

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
FEBRUARY 25, 5:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Elias called the meeting to order at 5:20 p.m.

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

There were no public comments.

Council met in closed session on the following:

Mayor Green arrived at the meeting at 6:00 p.m.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957)

Title: City Manager

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

Agency designated representatives: Tony Acosta, Interim Administrative Services Director,
David Berger, City Manager, Michael Riback, City Attorney

Employee organization: International Association of Firefighters Local 1946

C. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6)

Agency designated representatives: Tony Acosta, Interim Administrative Services Director;
David Berger, City Manager, Michael Riback, City Attorney

Employee organization: Police Officers Association

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

Name of case: Community Redevelopment Agency of the City of Union City vs. Weed,
Alameda County Superior Court Case 02-054654

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8)

Property: 33435 Mission Blvd., 33459 Mission Blvd.

Negotiating Parties: Agency Counsel, Mark Evanoff, Redevelopment Agency
Manager, Mark Leonard, Economic and Community
Development Director, David Berger, City Manager

Meeting adjourned at 7:23 p.m.

MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, FEBRUARY 25, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA

Mayor Green called the meeting to order at 7:35 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, on a 5-0 vote approved the amendments and conditions dealing with compensatory time off to the MOU with the International Association of Firefighters Local 1946, and authorized appropriation of all refunds received from the State of California for the September 2002 Croy Fire to Account No. 1000-25-51150-02510 (Fire Department Overtime Account).

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

- A. Approval of minutes of the Adjourned Regular Joint meeting with Fremont City Council of Monday, February 10, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

- B. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, February 11, 2003

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

AYES: 5

NOES: 0

ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Resolution in honor of Fire Chief Brian Kelly

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

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. NO. 2360-03

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

B. Introduction of Interim Fire Chief Chris Maxwell

David Berger, City Manager, introduced Chris Maxwell, who will serve as Interim Fire Chief. At 7:56 p.m., Council recessed for a reception for outgoing Fire Chief Brian Kelly.

Meeting reconvened at 8:26 p.m.

ORAL COMMUNICATIONS

John Haley spoke about lack of representation for Union City on Washington Township Hospital Board.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Report on regulation of campaign signs

Council requested information regarding the City's ability to regulate the proliferation of political signs in the public right-of-way. This report discusses the extent to which the City may regulate political signs in the public right-of-way on private property.

Michael Riback, City Attorney gave the staff report.

Barry Ferrier commented on his dislike of clusters of signs on fences.

Hugh McNamara commented on signs across from St. Anne's church.

John Haley stated there are three options, enforce an ordinance; not enforcing current ordinance, or preferably designate public areas for signs and the quantity.

There was Council concurrence for City Attorney to prepare a draft ordinance for Council review, and provide an opinion on various options. This will be returned to Council at their April 8 meeting.

B. Report summarizing outside Legal Counsel Expenses for FY 2001/2002 and 2002/2003

This report is in response for information for a summary of legal expenses incurred by the City of Union City for outside legal counsel.

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

Council accepted the staff report.

C. Resolution of Necessity APN 486-0015-022, Vacant Parcel on 5th and Whipple Road

It is the priority of the Redevelopment Project Area Committee (RePAC) to landscape and improve the appearance of Whipple Road through landscape and pedestrian improvements. One vacant parcel was acquired in 2001; RePAC is requesting the City acquire the second parcel located at corner of Whipple Road, B Street and 5th Street and to adopt a Resolution of Necessity if needed.

Mark Evanoff, Redevelopment Agency Manager, gave the report.

Glen Martinez presented written information to the Council and commented on ownership of the property and their attempts to clean the property.

There was Council concurrence to have this item returned at the March 25 meeting after staff has met with property owner.

At 9:43 p.m., Council recessed in order to meet under their authority as the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

A. Designation of Master Developer for Mission Boulevard for Unified Development and Consideration of Exclusive Negotiation Agreement with Jerald Simpkins/Solid Rock Church (Resolution)

This resolution designates the Solid Rock Church as the Master Developer for APN 486-003-034-01 Lot 7 and Lot 10, APN 486-0003-032 and APN 486-0003-033, and authorizes the Executive Director to enter into an Exclusive Negotiation Agreement with Jerald Simpkins

and the Solid Rock Church.

