

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JUNE 24, 2003, 6:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:45 p.m.

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

There were no oral communications.

Council met in closed session on the following:

Item A was addressed in closed session as a joint meeting between the Community Redevelopment Agency Board and City Council.

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

Potential Cases: Two

Meeting adjourned at 7:18 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JUNE 24, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:33 p.m. and led the audience in the salute to the flag.

Mayor Green announced that no reportable action was taken in the closed session.

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

Mayor Green 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, June 10, 2003

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

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

Mayor Green read the rules for conduct of the meeting.

PROCLAMATIONS/PRESENTATIONS -NONE

ORAL COMMUNICATIONS

Irene Dowling, 337 Monaco Avenue, representing James Logan Tennis Team, requested one time allowance to use site at Tamarack and Mission (City property) to sell fireworks.

Mattie Rousseau commented on discount for citizens over 65 for city fees.

Gertrude Corchero requested discount on city fees for senior citizens.

Irv Williams 33945 7th Street, commented on order of flag.

Mayor Green requested Interim City Manager Larry Cheeves comment on the request by Irene Dowling.

Councilmember Valle moved, seconded by Councilmember Fernandez to place this item on the agenda. Councilmember Dutra-Vernaci recused herself from this item; therefore there was not a 4/5th vote to place this item on the agenda.

Representative of James Logan Football Club suggested sharing their site with Tennis Club.

Councilmember Dutra-Vernaci returned to the meeting at 7:53 p.m.

Councilmember Valle moved, seconded by Councilmember Fernandez to address Reports from City Manager, Item A at this point on the agenda.

REPORTS FROM CITY MANAGER

A. **Report on budget projections for FY 2003/04**

This report provides detailed projections for the FY 2003/04 General Fund budget.

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

Councilmember Valle moved, seconded by Councilmember Fernandez to accept report.

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

B. **Resolution adopting revised annual budget appropriations for FY 2002/03**

This report provides updated information on the City's FY 2002/03 General Fund budget. A resolution has been prepared to amend the FY 2002/03 General Fund budget to reflect actual revenues and expenditures.

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

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

AYES: 4 NOES: 0 ABSENT: 1 (BE) ADOPT
RESO. 2440-03

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING
REVISED ANNUAL BUDGET APPROPRIATIONS FOR FISCAL YEAR 2002-03

HEARINGS

A. HEARING RE: **LANDSCAPE AND LIGHTING DISTRICT NO. 2 (Pursuant to Landscape & Lighting Act of 1972)**

In accordance with State Law, a public hearing must be conducted in conjunction with the proposed re-engineering of Landscape and Lighting Assessment District No. 2. At the close of the public hearing, the ballot process mandated by Prop 218 will end and ballots will begin to be counted.

At this time, Mayor Green opened the public hearing, with those who are in favor speaking first.

There being no comments in favor, those speaking in opposition were given the opportunity to speak.

Chuck Eberhardt commented on area that has not been planted for a number of years on Appian Way.

John Louie spoke in opposition to the increase in fee.

Al Roderigues spoke about accident at 12th and Decoto that damage has not been repaired.

Don Biladeau stated more information should have been provided to the public.

Gertrude Corchero spoke in opposition to this fee.

Ms. Alexander, 33520 5th Street, spoke in opposition to this fee and spoke about a tree near her property.

Darrin Smith asked questions of the Council regarding fee.

Leonor Amaya questioned how much the City is paying for the consultant to do this counting?

Resident on Regal Drive questioned the process.

At this time, the Public Hearing was closed.

Councilmember Valle moved, seconded by Councilmember Fernandez to close public hearing.

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

There was no formal action on this item.

At this time Council returned to the printed agenda.

REPORTS FROM CITY MANAGER

Item C was addressed in a joint meeting with the Community Redevelopment Agency Board and City Council.

Councilmember Valle recused himself from the meeting due to a conflict of interest as Executive Director of Spectrum Community Services.

C. **Chamber of Commerce and Public Service Funding Recommendations**

Discussion of Chamber of Commerce and Public Service applicants for 2003-04 and funding recommendations.

Vern Smith, Housing Coordinator, gave the staff report.

Representative from Spectrum stated they would accept a cut in funding to help other agencies.

Jaime Jaramillo, Centro de Servicios, expressed their desire to continue to provide services to the community; and if necessary will take a cut in funding.

Lillian Galedo, Executive Director for Filipinos for Affirmative Action spoke of criteria used for prioritization.

