

MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
JULY 8, 2003, 6:15 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA

Vice Mayor Elias called the meeting to order at 6:20 p.m.

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

There were no public comments.

Councilmember Valle arrived at meeting at 6:30 p.m.

Mayor Green arrived at meeting at 6:45 p.m.

Council met in closed session on the following:

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

Potential Cases: One

B. **CONFERENCE WITH LABOR NEGOTIATORS:**

Agency designated representatives: Interim Administrative Services Director Tony  
Acosta, Interim City Manager Larry Cheeves

Employee Organization: Local 790

Meeting adjourned at 6:55 p.m.

MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, JULY 8, 2003, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA

Mayor Green called the meeting to order at 7:12 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

Mayor Green stated there was no reportable action taken by the Council in closed session.

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 24, 2003

Councilmember Dutra-Vernaci requested page 6 amended to include “funding for FAA in the amount of \$12,000 was approved”.

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

AYES: 5                      NOES: 0                      ABSENT: 0

B. Approval of minutes of the adjourned regular City Council meeting of Friday, June 13, 2003

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

AYES: 5                      NOES: 0                      ABSENT: 0

C. Approval of minutes of the adjourned regular City Council meeting of Tuesday, June 17, 2003

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



AYES: 5                      NOES: 0                      ABSENT: 0

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY                      ADOPT  
OF UNION CITY ESTABLISHING AN                      RESO. NO. 2451-03  
APPROPRIATIONS LIMITS FOR FY 2003/04

2) Adoption of Master Fee Schedule (Resolution)

*This report discusses several fee-related issues raised by the City Council and residents and recommends approval of the resolution which adopts a revised Master Fee Schedule for Fiscal Year 2003-04.*

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

At this time, the hearing was opened for public comment.

Mattie Rousseau urged support of senior discount for home permits.

Irene Wolfe suggested leaving “owner occupied” in the fee schedule.

Public hearing was closed at this time.

Mayor Green moved, seconded by Councilmember Fernandez to adopt resolution, amending fee schedule to extend old rate for skate park admission until two weeks after skate park has been opened to the public.

AYES: 5                      NOES: 0                      ABSENT: 0

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY                      ADOPT  
OF UNION CITY ADOPTING A MASTER FEE                      RESO. 2452-03  
SCHEDULE FOR FISCAL YEAR 2003-04

3) Proposed budget reductions for FY 2003/2004; resolution adopting revised annual budget appropriations for FY 2003/04 and authorizing the Interim City Manager to make intra-departmental line item transfers

Larry Cheeves, Interim City Manager, gave a brief introduction.

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

Mayor Green opened public hearing for comment for those speaking in favor of Tier One.

John Haley congratulated staff on a well prepared report and suggested having two kinds of reserves one for contingencies, and one for investment reserves.

Sue Oszewski, SEIU, Local 790, requested delaying any action on the crossing guards positions and commented on the impact of their layoffs.

Mike Brown commented on the Fire Dept. personnel history and requested delaying any decision on any of the cuts.

At this time Council considered Tier Two of the staff report.

Mayor Green opened the public hearing at this time.

Barry Ferrier stated it is now time to use the reserve, and expressed need to establish policy for reserve.

Vice Mayor Elias left the meeting at 9:00 p.m. and returned at 9:02 p.m.

Hugh McNamara commented on looking at small expenses and maintaining a small reserve.

Councilmember Fernandez left the meeting at 9:04 p.m. and returned at 9:06 p.m.

Trini Rodriguez commented on her position as PBX Operator and requested consideration of keeping her position.

Yolanda Triana would like positions with Fire and Police preserved and suggested Council take cut in pay.

Rene Nunzir, Crime Analyst, and volunteer coordinator for P.D., commented on the impact on the community if her position is eliminated.

Gisela Jara commented on effect of eliminating the PBX operator.

Irene Wolfe requested not cutting any positions in Fire and Police and commented on the CARE program.

John Haley recommended laying out structure for Tier One and to discuss others in a work session.

Art Ashfield, volunteer for Police Department, commented on impact of CARE program and elimination of coordinator position.

Marilyn Gregg, Livermore resident, UC CARE volunteer, commented on the outstanding work of the CARE program and requested consideration of keeping this position.

At 9:15 p.m. Council recessed, reconvening at 9:45 p.m.

There was Council concurrence to scheduled for July 18 at 7:00 p.m. on the budget.

Mayor Green moved, seconded by Councilmember Valle to approve transfer of \$600,000 from general fund; approve solid waste franchise fee transfer of \$1,300,000; approve Measure B Gas Tax funds; approve holding management team staff vacancies open; approve staff position funding shifts; approve elimination of Recreation Supervisor position with reprioritizing responsibilities of position to other staff. The remaining recommendations in the staff report will be discussed at the work session scheduled for July 18.

AYES: 5                      NOES: 0                      ABSENT: 0

Vice Mayor Elias moved, seconded by Councilmember Valle to adopt resolution, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

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 2003-  
04 AND AUTHORIZING THE INTERIM CITY  
MANAGER TO MODIFY INTRA-DEPARTMENTAL  
BUDGET LINE ITEMS

ADOPT  
RESO. 2453-03

## **REPORTS FROM CITY MANAGER**

### **A. Update of proposed Library sites (Resolution)**

*At the June 10, 2003 Council meeting, SMWM was approved as the architectural firm for the*

*Library Bond application. This report discusses and recommends a future site for the new Library.*

Valerie Crawford, Leisure Services/Transit Director, gave the staff report, and introduced Linda Sabuta, SMWM, who commented on the process for selections of the sites.

John Haley would like library located centrally, suggested swapping land, parking would be a problem regardless of site.

