATIONS

John Haley commented on discussion at last Council meeting regarding McKesson property.

Fred Chamberlain commented on the trash from Union Square to Seventh Street and requested this area cleaned.

Jerry Catanzano commented on truck parking on Whipple Road.

Dave Bhatia commented on a fundraiser for Gray Davis.

Leonor Amaya and Jesse Amaya commented on police officers involved in her daughter's case.

Councilmember Elias moved, seconded by Councilmember Valle to move Scheduled Oral Communications to this point on the agenda.

AYES: 5 NOES: 0 ABSENT: 0

SCHEDULED ORAL COMMUNICATIONS

- A. Request by Lisa Prentice to address the Council regarding concerns of a February 22, 2002 incident at Logan High School

Lisa Prentice, Angela Munoz, Susan Benitez, Martha Cruz, Ronald Prentice and Leonore Anderson addressed the Council regarding concerns of a February 22, 2002 incident at Logan High School.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

- A. Passage of the State Budget and Resulting Implications for Union City including prior budget reductions

This report is to advise the City Council of the passage of the State Budget for Fiscal Year 2002-03 and the implications created for the City.

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

Barry Ferrier stated his preference would be to restore the Senior Programming Analyst position.

John Tester urged the Council to consider restoring the SRO at Logan, as well as maintenance workers.

John Haley urged Council to be as conservative as possible with their decisions and feels there should be a moratorium on residential development.

Hugh McNamara also urged Council to keep expenditures down and be conservative in their approach.

Louis Chicoine, Tri-Cities Homeless Coalition, encouraged Council to retain the third year funding for his agency as well as the others.

Rodney Clark, Executive Director of S.A.V.E., thanked Council for funding the last two months and requested funding to provide services to Union City residents.

Gisela Jara, ex-park ranger, encouraged Council to restore SRO position and park ranger program.

Chris Carro, Counselor for Filipinos for Affirmative Action, encouraged Council to continue to support the agencies.

There was Council concurrence to schedule an adjourned meeting on September 17 at 8:00 p.m. for discussion and possible action on budget restoration items. Staff information to include amounts for annual costs, most current information on dollar amounts for RDA, storm drainage fees and whatever trailer bills may affect the City.

At 9:51 p.m. Council recessed, reconvening at 10:14 p.m.

B. Request by Local 790 to continue employing Crossing Guards as City employees

This report is brought forward to consider Local 790's request for the City to continue employing crossing guards as City employees.

Due to the discussion that took place on Item A, this item will be addressed at the meeting scheduled for September 17.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested to remove Item A, B; Councilmember Fernandez requested the removal of Item 0 from the consent calendar.

Councilmember Elias moved, seconded by Councilmember Valle to adopt Items C-N, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

C.	RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY FOR AUTHORIZATION TO REAPPLY FOR 1999-2000 TDA ARTICLE 3 FUNDS, DEPOT ROAD BIKE & PEDESTRIAN PATH, CITY PROJECT NO. 02-02	ADOPT RESO. NO. 2235-02
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This resolution authorizes

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY FOR AUTHORIZATION TO EXTEND ABANDONED VEHICLE ABATEMENT PROGRAM ADOPT RESO. NO. 2236-02

The current Abandoned Vehicle Abatement Program expires in May 2003. New legislation allows the local abatement authorities to extend their programs every 10 years with the approval of the County and a majority of the cities comprising a majority of the population of the incorporated areas. This resolution is the first step towards the extension of this important program.

- E. REVIEW AND UPDATE OF PARK PERMIT PROGRAM ACCEPT

This report discusses the first fifteen months of park use management using the new Park Use Policy and proposed changes in the policy that will help resolve existing problems.

Items F-0 are Codes that are renewed every 3 years and were presented as one staff report as follows:

The City Council last adopted Building Code Ordinances in 1999 in conjunction with the 1998 editions of the California model codes. The subsequent triennial 2001 code editions will become effective statewide November 1, 2002. By adopting code ordinances at this time, local amendments can be orderly and effectively included into enforcement efforts.

- F. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF UNION CITY, TO PROVIDE THE NECESSARY REQUIREMENTS FOR A SINGLE ADMINISTRATIVE DOCUMENT APPLICABLE TO AND COMPATIBLE WITH ALL ADOPTED TECHNICAL CODES THAT REGULATE CONSTRUCTION BY THE AMENDMENT OF CHAPTER 15.36 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 536-99 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH** INTRO ORD. NO. 584-02

- G. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING A BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.40 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 537-99 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH** INTRO ORD.
585-02
- H. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF PLUMBING AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.48 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 538-99 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH** INTRO ORD.
586-02
- I. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF MECHANICAL EQUIPMENT AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.52 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 539-99 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH** INTRO ORD.
587-02

J. Introduction of Ordinance: AN ORDINANCE ESTABLISHING

INTRO ORD.
588-02

AN ELECTRICAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF ELECTRICAL SYSTEMS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.44 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 540-99 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH

K. Introduction of Ordinance: AN ORDINANCE ESTABLISHING

INTRO ORD.
NO. 589-02

A FIRE CODE FOR THE CITY OF UNION CITY, REGULATING THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS AND PREMISES AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.20 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 541-99 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