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

Member of Solid Rock Church commented on the uses of the church and design of the development and urged approval of the project.

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

AYES: 5 NOES: 0 ABSENT: 0

RESOLUTION OF THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF UNION CITY DESIGNATING A
PROPOSED DEVELOPER FOR DEVELOPMENT OF A PORTION
OF THE MISSION BOULEVARD CORRIDOR UNIFIED
DEVELOPMENT AREA PHASE IIA, AND AUTHORIZING
EXECUTION OF AN EXCLUSIVE NEGOTIATING RIGHTS
AGREEMENT WITH THE PROPOSED DEVELOPER FOR
NEGOTIATION OF SPECIFIED TRANSACTION DOCUMENTS

ADOPT
RDA RESO.
NO. 273-03

Council meeting reconvened at 9:50 p.m.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested to remove Item D from the consent calendar.

Councilmember Dutra-Vernaci requested Item H removed from the consent calendar.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve items A-D, E-G, numbered appropriately, reading of Ordinance titles to suffice.

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 AWARDING CONTRACT TO WEST-MARK FIRE APPARATUS OF CERES, CALIFORNIA FOR PURCHASE OF TWO WILDLAND TYPE III FIRE ENGINES ADOPT RESO. NO. 2361-03

The replacement of the current wildland fire engines is necessitated by their unreliability and increasing maintenance costs. Both of the current fire engines have been out of service for extended periods of time during the past three years and parts have been hard to obtain. Staff is recommending approval of the purchase of two fire engines from West Mark Fire Apparatus Division, of Ceres, California.

- B. Resolution of the City Council of the City of Union City AWARDING BID TO PHILLIPS/SESSON INDUSTRIES, INC., FOR THE PURCHASE OF FULLY EQUIPPED CONTROLLER CABINETS, CITY PROJECT NO. 02-32 ADOPT RESO. NO. 2362-03

Fifty percent of the City's signal system was installed 20-25 years ago, making them old and corroded and in need of replacement for efficient operation of the City's signal systems. This year's program budget allows for the purchase of three fully equipped controller cabinets.

- C. Resolution of the City Council of the City of Union City ACCEPTING THE ENGINE EXHAUST SYSTEM REMOVAL SYSTEM FOR FIRE STATIONS NOS. 1, 2 AND 3, CITY PROJECT NO. 02-26 ADOPT RESO. NO. 2363-03

Council awarded the contract to Blocka Construction of Fremont for Engine Exhaust Removal System for Fire Stations 1, 2, and 3 in October 2002. Blocka Construction has now completed the project which consisted of furnishing, delivering and installation of a "Vertical Air Flow" Engine Exhaust System.

- E. Resolution of the City Council of the City of Union City AUTHORIZING SALE OF UNION CITY POLICE CANINE UNKAS (“GUS”) TO UNION CITY POLICE OFFICER KEN HOLBROOK ADOPT RESO. NO. 2364-03

Police Canine Unkas was retired from active service in the Union City Police Department’s Canine Unit. Consistent with prior practice, the Department is recommending the sale of Unkas to his handler, Officer Ken Holbrook.

- F. Resolution of the City Council of the City of Union City AUTHORIZING CONTRACT WITH THE STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY-OFFICE OF TRAFFIC SAFETY - ENHANCED DRUNK DRIVING DETERRENCE AND PREVENTION PROJECT TO RECEIVE FUNDS THROUGH A GRANT ADOPT RESO. NO. 2365-03

The Police Department applied for and received a grant through the State of California Business, Transportation and Housing Agency - Office of Traffic Safety. This grant will be used for enforcement of DUI related laws.

