

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
AUGUST 26, 2003, 5:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 5:40 p.m.

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

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: Munoz vs. City of Union City, Alameda County Superior Court Case H204672-7

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

Potential Cases: Three

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to subdivision (b) of Section 54956.8)
(Joint with the Community Redevelopment Agency)

Property: 35700 Alvarado Niles Road, APN 087-002-000-300
7th Street, APN 087-010-200-600
33459 Mission Boulevard, APN 486-0003-032 & 486-0003-033

Agency Negotiators: Mark Leonard, Assistant Executive Director; Mark Evanoff,
Redevelopment Agency Manager

Under Negotiation: Price and terms of payment

Meeting adjourned at 7:30 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, AUGUST 26, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:57 p.m. and led the audience in the salute to the flag.

PLEDGE OF ALLEGIANCE

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

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 Tuesday, July 15, 2003

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

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

B. Approval of minutes of the Adjourned Regular City Council meeting of Friday, July 18, 2003

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

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

C. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, July 22, 2003

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

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

D. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, August 19, 2003

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

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

PROCLAMATIONS/PRESENTATIONS

A. Resolution in honor of Clara Yu for her volunteer service to the City of Union City

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

AYES: 4 NOES: 0 ABSENT: 1 (RV) ADOPT
RESO. 2745-03

B. Resolution in honor of Dan Sarka for his volunteer service to the City of Union City

Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci to adopt resolution, read in its entirety.

AYES: 4 NOES: 0 ABSENT: 1 (RV) ADOPT
RESO. 2746-03

ORAL COMMUNICATIONS

There were no oral communications.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Report on Dyer Street/Alvarado-Niles Road Intersection Improvements

Staff is requesting direction on how to respond to traffic circulation issues near San Carlos Way.

Interim City Manager, Larry Cheeves gave the staff report. Carlos Jocson, Acting Public Works Director, gave specifics of the proposed intersection improvements.

Barry Ferrier commented on his familiarity with this intersection and suggested putting in a concrete barrier to enforce right turns only.

Hugh McNamara agrees this intersection is a problem, and feels all Dyer Boulevard needs to be improved.

Council stated that none of staff options are viable. Enforcement will be increased regarding the illegal u-turn.

At 8:29 p.m., Council met in a joint meeting with the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

A. Environmental Insurance Policy for PG&E Property (Resolution)

Staff is recommending adoption of resolution which authorizes an environmental insurance policy for the PG&E property which would pay for the cleanup of any unknown contamination should it be encountered during future construction projects.

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

Agencymember Fernandez moved, seconded by Vice Chair Elias to adopt resolution, numbered appropriately.

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

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

RESOLUTION OF THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF UNION CITY AUTHORIZING
THE EXECUTIVE DIRECTOR TO PURCHASE AN
ENVIRONMENTAL INSURANCE POLICY FOR THE PG&E
PROPERTY ON DECOTO ROAD

ADOPT AGENCY
RESO. 282-03

Joint meeting of the Community Redevelopment Agency and the City Council adjourned at 8:40 p.m.

City Council reconvened their meeting at 8:40 p.m.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

(Joint with the Community Redevelopment Agency for the City of Union City)

Mayor Green requested Items D, E, and F removed from the consent agenda.

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to adopt Items A-C, G-N, numbered appropriately.

AYES: 4 NOES: 0 ABSENT: 1 (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 AWARDING A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO MARK THOMAS AND COMPANY, INC. ADOPT
RESO. 2477-03

This resolution awards contract for professional engineering services to Mark Thomas & Co. for reconstruction of Whipple Road sidewalk, City Project No. 03-14. The project will provide adequate and safe access along Whipple Road for pedestrians and will improve the appearance of City owned parcels within the area by providing landscaping.

- RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AWARDING A DESIGN GRANT FOR SIDEWALK CONSTRUCTION ON WHIPPLE ROAD TO THE CITY OF UNION CITY ADOPT AGENCY
RESO. 283-03

This resolution grants the City \$75,000 to finance the design of the new sidewalks for Whipple Road.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONSTRUCTION CONTRACT FOR CITY PROJECT NO. 02-51, UNION LANDING BOULEVARD WIDENING ADOPT
RESO. 2478-03

This resolution authorizes the Interim City Manager to award and execute contract agreement with Bay Cities Paving and Grading, Inc., in the amount of \$639,482.95 for the construction of Union Landing Boulevard, which completes the widening to Alvarado-Niles Road.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ENTERING INTO A PROFESSIONAL SERVICES CONTRACT WITH RANDALL PLANNING & DESIGN, INC., FOR THE DEVELOPMENT OF THE JOHNSON PROPERTY PARK, CITY PROJECT NO. 03-16 ADOPT
RESO. 2479-03

This resolution awards contract to Randall Planning and Design, Inc., for professional services to design park located on the Johnson Property. This project consists of preparing conceptual plans and providing construction drawings for a 2.9 acre park at the Johnson property site in the Kaufman and Broad Trestle Glen track.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING SALE OF SURPLUS FIRE ENGINE - VEHICLE 224 ADOPT RESO. 2480-03

The 1989 West Mark fire engine (Type 3) with 750 GPM pump and 500 gallon water tank was declared surplus at a prior Council meeting. A bid of \$25,000 has been received for the sale of this vehicle. Staff is seeking authorization to accept bid from Murphy's Fire Protection District for this vehicle.

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE COMMUNITY RECREATION PROGRAM AGREEMENT BETWEEN CITY OF UNION CITY AND NEW HAVEN UNIFIED SCHOOL DISTRICT ADOPT RESO. 2481-03

This resolution authorizes execution of agreement between New Haven Unified School District and City of Union City for the Community Recreation Program. The proposed agreement has been updated from the 2001 agreement to reflect changes in certain facility operating costs at the Dan Oden Swim Center and includes other facilities, i.e. Holly and Kennedy Community Centers, City parks, and District school buildings and grounds.

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE NON-COMPETITIVE PROCUREMENT FOR THE COMPUTER AIDED DISPATCH SYSTEM ADOPT RESO. 2482-03

Funds have been approved and appropriated to replace the current Computer Aided Dispatch System as part of the revised Capital Investment Plan. Staff is seeking authorization to seek non-competitive procurement for the System which will allow full system integration and be less costly to interface.

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING INTERIM CITY MANAGER TO ENTER INTO EMS AGREEMENT WITH THE CITY OF NEWARK ADOPT RESO. 2483-03

This resolution authorizes the Interim City Manager to enter into an agreement with the City of Newark for EMS services for FY 2003-04 and the four successive years for the actual costs incurred and not to exceed \$35,000.

- K. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE FEE SCHEDULE FOR FISCAL YEAR 2003-2004 ADOPT RESO. 2484-03

This resolution amends the Fee Schedule for Fiscal Year 2003-2004. Several fees from the Economic and Community Development Department were not included in the Fee Schedule adopted by Council on July 8, 2003. Staff is requesting to amend the Fee Schedule to reflect the Economic and Development fees and to include three new fees which will cover staff costs for inspections.

- L. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL KENT FOR ENVIRONMENTAL DOCUMENTATION REQUIRED FOR THE NEW UNION CITY LIBRARY PROJECT GRANT APPLICATION ADOPT RESO. 2485-03

Staff is seeking authorization to execute an agreement with Michael Kent & Associates for environmental documentation services required for the City's grant application under the 2000 State Library Bond Act.

- M. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING ACCEPTANCE OF STATE REIMBURSEMENT FOR AND NON-COMPETITIVE PROCUREMENT OF 9-1-1 EQUIPMENT ADOPT RESO. 2486-03

Staff is seeking authorization to accept funding from the State of California 9-1-1 Emergency Communications Office to upgrade our existing 9-1-1 equipment and services and to seek non-competitive procurement for the purchase, installation and maintenance of the equipment.