Leonor Amaya stated that \$25,000 is too much for the Chamber, and that money should be given to other organizations.

Chris Carr, Filipinos for Affirmative Action, commented on the priority process for selection and services provided.

Representative for Filipinos for Affirmative Action urged Council to not cut their funding.

Hugh McNamara spoke on behalf of Spectrum Community Services and requested to keep their funding.

Resident on Foxglove Way spoke in favor of funding for Filipinos for Affirmative Action.

Lori Major, 4610 Ruth Way, member of Filipinos for Affirmative Action, spoke in favor of funding for FAA.

Youth attending meeting at Filipinos for Affirmative Action commented on the change he has experienced by his association with the agency and requested Council to not cut funding.

Clinical Supervisor for the City of Fremont Senior Services commented on services provided to seniors in Union City.

Resident of San Mateo spoke of his affiliation with FAA and the influence of the organization.

Resident of Pleasanton spoke of her benefit from her association with FAA.

Resident of San Francisco commented on the influence of FAA for him.

Ramon Camacho, teacher at James Logan High School, spoke in support of FAA.

Paul Miller, Executive Director of Kidango spoke in support of letter received from FAA and services provided by his agency.

Senior Nutrition Manager for Senior program, Spectrum Community Services, commented on services and lunches provided and requested for their proposal to be funded.

Non-resident spoke in favor of funding for FAA and questioned priority ratings.

Mayor Green moved, seconded by Councilmember Fernandez to accept staff recommendations for funding with 10% cuts with the following funding amendments: Centro de Servicios to receive \$88,000, Chamber of Commerce to receive \$15,000, and St. Joseph for the Deaf will receive \$5,000.

At 9:59 p.m. Council recessed, reconvening at 10:21 p.m.

Councilmember Valle returned to the meeting at this time.

Councilmember Dutra-Vernaci recused herself from Item D due to a conflict of interest with a client that is a non-profit that sells fireworks.

D. **Report on costs associated with July 4th and anticipated fees**

Discussion on the estimated reasonable cost of public services (Police, Fire and Public Works) related to the regulation of firework sales, the use of fireworks and the cleanup of fireworks the City can recoup through permit fees.

Chris Maxwell, Interim Fire Chief, gave the staff report.

Don Biladeau questioned policies set by Council for selling fireworks.

Dennis Revell, American Promotional Events, distributor for fireworks, commented on staff report and his request for a use fee.

There was no action on this item.

Councilmember Dutra-Vernaci returned to the meeting at this time.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

(Joint with the Community Redevelopment Agency)

Mayor Green requested Items D & E removed from consent calendar.

Councilmember Valle requested Items A & B removed from the consent calendar.

Councilmember/Agencymember Valle moved, seconded by Councilmember/Agencymember Dutra-Vernaci to adopt resolutions Items C, F-J, numbered appropriately.

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

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

- | | | |
|----|--|------------------------|
| C. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CANCELLING THE REGULARLY SCHEDULED COUNCIL MEETING OF AUGUST 12, 2003 | ADOPT RESO. 2441-03 |
|----|--|------------------------|

Past practice has been for the second regularly scheduled Council meeting in August to be canceled. However, due to Council and staffing schedules, staff is requesting Council concurrence to cancel the August 12th meeting in order to give the public and employees proper notice.

- | | | |
|----|--|------------------------|
| F. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL PLANS & SPECIFICATIONS AND ESTIMATE TO ADVERTISE FOR UNION LANDING BOULEVARD WIDENING, CITY PROJECT NO. 02-51 | ADOPT RESO. 2442-03 |
|----|--|------------------------|

This resolution approves final plans for a four/five week advertisement for this federally funded project with bid opening scheduled for July 24, 2003, at 2:00 p.m.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING APPROVAL OF PLANS AND SPECIFICATIONS FOR 2002-03 SLURRY SEAL PROGRAM, CITY PROJECT NO 02-49 ADOPT RESO. 2443-03

This resolution approves plans and specifications for the Slurry Seal portion of the annual pavement management program.

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO AGREEMENT FOR LEGAL SERVICES WITH MEYERS, NAVE, RIBACK, SILVER & WILSON ADOPT RESO. 2444-03

This resolution authorizes execution of Contract Amendment No. 1 with Meyers, Nave, Riback, Silver & Wilson for legal services. This amendment reflects a 2.5 adjustment in the hourly rate set forth in the agreement.

