

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
OCTOBER 14, 2003, 6:30P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:50 p.m.

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

There was no one present at the meeting to speak under oral communications.

Mayor Green arrived at the meeting at 6:53 p.m.

At this time, the Council met in closed session on the following:

A. PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 of the California Government Code)

Title: Fire Chief

Meeting adjourned at 8:13 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 14, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 8:20 p.m. and led the audience in the salute to the flag.

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

At this time Mayor Green requested and received Council concurrence to move Item V.A. to this point on the agenda.

PROCLAMATIONS/PRESENTATIONS

A. Introduction of appointed Fire Chief Chris Maxwell

Mayor Green stated the Council in closed session appointed Chris Maxwell as Fire Chief with a 5-0 vote.

Fire Chief Maxwell thanked the Council for their support.

At this time, Council returned to the printed agenda.

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, September 23, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, September 30, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

B. Proclamation proclaiming October as Fire Prevention Month

Vice Mayor Elias moved, seconded by Mayor Green moved to present proclamation, read in its entirety.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green read the proclamation in its entirety and presented it to Fire Marshall Laura Mapes who spoke about the important reminders for fire safety in the month of October.

ORAL COMMUNICATIONS

Dave Bhatia commented on the Citizens Budget Advisory Committee.

Hugh McNamara thanked Fire Department for their presence at Al Roderigues' funeral.

Don Heinsohn, New Haven Teacher's Association, spoke about Measure A.

Councilmember Fernandez left the meeting at 8:37 p.m. and returned at 8:38 p.m.

Dave Bonaccorsi spoke on behalf of Accinelli family and requested a postponement of proposal to develop their property.

Vice Mayor Elias left the dais at 8:40 p.m. and returned at 8:41 p.m.

Jerry Catanzano commented on a public records request.

Resident, 2457 Medallion Drive, commented on BMX riders not allowed in skate park.

Jeremy Strauss, spoke on behalf of BMX riders who are not allowed use in skate park.

HEARINGS

A. HEARING RE: VARIANCE V-03-03, DIAMOND MINE MINI STORAGE

Initiated by Mr. Dan Montanelli, as applicant, a request for a Variance approval, V-03-03, to erect an off-site sign for Diamond Mine Mini Storage on a vacant lot at the corner of Union City Boulevard and Maiden Lane.

Community Development Director Mark Leonard, introduced Tina Gallegos, Assistant Planner, who gave the staff report.

At this time Mayor Green opened the hearing for public comment, those speaking in favor of this project.

Dan Montanelli, applicant, spoke in favor of this project.

Barry Ferrier spoke in favor of supporting existing businesses in Union City.

Manager of Diamond Mine commented on advantages of sign.

There being no further speakers in favor of the project, Mayor Green called for speakers in opposition.

There were no speakers in opposition to this project.

At this time, Mayor Green closed the public hearing for comment.

Mayor Green moved, seconded by Councilmember Valle to approve resolution approving Variance V-03-03 with a 18 month timeframe.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO.2507-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING
VARIANCE V-03-03

REPORTS FROM CITY MANAGER - NONE

At 9:31 p.m. Council recessed and reconvened under their authority as the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

A. EXCLUSIVE NEGOTIATION AGREEMENT WITH LENNAR COMMUNITIES
(Resolution)

The Redevelopment Agency Board authorized entering into an ENA with Lennar Partners to develop the PG&E Intermodal site. Lennar Partners did not execute the agreement within the required timeframe. Lennar has signed the amended ENA, staff is requesting the Agency Board to authorize the Interim Executive Director to execute the Exclusive Negotiation Agreement.

Lori Taylor, Economic Development Coordinator, gave the staff report.

Barry Ferrier stated his desire for this project to proceed.

Larry Florin, Lennar Partners, responded to concerns regarding scoping process

Agencymember Valle moved, seconded by Agencymember Fernandez to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT AGENCY
RESO. NO. 258-03

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

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY DESIGNATING A DEVELOPER FOR A MIXED USE DEVELOPMENT ON PORTIONS OF THE FORMER PG&E PIPE YARD PROPERTY, AND AUTHORIZING EXECUTION OF AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE DEVELOPER FOR NEGOTIATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT

Community Redevelopment Agency meeting adjourned at 9:53 p.m.

