

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JANUARY 14, 2003, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:05 p.m.

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

There being no public comment, the Council met in closed session on the following:

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

Potential Cases: Two

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

Agency designated representatives: Sheila Mohan, Administrative Services Director; David
Berger, City Manager; Michael Riback, City Attorney

Unrepresented employees: City Council

Meeting adjourned at 7:10 p.m.

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

Mayor Green called the meeting to order at 7:21 p.m. and lead the audience in the salute to the flag.

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

City Attorney Michael Riback reported the Council took two actions in the earlier closed session; (1) Council approved the Fifth Compromise Settlement Agreement and Mutual Release between Waste Management of Alameda County, Inc. and the City of Union City with a vote of 4-0-1 (Councilmember Valle recusing from the vote) due to conflict of interest; and (2) approved medical and dental benefits to elected officials on a unanimous vote.

Title of the resolutions adopted by the above actions are as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE FIFTH COMPROMISE SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN WASTE MANAGEMENT OF ALAMEDA COUNTY, INC. AND THE CITY OF UNION CITY	ADOPT RESO. NO. 2338-02
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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING MEDICAL AND DENTAL BENEFITS TO ELECTED OFFICIALS	ADOPT RESO. NO. 2339-02
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UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Adjourned Regular City Council meeting of Monday, December 2, 2002

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

ORAL COMMUNICATIONS

At this time Mayor Green moved, seconded by Vice Mayor Elias to address Section XI, Consent Calendar/Resolutions at this time.

AYES: 5 NOES: 0 ABSENT: 0

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Item C removed from the consent calendar.

Councilmember Valle moved, seconded by Vice Mayor Elias to approve Items A, B and D approved, waiving reading of the ordinances titles.

AYES: 5 NOES: 0 ABSENT: 0

Item A was rejected by the above stated motion.

A. Rejection of Claim No. 532

Yolanda Higareda filed a claim for damages allegedly caused by the use of a tractor mower.

Item B was approved by the above stated motion:

B. Final Reading Ordinance No. 600-02: **ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-01-02** ADOPT FINAL ORD. 600-02

Initiated by the City of Union City to amend the text of Chapter 18.40 (Industrial Districts) of the Union City Zoning Ordinance

C. Final Reading Ordinance No. 601-02 **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-04-02, PSSC PROPERTY** ADOPT FINAL ORD. 601-02

Initiated by Gruen & Gruen & Associates on behalf of the Pacific States Steel Corporation, and KB HOME, to construct 119 single-family homes, 216 townhouses to establish a parcel designated as Research and Development Campus (RDC). The property is located south of the PG & E property and the M-Line channel, north of the city of Fremont city limit line, and is bounded to the east by the Union Pacific Railroad tracks and to the west by the former Western Pacific tracks and the BART tracks. The site is approximately 61 acres and is addressed as 1051 Kraftile Road, Fremont (APN 87-11-5 and 6, and 87-017-1 and 2).

- D. Introduction of Ordinance: **ORDINANCE OF THE CITY OF UNION CITY ADDING SECTION 1.01.120 TO AND AMENDING SECTIONS 5.16.110 AND 3.18.110 OF THE UNION CITY MUNICIPAL CODE CONCERNING CLAIMS AGAINST THE CITY FOR MONEY AND/OR REFUNDS OF TAX OVERPAYMENTS** INTRO. ORD. 602-02

This ordinance creates a process for the filing of any claims against the City for money, damages, or refunds, that are currently not covered by the State Tort Claims Act. Such claims may include refunds for alleged overpayments of a City tax.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

- A. Report and recommendation on options for Re-engineering the City-Wide Landscape and Lighting Assessment District #2

A report outlining the City's options for re-engineering the existing Landscape and Lighting District #2, including compliance with Proposition 218 and potential recovery of inflationary cost increases accrued since 1997.

Tony Acosta, Deputy City Manager, gave the staff report and responded to Council questions.

Larry Cheeves gave a brief history of the personnel performing the Landscaping responsibilities in that they currently have the same staffing levels as in 1994 and spoke of the need to increase the personnel because the service area has increased.

Representative from MuniFinancial addressed issue of methodology of setting up landscape districts.

Jerry Catanzano stated it was ludicrous to expect Decoto to pay for increases in fees.

Staff was requested to return on January 28 agenda with additional information on the breakdown of parcels in each area and voting procedure for those that would not have an increase.

Mayor Green moved to accept the staff report recommendation as follows; tentatively approve for further consideration the proposed LLAD budget. Option Two, the proposed LLAD zone structure, and the proposed allocation/spread model for a re-engineered LLAD No. 2; and Direct staff to proceed with the process and timeline shown in Table Seven of the staff report, including a comprehensive public outreach and education program, culminating in a staff report to be presented on April 8, 2003 which will include all legislation required to initiate the form LLAD adoption process, subject to the outcome of the public outreach and education effort.

This motion was seconded by Vice Mayor Elias.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green moved, seconded By Vice Mayor Elias to address Redevelopment Agency Item A at this time.

