

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, MAY 27, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Elias called the meeting to order at 7:10 p.m. and led the audience in the salute to the flag.

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

Vice Mayor Elias read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

- A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, May 13, 2003

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

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

PROCLAMATIONS/PRESENTATIONS

- A. Award of Certificates to Community Workshop graduates

The following individuals were presented certificates for participation in the Community Workshop: Prem Agarwal, Shawn Gillam, Edith Gonzalez, Hamilton Gonzalez, Rachna Moorjaney, Sanjay Moorjaney, Rahul Saini, Scott Stevens, Lori Stime, Ryan Succo, and Sherry Tatad.

- B. Resolution in honor of Wayne Chapman, Police Officer of the Year

Councilmember Fernandez moved, seconded by Councilmember Valle to approve resolution, read in its entirety.

AYES: 4 NOES: 0 ABSENT: 1 (MG) ADOPT
RESO. NO. 2420-03

Vice Mayor Elias read the resolution in its entirety and presented it to Wayne Chapman who thanked the Council for the recognition.

C. **Resolution in honor of Gerald Martinez, Non-sworn Employee of the Year**

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

AYES: 4 NOES: 0 ABSENT: 1 (MG) ADOPT
RESO. NO. 2421-03

Vice Mayor Elias read the resolution in its entirety and presented it to Gerald Martinez who thanked the Council for the recognition.

D. **Resolution proclaiming May as Older Americans Month**

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

AYES: 4 NOES: 0 ABSENT: 1 (MG) ADOPT
RESO. NO. 2422-03

Vice Mayor Elias read the resolution in its entirety and presented it to Hugh McNamara, on behalf of the Senior Commission, who thanked the Council for the recognition.

E. **Resolution proclaiming week of May 31 through June 8 as Affordable Housing Week**

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

AYES: 4 NOES: 0 ABSENT: 1 (MG) ADOPT
RESO. NO. 2423-03

Vice Mayor Elias read the resolution in its entirety and presented it to Erma Andrade, representative of COR who thanked the Council for the recognition.

John Haley commented on the courage of the Council to adopt the affordable housing ordinance.

ORAL COMMUNICATIONS

Dave Bhatia commented on the position of City Manager.

Reiner Glausch commented on the problem of raccoons on his residential street.

Larry Cheeves, Interim City Manager, responded to concerns regarding raccoons.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Third Quarter Budget Report (7/01/02 to 3/31/03)

This report provides updated information on the City's General Fund budget through the first three quarters of the FY 2002/03, including year end fund projections, sales tax information for the fourth quarter of 2002 and an update on the evolving state budget crisis.

Tony Acosta, Interim Administrative Services Director, gave the staff report.

Hugh McNamara stated he has encouraged people to send in their ballots.

John Haley commented on the Redevelopment Agency budget and general fund reserves.

Council accepted this report.

B. Initiation of Formal Renewal Process of the Cable Franchise Agreement

This report provides a brief update on the status of informal Cable TV negotiations between the City and Comcast Corporation, a review of the formal Cable TV franchise renewal process and a recommendation to pursue parallel formal and informal franchise renewal processes.

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

Barry Ferrier questioned why competitors haven't been contacted.

John Giles, ComCast, Regional Vice President of Government Affairs, ensured Council of the importance of having an informal renewal process is of the highest priority and requested delaying the adoption of a formal process. Mr. Giles stated it was their hope to have a proposal to the Council within three weeks.

John Haley requested clarification on this process. Tony Acosta, Deputy City Manager, clarified the process.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to delay this item, returning on June 24 for a decision on initiating the formal process.

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

At this time, 8:57 p.m. Council recessed, reconvening at 9:15 p.m.

Mayor Green arrived at the meeting at 9:15 p.m.