Council meeting reconvened at 9:54 p.m.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Vice Mayor Elias moved, seconded by Councilmember Fernandez to adopt/approve Items A-K, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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 EXECUTION OF AN AGREEMENT WITH BERRYMAN AND HENIGAR FOR CONSULTING SERVICES REQUIRED TO COMPLETE A MUNICIPAL INFRASTRUCTURE ASSESSMENT FOR GASB STATEMENT 34 REPORTING IN AN AMOUNT NOT TO EXCEED \$30,000	ADOPT RESO. NO. 2508-03
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One of the requirements of GASB 34 is for all public agencies to assess and report on their physical assets in their annual financial statements. This has not been done by most public agencies including Union City and is forcing public agencies to actually inventory, assess the condition of, and set a monetary value for all of the physical assets owned by the agency. This resolution authorizes the agreement for Berryman and Henigar to complete the assessment.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING AMENDMENT TO THE CalPERS REGARDING MODIFICATION OF EMPLOYER PICKUP PRE-TAX PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES ADOPT RESO. NO. 2509-03

The CalPERS contract was not amended to include purchasing service credits on an after-tax basis when the Fire Department returned to Union City. This resolution amends the contract with CalPERS to allow Fire Department employees to purchase service credits which allows them to restore their retirement income to its maximum possible amount.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE PURCHASE OF ONE PRE-OWNED VAN FOR THE FIRE DEPARTMENT, CITY PROJECT NO. 03-17 ADOPT RESO. NO. 2510-03

The Fire Department was authorized to replace one 1986 Chevy Celebrity sedan in the 2003/2004 budget. This vehicle is no longer cost effective to repair. Replacing this vehicle with a pre-owned van instead of a new vehicle would save the City over \$5,000 and have immediate delivery.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SPECIFICATIONS FOR THE PURCHASE OF ONE ANIMAL CONTROL VEHICLE AND AUTHORIZATION TO GO TO BID, CITY PROJECT NO. 03-19 ADOPT RESO. NO. 2511-03

The 2003/2004 budget includes authorization for the purchase of one animal control vehicle for the Police Department. The vehicle was recommended for replacement based on the unit life and maintenance history.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SPECIFICATIONS FOR THE PURCHASE OF FOUR PATROL CARS, CITY PROJECT NO. 03-18 ADOPT RESO. NO. 2512-03

The 2003/2004 budget includes authorization for the purchase of four patrol cars for the Police Department. These vehicles will replace high mileage older patrol cars.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7172 ADOPT RESO. NO. 2513-03

Blacksmith Homes LLC has completed the required public improvements for this project. Tract 7172 subdivided an approximate 5.6 acre parcel into 39 single family dwelling lots. The site is approximately three quarters of a mile south of the intersection of Daggett Avenue and Seventh Street, on the east side. Full street improvements, consisting of paved roads, curb, gutter, sidewalk, underground utilities and street lights, have been provided.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR 7TH STREET AND LOWRY ROAD REHABILITATION PROJECT, CITY PROJECT NO. 01-29 ADOPT RESO. NO. 2514-03

Bay Cities Paving & Grading, Inc. has completed the improvements for 7th Street and Lowry Road Rehabilitation project. The project consisted of base repair of failed pavement areas, asphalt concrete pavement milling, installation of pavement reinforcing fabric, asphalt concrete overly, replacement of impacted traffic signal detector loops, replacement of pavement striping, removal of two sets of inactive spur railroad tracks along 7th Street and installing sidewalk, curb and gutter.

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE MASTER FEE SCHEDULE FOR SKATE PARK ANNUAL PERMIT FEES AND REVISE SERVICE FEES FOR PHOTOCOPIES DOCUMENTS ADOPT RESO. NO. 2515-03

In order to build patronage at the new skate park, an extension of discount fees for annual passes and daily use is being recommended. This resolution allows an amendment of the Master Fee Schedule to allow for the extension of discount fees and to revise service fees for photocopied documents.