Barry Ferrier stated his preference is the city center site, doesn't like moving library farther away.

Mayor Green moved, seconded by Councilmember Fernandez to approve resolution selecting the City Center site as the preferred site for the library.

AYES: 5                      NOES: 0                      ABSENT: 0

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY NAMING THE CIVIC CENTER SITE AS THE LOCATION FOR THE NEW LIBRARY                      ADOPT  
RESO. 2454-03

**B. Presentation of revised Economic Development Brochure**

*This report presents the revised Economic Development Brochure.*

Council accepted presentation of the brochure with the following amendments: add DeVry Institute and University of Phoenix.

**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

*(Joint with the Community Redevelopment Agency for the City of Union City)*

Mayor Green requested Items Band E removed from consent agenda.

Councilmember Dutra-Vernaci requested Item A removed from consent agenda.

Vice Mayor Elias requested item C removed from consent agenda.

Councilmember Valle moved, seconded by Councilmember Elias to adopt approve Items D and F, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

The titles of the items approved by this motion are as follows:

- D.      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE SALE OF SURPLUS FIRE ENGINE - VEHICLE 223                      ADOPT  
RESO. 2455-03

*The 1989 West Mark Fire Engine (type 3) with 750 GPM pump and 500 gallon water tank was declared surplus at a prior Council meeting. A bid for \$25,000 was received for this vehicle and it is requested Council approve the sale of this surplus vehicle to Murphy's Fire Protection District.*

- F.      **Rejection of Claim No. 550**

*The City's Claim Administrator is requesting rejection of Claim No. 550 filed by Dao Ngo for alleged personal injury from a trip and fall.*

The title of Item A is as follows:

- A.      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DESIGNATING VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

*This year's League Annual Conference is scheduled for Sunday, September 7-10, 2003. One important aspect of the conference is the annual business meeting when the membership takes action on conference resolutions. League bylaws provide that each city is entitled to one vote in matters affecting municipal or League policy. This resolution designates the Voting Delegate from the City of Union City.*

Mayor Green moved, seconded by Councilmember Fernandez to appoint Councilmember Dutra-Vernaci as voting delegate for the League of California Cities Annual Conference.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2456-03

The title of Item B is as follows:

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CERTIFYING RESULTS OF THE PROPERTY OWNER ASSESSMENT BALLOT FOR THE LANDSCAPE AND LIGHTING DISTRICT NO. 2

*This resolution declares the results of a property owner protest proceeding and approves certain related actions related to the proposed re-engineering process for Landscape and Lighting Assessment District (LLAD) No. 2.*

Mayor Green requested information on whether the individual ballots were public record and also requested information on registered voters vs. property owners, as well as tracking of votes in different neighborhoods.

Mayor Green moved, seconded by Councilmember Valle to approve Item A, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. 2457-03

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-06-03 AND TENTATIVE PARCEL MAP TPM 8183, HARVEST PROPERTIES

*Initiated by Harvest Properties, the applicant is requesting Site Development Review approval to develop a new light industrial/office/research and development business park, consisting of eight building totaling approximately 229,000 square feet of development. A Tentative Parcel Map is also being proposed for this project which will allow each building to occupy its own parcel. The project will require the demolition of the existing, vacant Crown Cork and Seal building. The project site is located at 33280 Central Avenue, Union City and is identified as 475-90-09.*

Vice Mayor Elias requested and received information on the conditions for the use permit.

Councilmember Valle suggested having the redwood trees on the property saved; if not able to save the trees, then to make sure they are recycled.

Vice Mayor Elias moved, seconded by Councilmember Valle to approve Item C, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT  
RESO. 2458-03

The title of Item E is as follows:

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT TO MARK THOMAS & COMPANY, INC. TO PROVIDE ENGINEERING SERVICES FOR PARKING AND CIRCULATION MODIFICATIONS IN UNION LANDING

*This resolution awards contract to Mark Thomas & Company to provide for engineering services for Union Landing Center parking lot modifications.*

Mayor Green moved, seconded by Vice Mayor Elias to approve Item E, numbered appropriately.

AYES: 5

NOES: 0

ABSENT: 0

ADOPT  
RESO. NO. 2459-03

Mayor Green requested and received information that this project will begin the middle of July and be completed approximately the end of the calendar year.

## **ORAL COMMUNICATIONS**

Barry Ferrier commented on drive through traffic at Union Landing

## **CORRESPONDENCE -NONE**

## **APPROVAL OF BILLS - MONTHS OF MAY AND JUNE**

- A. Approval of warrants for payment for May and June 2003  
*Required Action: Motion*

Councilmember Dutra-Vernaci commented on fee paid for security services; suggested deleting annual dues to NLC and janitorial services.

Vice Mayor Elias moved, seconded by Councilmember Fernandez to approve warrants for payment for May and June 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 Valle stated he will be having dinner with president of school board tomorrow evening.

## **GOOD OF THE ORDER**

Vice Mayor Elias questioned and received information that an after action report on 4<sup>th</sup> of July activities, as well as a report itemizing all costs from the 4<sup>th</sup> will be presented at the July 22, 2003 Council meeting.

Councilmember Valle commented on a tree on 5<sup>th</sup> Street that needs attention.

Councilmember Fernandez thanked COR for recognizing contribution to housing.

Mayor Green commented on meeting with individuals who want to bring a badminton world class complex to Union City.

Mayor Green requested Interim City Manager Larry Cheeves to talk about possible parachuting skydiving simulation structure which is proposed to be built between Best Buy and Babies R Us. The structure helps individuals simulate free falling portion of skydiving.

Councilmember Valle moved, seconded by Councilmember Fernandez to adjourn meeting at 11:45 p.m.

AYES: 5            NOES: 0            ABSENT: 0