- I. RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AWARDED CONTRACT FOR REMEDIATION OF MISSION GATEWAY ADOPT RDA RESO. 280-03

The remediation work implemented by this contract fulfills requirements imposed by the California Housing Finance authority and Wells Fargo Bank to provide construction loans to Mid Peninsula Housing Coalition to build 120 units of affordable housing at Mission Gateway.

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING MODIFIED WORK SCHEDULE FOR FIRE ADOPT RESO. 2445-03

Resolution to authorize Interim City Manager to sign labor agreement with the International Association of Firefighters Local 1946.

The title of Item D is as follows:

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO HUMAN RELATIONS COMMISSION

This resolution appoints 3 people to serve on the Human Relations Commission filling

vacancies of terms that expire on March 1, 2004, March 31, 2006 and December 31, 2006.

Mayor Green moved, seconded by Councilmember Fernandez to appoint Helen Cabiles to the Human Relations Commission with a term ending December 31, 2006.

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

Mayor Green moved, seconded by Councilmember Fernandez to appoint Lee Guio to the Human Relations Commission with a term ending March 31, 2006.

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

Mayor Green moved, seconded by Councilmember Fernandez to appoint Geoffry Brown to the Human Relations Commission with a term ending December 31, 2006.

AYES: 4 NOES: 0 ABSENT: 1 (BE) ADOPT
RESO. 2446-03

The title of Item E is as follows:

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING INTERIM CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 1 WITH CCS PLANNING AND ENGINEERING FOR QUARRY LAKES BIKE AND PEDESTRIAN IMPROVEMENTS, CITY PROJECT NO. 02-08

This resolution authorizes execution of Contract Amendment No. 1 with CCS Planning and Engineering in the amount of \$91,813 for construction contract administration and construction inspection for this TDA/Measure "Pass Through" bike/Measure B/Gas Tax Funded project.

Mayor Green pulled Item E to request information regarding Measure B funding on this project.

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

AYES: 4 NOES: 0 ABSENT: 1 (BE) ADOPT
RESO. 2447-03

Councilmember Valle recused himself from the meeting due to a conflict of interest with Items A and B because of his association with Tri-CED Recycling.

Mayor Green moved, seconded by Councilmember Fernandez to approve Items A and B, numbered appropriately.

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

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ESTABLISHING ANNUAL RATES FOR MUNICIPAL SOLID WASTE, YARD WASTE, RECYCLING AND STORM WATER RUNOFF FOR 2003/2004 ADOPT
RESO. 2448-03

This resolution adjusts the rates charged for municipal solid waste collection, yard waste collection, recycling collection and storm water runoff program services by 2.2% to reflect the April 2002 to April 2003 increase in the Consumer Price Index (CPI) for All-Urban Consumers in the San Francisco Bay Area and adjusts the Storm Water Runoff surcharge for all commercial and industrial rates.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING SUBMITTAL OF AN APPLICATION FOR RECYCLING MARKET DEVELOPMENT ZONE DESIGNATION ADOPT
RESO. 2449-03

The City of Fremont and Union City have been partners in a Recycling Market Development Zone for over 10 years. The proposed resolution is required to enable Union City to join Fremont in applying for a new RMDZ designation that may benefit local recycling businesses

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 Dutra-Vernaci reported the Housing Authority will be spending money for improvements for Nidus Court and Dyer Street housing complexes, as well other other sites in Decoto and will be replacing fencing, adding gates, and pouring sidewalks.

Councilmember Dutra-Vernaci stated Bruce Caine, Berkeley, spoke to the League of California East Bay Division about the political scene in Sacramento.

GOOD OF THE ORDER

Councilmember Fernandez commented on letter received from NHUSD stating they cannot make a decision on the library for legal reason. Assistant City Attorney John Bakker will have an analysis on the legalities of their response.

Councilmember Fernandez questioned the regular street sweeping schedule.

Councilmember Dutra-Vernaci reported that ABAG will be holding a press conference on Friday to launch California Home Source Lease Purchase Home Ownership program. This program will allow qualified residents to choose a home, lease the home for a three year period and then assume the mortgage at the end of the lease term and is designed to assist those that have been denied home ownership because of credit difficulties, lack of credit history, lack of savings for a down payment, or a combination of these issues.

Mayor Green commented the lot on Union City Boulevard between Smith and Horner has become a used car lot.

Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting at 10:59 p.m.

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