L. Introduction of Ordinance: AN ORDINANCE ESTABLISHING

INTRO ORD.
NO. 590-02

A HOUSING CODE FOR THE CITY OF UNION CITY: ESTABLISHING MINIMUM SPACE AND OCCUPANCY STANDARDS, STRUCTURAL REQUIREMENTS, MECHANICAL REQUIREMENTS, EXITS, FIRE PROTECTION AND OTHER REQUIREMENTS FOR RESIDENTIAL BUILDINGS: REGULATING THE USE AND OCCUPANCY OF RESIDENTIAL BUILDINGS: PROVIDING FOR THE REPAIR, REHABILITATION, OR DEMOLITION OF SUBSTANDARD RESIDENTIAL BUILDINGS: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID HOUSING CODE BY THE AMENDMENT OF CHAPTER 15.60 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 542-99 AS

AMENDED, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

M. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING**

INTRO ORD.
NO. 591-02

A DANGEROUS BUILDING ABATEMENT CODE FOR THE CITY OF UNION CITY, ESTABLISHING REQUIREMENTS FOR THE REPAIR OR ABATEMENT OF BUILDINGS DETERMINED TO BE SUBSTANDARD AND A DANGER TO THE HEALTH AND SAFETY OF RESIDENTS OF UNION CITY, PRESCRIBING PENALTIES AND THE PROCEDURE FOR THE REPAIR OR ABATEMENT OF SAME, BY THE AMENDMENT OF CHAPTER 15.56 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 543-99 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

N. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING A BUILDING SECURITY CODE FOR THE CITY OF UNION CITY, PRESCRIBING PENALTIES, ESTABLISHING REQUIREMENTS REGULATING INSTALLATION AND MAINTENANCE. ESTABLISHING MINIMUM NO. 544-99 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

INTRO ORD.
592-02
STANDARDS FOR THE RESI

The title of Item A is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO SERVE ON THE PARK AND RECREATION COMMISSION

Terms of two Park and Recreation Commissioners expired August 15, 2002. This resolution appoints two Commissioners to terms expiring August 15, 2006

Mayor Green moved, seconded by Councilmember Valle to reappoint John Tester and Bruce Stanley.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT RESO.
NO. 2237-02

The title of Item B is as follows:

**B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
APPOINTING INDIVIDUALS TO SERVE ON THE PLANNING COMMISSION**

Terms of four Planning Commissioners expire October 31, 2002. This resolution appoints four Commissioners to terms expiring October 31, 2006

Mayor Green moved, seconded by Councilmember Valle to reappoint Rosemary Savage to the Planning Commission with a term expiring October 31, 2006.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to reappoint Myrla Raymundo to the Planning Commission with a term expiring October 31, 2006.

AYES: 2 NOES: 3 ABSENT: 0

Motion failed.

Mayor Green moved, seconded by Councilmember Elias to appoint Jo Ann Lew to the Planning Commission with a term expiring October 31, 2005.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Valle to appoint Robert Kelley to the Planning Commission with a term expiring October 31, 2005.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded by Councilmember Valle to appoint Tikisa Anderson to the Planning Commission with a term expiring October 31, 2005.

AYES: 5 NOES: 0 ABSENT: 0

There was Council concurrence for staff to return with an ordinance amending the terms of three Commissioners to three year terms so that a maximum of three Commission appointments would expire at any same time.

ADOPT RESO.
NO. 2238-02

The title of Item 0 is as follows:

0. Introduction of Ordinance: **AN ORDINANCE ESTABLISHING A SWIMMING POOL, SPA AND HOT TUB CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF SWIMMING POOLS, SPAS AND HOT TUBS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE ESTABLISHMENT OF CHAPTER 15.74 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 545-99 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH**

Councilmember Fernandez questioned how a pond is classified vs. a swimming pool.

Kevin Reese, Chief Building Official, responded there are requirements that apply to any water feature with a certain depth which triggers safety issues.

Councilmember Fernandez moved, seconded by Councilmember Valle to introduce ordinance, waive reading of title.

AYES: 5 NOES: 0 ABSENT: 0 INTRO ORD.
NO. 593-02

ORAL COMMUNICATIONS

John Tester commented on a prior Council decision on eliminating parade permits and requested reagendaing this issue.

Bruce Stanley thanked Council for the reappointment and spoke of the positive things that have occurred over the past four years regarding the Park and Recreation Commission and what the focus will be over the next four years.

CORRESPONDENCE - NONE

APPROVAL OF BILLS -NONE

ITEMS REFERRED BY COUNCIL

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

There were no reports.

B. Request by Councilmember Elias to consider and agendize advertising on City busses

Councilmember Elias moved, seconded by Vice Mayor Dutra-Vernaci to place this item on the October 8, 2002 agenda.

AYES: 5 NOES: 0 ABSENT: 0

C. Request by Councilmember Valle to consider and agendize parking around the New Haven Adult School

Councilmember Valle stated he has been contacted by several residents living near New Haven Adult school who have difficulty parking near their homes.

There was Council direction for this item to be placed on the agenda for the Council/NHUSD joint committee and return to Council with options.

GOOD OF THE ORDER

Councilmember Valle questioned if staff had looked at G Street and Colgate issue and stated he would like it completed prior to the rainy season.

Councilmember Fernandez stated the shrubs in the medians should not be shaped in balls; suggested leaving the rose shrubs alone so they would flower more often.

Councilmember Elias stated the Leisure Services brochure was one of the best he's ever seen.

Councilmember Elias moved, seconded by Councilmember Fernandez to adjourn meet 10:43 p.m. to Tuesday, September 17, 2002.

AYES: 5 NOES: 0 ABSENT: 0