- N. Final Reading Ordinance No. 612-03: ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 5.08.050, 4.08.060 AND 5.08.070 OF THE UNION CITY MUNICIPAL CODE RELATING TO BUSINESS LICENSE FEE PAYMENT
- FINAL ORD.
612-03

This Ordinance will change the way future Business License Tax payments are processed from a strict fiscal year basis, to an "anniversary date" basis that uses the date of Business License applications instead of July 1 as the fee payment deadline. This Ordinance will affect businesses applying for Business Licenses on or after September 1, 2003.

The title of Item D is as follows:

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDDING CONTRACT TO G&G BUILDERS, INC, OF PLEASANTON FOR THE CONSTRUCTION OF SEVEN HILLS PLAYLOT, CITY PROJECT NO. 01-05

This resolution awards contract to G&G Builders Inc., for the construction of Seven Hills Playlot. This project consists of demolition and disposal of existing play equipment, sidewalk, and resilient sand material. New play equipment, custom steel fabrication, electrical, installation of existing benches/signs and resilient surface materials containing recycled-content materials will be installed. The park will have a race car theme consisting of custom made benches that look like the front end of a '57 Chevy, colored flames and race track embedded in the resilient surfacing, and a miniature hot wheels track.

Mayor Green commented on the money to be used for the construction of the playlot. Interim City Manager Larry Cheeves responded that the grant money for this project is allocated for this project only.

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

AYES: 4 NOES: 0 ABSENT: 1 (RV) ADOPT
RESO. 2487-03

The title of Item E is as follows:

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDDING CONTRACT TO PAGE CONSTRUCTION COMPANY OF NOVATO FOR UNION CITY POLICE DEPARTMENT REMODEL, CITY PROJECT NO. 02-28

This resolution awards contract to Page Construction for the Police Department remodel. Phase I will include enlarging the existing women's locker room/restroom area, environmental improvements to the HVAC (heat, ventilation and air conditioning system), improvements to the lighting, hard walls in the Police Chief's area for additional privacy, security upgrades to

the front counter and lobby area and acoustic tile ceiling work in the addition areas.

Mayor Green questioned the priority differences between Phases I and II.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Fernandez to adopt Item E, numbered appropriately.

AYES: 4 NOES: 0 ABSENT: 1 (RV) ADOPT
RESO. 2488-03

The title of Item F is as follows:

F. Resolutions of the City Council of the City of Union City APPROVING TENTATIVE PARCEL MAP 7468 AND SITE DEVELOPMENT REVIEW SD-07-03 FOR THE HOFFMAN PROPERTY

Susan Hoffman, property owner, is requesting approval of a Tentative Parcel Map to subdivide property located at 33121 Alvarado-Niles Road into two parcels. The applicant is also requesting approval of a Site Development Review Permit to convert an existing historical structure located on the property from a residential structure to a professional commercial office.

Staff is requesting this item be set for public hearing on September 9, 2003.

Councilmember Fernandez moved, seconded by Vice Mayor Elias to schedule Tentative Parcel Map 7468 and Site Development Review SD-07-03 for the Hoffman Property for a public hearing on Tuesday, September 9, 2003.

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

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE -NONE

APPROVAL OF BILLS - MONTH OF JULY

Vice Mayor Elias moved, seconded by Councilmember Fernandez to approve warrants for payment for Month of July.

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

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.

B. Request by Vice Mayor Elias for discussion to form a Citizen Advisory Committee on budget

Barry Ferrier commented on a prior budget committee and the dedication required of those that may be involved.

Council directed staff to bring forth suggestions on formation of committee and return to Council on September 23, 2003.

GOOD OF THE ORDER

Mayor Green requested an update on the bowling alley appeal. Community/Economic Development Director Mark Leonard responded that the appeal was in favor of the City and staff will be proceeding with next steps. The property owner has 45 days to abate (demo or rebuild). Mayor Green commented on the possibilities for this property and the need for discussions with property owner regarding development.

At 9:14 p.m. Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci to adjourn meeting to Tuesday, September 9, 2003.

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