The title of the Ordinance introduced by this motion is as follows:

- I. Introduction of Ordinance: ORDINANCE AMENDING TITLE 12, CHAPTER 28, SECTION 12.28.340, SKATE PARK DESIGNATION AND RULES, OF THE UNION CITY MUNICIPAL CODE INTRO ORD. 614-03

The ordinance will amend Chapter 28, Section 12.28.340 of the Union City Municipal Code to include penalties for violations of the ordinance. The modified ordinance would include actual fine amounts for first, second and subsequent violations occurring within one year. In addition, the word "willful" in regard to the commission of a violation has been removed for clarification purposes, as the intent of the violator is not a factor in establishing a violation.

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

- J. Final Reading Ordinance No. 613-03: Ordinance of the City of Union City AMENDING TITLE 10, CHAPTER 10.28 OF THE UNION CITY MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC, BY ADOPTION OF THE PROVISIONS OF ASSEMBLY BILL 1886 AND IN PARTICULAR, CALIFORNIA VEHICLE CODE SECTION 42011 FINAL ORD.
613-03

AB 1886 provides for increased penalties, including the doubling of fine amounts, for certain defined traffic violations that occur in specially posted school zones. Staff is recommending adoption of the resolution applying provisions of AB 1886 and introducing the ordinance which approves the increased fines and penalties for traffic violations committed in proximity to occupied school grounds.

The following claims were rejected by the earlier stated motion:

- K. Rejection of Claims No. 549 and 561

The City's Claim Administrator is requesting rejection of Claim No. 549 filed by attorney for Anne Marks regarding an alleged injury on a Union City Transit Bus.

The City's Claim Administrator is requesting rejection of claim No. 561, filed by Ernest Anaya regarding an alleged pedestrian/vehicle accident.

ORAL COMMUNICATIONS

There were no speakers under oral communications.

CORRESPONDENCE -NONE

APPROVAL OF BILLS - MONTH OF SEPTEMBER

A. Approval of warrants for payment for September 2003

Vice Mayor Elias moved, seconded by Councilmember Dutra-Vernaci to approve warrants for payment for the month of September 2003.

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 Dutra-Vernaci stated that the Ardenwood Advisory Board is dissolving.

Councilmember Fernandez reported attending the Congestion Management Agency meeting and is keeping an eye on the funding.

Councilmember Valle reported that he and Councilmember Fernandez met with the joint subcommittee for New Haven Unified where Measure A and the Logan Community access studio were discussed.

B. Request by Mayor Green for discussion on redevelopment of Contempo area

Mayor Green wants to determine what can be done in the Contempo area to improve the lives of residents in that area. Staff responded that this issue will be presented to RePAC at their next meeting. Staff will return to Council in April with tangible solutions.

GOOD OF THE ORDER

Councilmember Fernandez stated the International Market sign needs to be updated, perhaps as a redevelopment project, in order to attract a stronger market.

Councilmember Valle stated that the area along Whipple Road past Carter Industries is dangerous for walkers and bikers.

Councilmember Valle commented on the denial of a communications tower at Cesar Chavez by the Planning Commission and questioned if locating the tower at William Cann was a possibility.

Councilmember Valle encouraged staff and the Park and Recreation Commission to look into PAL as a programming partner to help with operations of gymnasium.

Councilmember Valle requested the meeting tonight be adjourned in memory of Al Roderigues,

former Firefighter and long time Union City resident.

Councilmember Dutra-Vernaci stated the Lions Club has designated their annual Thanksgiving dinner as the Al Roderigues Senior Thanksgiving dinner.

Councilmember Fernandez reported leaking pipes at Cesar Chavez/Alvarado Park are causing problems and should be resolved.

At 10:24 p.m. Council adjourned to closed session.

CLOSED SESSION:

Vice Mayor Elias arrived in closed session at 10:40 p.m.

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

Potential Cases: Two

Councilmember Valle left the meeting at 10:41 p.m.

Meeting adjourned at 11:18 p.m. in honor of Al Roderigues.