The title of the Ordinance adopted by this motion and as read by the City Attorney is as follows:

- G. Final Reading Ordinance No. 606-03: ORDINANCE ADDING SECTION 9.48.055 TO, AND AMENDING SECTIONS 9.48.050, 9.48.060, 9.48.070 AND 9.48.090 OF THE UNION CITY MUNICIPAL CODE CONCERNING THE REGISTRATION FOR AND RENEWAL OF ALARM SYSTEM PERMITS AND INSTALLATION NOTIFICATION FINAL ORD. NO. 606-03

This is the final reading of Ordinance No. 606-03 to update the current alarm ordinance to be consistent with the recently adopted 2002/2003 Master Fee Schedule as it pertains to the recovery of costs incurred by the Police Department responding to false alarms.

The title of Item D is as follows:

- D. Resolution of the City Council of the City of Union City ACCEPTING SEABREEZE AREA PARK IMPROVEMENTS, CITY PROJECT NO. 99-23

Council awarded the contract to Cleary Brothers Landscape, Inc. for Seabreeze area park

improvements in April 2002. Cleary Brothers has now completed the project which consisted of improvements and enhancements to Seabreeze Park.

Mayor Green pulled Item D to request information regarding the seepage problem at this park. Public Works Director Cheeves responded that the City will contract with an engineering firm to work on this problem.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2366-03

The title of Item H is as follows:

H. Final Reading Ordinance No. 607-03: **ORDINANCE OF THE CITY OF UNION CITY AMENDING UNION CITY MUNICIPAL CODE CHAPTER 15.20 (FIRE CODE), BY THE AMENDMENT OF SECTION 15.20.400 RELATING TO USE OF FIREWORKS EAST OF MISSION BOULEVARD**

This is the final reading of Ordinance No. 607-03 to repeal the amendments to the Union City Municipal Code to ban all fireworks east of Mission Boulevard.

Councilmember Dutra-Vernaci requested this item pulled from the consent calendar to give her the opportunity to recuse herself to avoid a conflict of interest because one of her clients is a non-profit group that sells fireworks.

Mayor Green moved, seconded by Councilmember Fernandez to approve Final Reading of Ordinance 607-03, reading of the title to suffice.

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

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

Councilmember Elias stated that he and Councilmember met regarding the Patriot Act. There report will be on the March 11 Council agenda.

Councilmember Dutra-Vernaci reported attending the League of California Cities East Bay Division meeting where the speaker was the Assembly member from Pittsburg who spoke regarding the State's budget situation and the efforts to dropping party lines so that a solution can be found to the budget deficit.

Councilmember Valle reported there will be a meeting of the Joint subcommittee with New Haven Unified School District on Thursday, February 27 at 4:30 p.m. at the School District office.

B. Request by Mayor Green for discussion on school safety issues

In anticipation of joint subcommittee meeting with NHUSD, Mayor Green feels the Council should give direction to committee regarding Council's concerns on gang issues; (1) a continuation school should be brought back; (2) discuss an interest to work with city staff or elected officials to aid the situation; and, (3) to urge Logan Principal to attend this meeting.

GOOD OF THE ORDER

Councilmember Valle urged local leaders (Commissioners/Board Members) to serve on Washington Township Hospital Board.

Councilmember Dutra-Vernaci requested to place on March 11 agenda a request for discussion regarding animal shelter contract with City of Fremont.

Vice Mayor Elias commented on the timeframe for selection of Board member for Washington Township.

Vice Mayor Elias requested staff to prepare calendar listing events of current Commissions, including meetings, etc. and to inform Council when people leave and/or retire from the City.

Mayor Green requested sending resolution to Alameda County to mark their 150th anniversary.

Mayor Green presented a plaque he received at an ABAG meeting which recognized the Public Works

maintenance facility.

Mayor Green presented a plaque regarding the MOU on the I880 corridor.

Mayor Green brought to staff's attention a letter received from Adrienne Alvarado Partners notifying residents of their intention to terminate Section 8 project-based rental subsidies on August 2003.

Councilmember Valle moved, seconded by Vice Mayor Elias to adjourn meeting at 10:17 p.m.

AYES: 5 NOES: 0 ABSENT: 0