AYES: 5 NOES: 0 ABSENT: 0

REDEVELOPMENT AGENCY

A. Second Amended and Restated Five-Year Implementation Plan (Resolution)

Revision to the Amended and restated Five-Year Implementation Plan to incorporate the adopted two-year Capital budget, to incorporate a policy to emphasize housing rehabilitation; to fund the Housing Down Payment Assistance Program; to fund the remaining gap in the Senior Assisted Living Facility; and, to transfer funding to accommodate the additional land required for the Mission Gateway Affordable Housing project.

Steve Sprotte, Management Analyst, gave the staff report.

Mary Schlarp, COR leader, thanked City for work on this Plan and urged Council to move forward with this plan.

Erma Andrade, COR leader, commented on the Housing Down Payment Assistance Program included in this Plan.

Resident on 10th Street, COR leader, expressed his support for this Plan, especially the Housing Down Payment Assistance Program.

Hugh McNamara stated that RePac supports COR in achieving their goal, but hesitates to support the additional \$500,000.

Mary Schlarp spoke again stating this program is not just for the Decoto community.

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

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY APPROVING A SECOND AMENDED AND RESTATED FIVE-YEAR IMPLEMENTATION PLAN (PERIOD ENDING JUNE 30, 2004) FOR THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT	ADOPT RDA RESO. NO. 271-02
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At 9:07 p.m., Council recessed, reconvening at 9:29 p.m.

At this time, the Council returned to the printed agenda.

B. Request for Letter Supporting Proposed Regional Measure II, Toll Bridge Increase State Legislation to Fund Transit Projects, Including Dumbarton Rail

Mark Leonard, Community Development Director, gave the staff report.

Expand list of cc to make sure people on the Peninsula are aware of the City's support for this, including assembly and senate members.

Barry Ferrier suggested notifying coalition that represents railroads.

Mayor Green moved, seconded by Councilmember Fernandez to support this item.

AYES: 5 NOES: 0 ABSENT: 0

C. Status report regarding negotiations on a Renewed Cable Television Service Franchise Agreement with Comcast/AT&T

David Berger, City Manager, gave the staff report.

William L. Lowery, Miller & Van Eaton, gave an update on the status of negotiations.

Barry Ferrier stated that we should negotiate a short franchise term, and other issues.

There was Council concurrence to readdress issue of a feasibility study at the January 28th Council meeting.

D. Council Discussion on changing the General Municipal Election Dates

Councilmember Valle moved, seconded by Mayor Green to start process to change general municipal elections to November in even numbered years.

AYES: 5 NOES: 0 ABSENT: 0

AUTHORITIES/AGENCIES

A. Resolution of the Board of Directors of the Union City Public Financing Authority Authorizing Purchase and Sale of Community Redevelopment Agency of the City of Union City Refunding Tax Allocation Bonds for the City of Union City Community Redevelopment Project and Approving Certain Related Documents and Authorizing Certain Other Actions

This is a technical correction to properly notice the convening of the Union City Public Financing Authority (the "Authority") and to ratify the adoption by the Authority of Resolution No. 14. There is no change to Resolution No. 14 that was adopted by the Public Financing Authority at the meeting held December 10, 2002. Nor are there any changes to Resolutions No. 270-02 and No. 2336-02 that were concurrently adopted by the Agency Board and City Council respectively at the meeting held December 10, 2002. A copy of the staff report and exhibits presented on December 10, 2002 are available upon request to the City Clerk.

Steve Sprotte, Management Analyst, gave the staff report.

Authority Board Chair Green moved, seconded by Vice Chair Elias, to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

ADOPT
PUBLIC FINANCING
RESO. NO. 15

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

Vice Mayor Elias commented on the Library subcommittee.

Councilmember Elias requested Councilmember Valle take his place as Council representative to ACAP. Mayor Green concurred with the reassignment.

B. Request by Councilmember Valle for discussion on campaign signs

Councilmember Valle requested Council consideration on ordinance regarding campaign signs on public property on the February 25 agenda.

There was Council concurrence to place this item on the February 25th Council agenda.

GOOD OF THE ORDER

Councilmember Fernandez commented on vines growing on existing trees on trail adjoining Flood Control and the damage that the vines do.

Councilmember Valle received a call from resident regarding signs in need of repair at Hall Ranch Road tennis courts.

Councilmember Valle would like to acknowledge the James Logan Band and Color Guard for the appearance at the Rose Bowl Parade at the January 28th Council meeting.

Councilmember Dutra-Vernaci requested item on next agenda regarding Union City's position on the State budget regarding backfill on vehicle license fee.

Vice Mayor Elias requested item on agenda on state budget deficit and effect on Union City.

Vice Mayor Elias requested agendaizing discussion regarding the Patriot Act if the Human Relations Commission is not addressing this issue already.

Mayor Green commented on action taken by the Transportation Authority and the need for Union City to get to the table to meet with Fremont regarding Route 84.

Mark Evanoff, Redevelopment Agency Manager reported attending this evening's Fremont Council meeting and stated the Fremont City Council voted to hold community meetings on their proposed TSM alternative to Route 84; to send a letter to Union City regarding a joint meeting as soon as possible with both cities submitting items to be discussed on the agenda. Mayor Morrison would chair the meeting.

Mayor Green commented on his attendance at the CMA meeting where it was suggested sending invoices to the State immediately for payment.

Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting at 11:17 p.m. to Tuesday, January 28, 2003.

AYES: 5 NOES: 0 ABSENT: 0