At this time there was Council concurrence to move Item D from the Consent agenda to this point on the agenda.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING INTERIM CITY MANAGER TO ENTER INTO AGREEMENT WITH UNION CITY AMERICAN LITTLE LEAGUE FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF A SCOREBOARD LOCATED IN SEABREEZE PARK

The Park and Recreation Commission is recommending the City Council authorize the Interim City Manager to enter into an agreement with Union City American Little League for the installation and maintenance of a scoreboard at Seabreeze Park.

Vice Mayor Elias stated he received a petition prior to the meeting which has been provided to the entire Council.

Larry Cheeves, Interim City Manager, gave a staff report.

Virginia Caliguiran, read the petition presented to Council in opposition to the scoreboard.

Keith Swenski commented on his opposition to the proposed scoreboard and its placement at the park.

Vilcrain Mahuvakar, 5712 Del Monte Court, commented on his opposition to the proposed scoreboard and presented cost estimates of a portable scoreboard to the Council.

Resident at 32432 Lighthouse Way expressed opposition to a permanent scoreboard.

Resident at 32519 Carmel Way stated his opposition to a permanent scoreboard because it creates a

Deputy City Manager Tony Acosta, gave the staff report.

Vice Mayor Elias moved, seconded by Councilmember Valle to introduce Ordinance, numbered appropriately, reading of title to suffice.

AYES: 5 NOES: 0 ABSENT: 0

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

ORDINANCE OF THE CITY OF UNION CITY DELETING SECTION 5.24.100, AMENDING SECTIONS 5.08.020 AND 5.16.030 AND ADDING SECTIONS 5.24.100 AND 5.24.110 TO THE UNION CITY MUNICIPAL CODE CONCERNING ISSUANCE OF BUSINESS LICENSES

INTRO ORD.
611-03

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES -NONE

CONSENT CALENDAR/RESOLUTIONS

Vice Mayor Elias requested Item C removed from the consent agenda.

Councilmember Valle moved, seconded by Councilmember Fernandez to approve Items A, B, E-G, 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 APPROVING CALIFORNIA CLEAN FLEETS RESOLUTION FROM THE AMERICAN LUNG ASSOCIATION

ADOPT
RESO. 2425-03

This resolution provides that Union City shall identify and give preference in its vehicle procurement to the acquisition of the lowest emission vehicles available, practical and reasonably cost competitive with comparable vehicles for a given application or where funding is available to assure that such vehicles are reasonably cost competitive. Public Safety and emergency vehicles shall be exempt from this policy.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING ACCESS AND EXAMINATION OF SALES AND USE TAX RECORDS PURSUANT TO REVENUE AND TAXATION CODE SECTION 7056 ADOPT
RESO. 2426-03

This resolution authorizes certain City staff positions and the consulting firm of MBIA MuniServices Company (MBIA) to have access to confidential sales and use tax records maintained by the State Board of Equalization.

- E. Final Reading: ORDINANCE 609-03: ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE TO ALLOW SECONDARY DWELLING UNITS IN ALL SINGLE-FAMILY RESIDENTIAL DISTRICT, ZONING TEXT AMENDMENT AT-02-03 FINAL ORD.
609-03

*This is the second reading of Ordinance 609-03 initiated by the City of Union City, and is a request to modify **Chapter 18.32, Residential Districts** to allow as a permitted use secondary dwelling units within single-family residential districts citywide. Design and development criteria for secondary units would be retained, and Administrative Site Development Review would continue to be required for second-story additions and detached accessory structures. This Zoning Text Amendment is proposed to bring the City's Zoning Title into compliance with AB 1866, which amended Government Code 65852.2. This project is statutorily exempt from the California Environmental Quality Act (CEQA) per section 15282(i).*

- F. Final Reading Ordinance 610-03: ORDINANCE OF THE CITY OF UNION CITY REPEALING CHAPTER 9.86 OF THE UNION CITY MUNICIPAL CODE RELATING TO REQUIREMENTS FOR TRIGGER LOCKS FOR FIREARMS AT POINT OF SALES FINAL ORD.
610-03

Passage and implementation of the Aroner-Scott Hayden Firearms Safety Act of 1999 preempts Municipal Code Chapter 9.86 resulting in the City's Ordinance being unenforceable. Staff is recommending Council repeal Chapter 9.86 of the Union City Municipal Code.

G. Rejection of Claim No. 543

Claim No. 543 was filed by Cencal Insurance Services on behalf of Vincent Bumann for alleged damages to his vehicle.

This claim was rejected by the earlier stated motion.

The title of Item C is as follows:

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-01-03 FOR KB HOME ON JOHNSON INDUSTRIAL PROPERTY

Joe Sordi, on behalf of KB Home South Bay, Inc., has submitted an application for Site Development Review for the design and layout of 52 one- and two-story, single-family residences on an approximately 8.1 acre site located at 33155 Railroad Avenue (APN 486-0036-039-02 and 486-0036-040). The project site is located on Railroad Avenue between D Street and the Dry Creek Channel and is commonly referred to as the Johnson Industrial Park. A Negative Declaration was prepared for the Tract Map.

Vice Mayor Elias removed Item C from the consent calendar in order to express his dissatisfaction with lack of affordable housing component for this project.

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

AYES: 4 NOES: 1 (BE) ABSENT: 0 ADOPT
RESO. 2427-03

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE -NONE

APPROVAL OF BILLS - MONTH OF APRIL

A. Approval of warrants for payment for April 2003

Councilmember Dutra-Vernaci moved, seconded by Councilmember Fernandez to approve warrants for payment.

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 reported the Housing Commission and Housing Authority passed on a letter to her regarding Dyer complex. The letter contained a request to have a midstreet crosswalk by the Dyer complex. Interim City Manager Larry Cheeves will be responding to the letter.

Councilmember Dutra-Vernaci reported attending the League of California Cities Legislative Action Days in Sacramento and stated she felt as though it was nothing but a state of confusion. There was a comment that highway user fees would not be paid to cities if no state budget were adopted by July 1. The League adopted a resolution requesting the state to submit to the voters a ballot measure amending the state constitution limiting the ability of the legislature to take local government general tax revenues.

Councilmember Fernandez stated the joint subcommittee meeting with NHUSD was cancelled.

Councilmember Valle requested Mayor write letter to school board members requesting a public hearing on the issue of a library.

GOOD OF THE ORDER

Councilmember Dutra-Vernaci stated she was contacted by the Historical Museum regarding the roof leak which is now causing mold problem on walls.

Councilmember Dutra-Vernaci stated that Decoto residents want a stop sign at 9th and H street.

Vice Mayor Elias commented on the use of cell phones during the Council meetings.

Vice Mayor Elias commented on assignment of street names in the Ponderosa project.

Councilmember Dutra-Vernaci questioned a payment of invoice for bridge crossover for Arce Street.

Mayor Green stated the green left arrow on Decoto Road is not working.

At 11:02 p.m. Council adjourned to meet in closed session.

CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Section 54957.6)

Agency representatives: Larry Cheeves, Interim City Manager; Tony Acosta, Deputy City Manager

Employee organization: SEIU Local 790, Professional, Management

Item B was continued to a future Council meeting.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Section 54957)

Title: City Attorney

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9)

Potential Cases: One

Item D was addressed in joint closed session of the Community Redevelopment Agency and the City Council.

D. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

(Pursuant to Section 54956.9)

Property: 1100 Decoto Road, APN 087-0019-004-02

Agency Negotiator: Larry Cheeves, Interim Executive Director; Mark Leonard, Assistant Executive Director; Marilou Ayupan, Chief Civic Engineer; Joan Malloy, Planning Manager; Mark Evanoff, Redevelopment Agency Manager

Under Negotiation: Property and Acquisition Sale

There were no reportable actions from the closed sessions. Meeting adjourned at 12:30 a.m. to Tuesday, June 10, 2003.