

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
JULY 22, 2003, 5:30 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:32 p.m.

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

Councilmember Fernandez arrived at meeting at 6:40 p.m.

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

**CLOSED SESSION:**

Item A was continued to August 26, 2003.

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

Potential Cases: One

*Item B will be addressed in a closed joint meeting of the Community Redevelopment Agency and the City Council.*

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 33950 7<sup>th</sup> Street, McKesson Property (Portion)

Agency Negotiator: Interim Executive Director, Assistant Executive Director

Under Negotiation: Price and terms

Meeting adjourned at 7:10 p.m.

MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, JULY 22, 2003, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA

Mayor Green called the meeting to order at 7:23 p.m. and led the audience in the salute to the flag.

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

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, July 8, 2003

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

AYES: 5                      NOES: 0                      ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS - NONE**

**ORAL COMMUNICATIONS**

John Haley spoke about different site for library that should be considered after the grant has been approved.

**HEARINGS - NONE**

**REPORTS FROM CITY MANAGER**

- A. Fourth of July After Action Report

*An oral report will be presented by the Police Chief and Fire Chief at the meeting on the activities which occurred on the Fourth of July.*

Police Chief Randy Ulibarri and Interim Fire Chief Chris Maxwell gave the staff report.

Barry Ferrier commented on the illegal activity in his neighborhood.

Hugh McNamara commented on the heavy action in his neighborhood.

Don Biladeau commented on restrictions placed on the non-profits and the reduction in the associated costs and suggested a strike force to help eliminate the illegal fireworks.

**B. Resolution amending the Capital Investment Plan for Fiscal Year 2003/04**

*Three new Capital Projects which have arisen since the adoption of the Five Year Capital Investment Plan. This resolution approves the Computer Network Backbone Project, the Police CAD/RMS Project, and the Fire Dispatch Transfer Project.*

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

John Haley questioned the funding of service contracts, leasing funding, and suggested providing old electronic equipment to non-profits.

Barry Ferrier commented on the life cycle for the CAD/RMS equipment.

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

AYES: 5                      NOES: 0                      ABSENT: 0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF                      ADOPT  
UNION CITY AMENDING THE CAPITAL INVESTMENT                      RESO. 2462-03  
PLAN FOR FISCAL YEAR 2003-04

**REDEVELOPMENT AGENCY**

*Item A was addressed in a joint meeting of the Community Redevelopment Agency and the City Council.*

**A. HEARING RE: AMENDED DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT (DDLA) WITH ELDER CARE ALLIANCE FOR THE ASSISTED LIVING COMPONENT OF THE SENIOR VILLAGE (Resolutions)**

Vern Smith, Housing Coordinator, gave the staff report.

John Haley stated the City should complement itself for making the great strides in affordable housing.

Vice Chair/Vice Mayor Elias moved, seconded by Agencymember/Councilmember Valle to approve resolutions, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A FIRST AMENDED AND RESTATED DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH UNION CITY ASSISTED LIVING PARTNERS AND MAKING STATUTORY FINDINGS AND APPROVALS IN CONNECTION WITH DEVELOPMENT OF THE UNION CITY SENIOR VILLAGE DEVELOPMENT ON ALVARADO-NILES ROAD WITHIN THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT AREA

ADOPT  
RESO. 2463-03

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING EXECUTION OF A FIRST AMENDED AND RESTATED DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH UNION CITY ASSISTED LIVING PARTNERS AND MAKING STATUTORY FINDINGS AND APPROVALS IN CONNECTION WITH DEVELOPMENT OF THE UNION CITY SENIOR VILLAGE DEVELOPMENT ON ALVARADO-NILES ROAD WITHIN THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT AREA

ADOPT  
RDA RESO.  
281-03

**AUTHORITIES/AGENCIES - NONE**

**CONSENT CALENDAR/RESOLUTIONS**

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

Mayor Green requested items C and G removed from the consent agenda.

Councilmember Dutra-Vernaci requested Item K removed from the consent agenda.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve items A-B, D-F, H-J, L and M, numbered appropriately.

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING REVISIONS TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND LOCAL 790, SEIU; AND AMENDING THE COMPENSATION PLAN FOR EMPLOYEES REPRESENTED BY LOCAL 790, SEIU

ADOPT  
RESO. 2464-04

*Staff is*

*recommending approval of this resolution which approves revisions to the Memorandum of Understanding (MOU) between the City and Local 790, SEIU and amends the compensation plan for employees represented by Local 790.*

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING FINAL MAP OF TRACT NO. 7310, IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATEMENT OF CALIFORNIA

ADOPT  
RESO. 2465-03

*KB HOME South Bay Inc. has submitted Final Vesting Tract Map 7310 for approval. Vesting Tentative Tract Map 7310 proposes to subdivide an approximate 10.4 acre parcel into 52 single family detached homes including a 2.3 acre park. Full street improvements on all streets within the development will be provided and will include curb and gutter, sidewalks, wheelchair ramps, street lights, underground utilities and paving.*

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE PURCHASE OF THREE MOTORCYCLES FOR THE POLICE DEPARTMENT

ADOPT  
RESO. 2466-03

*Council previously authorized the Police Department to remove a patrol car from their 2003 budget and replace it with three motorcycles. The motorcycles will be purchased at Cycle Center of Fremont and the Police Department will trade in their three oldest motorcycles. This resolution requests approval for the purchase of three motorcycles.*

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING AND APPROVING SPECIFICATIONS TO PURCHASE REPLACEMENT SPRAY TRUCK FOR THE GROUNDS DIVISION

ADOPT  
RESO. 2467-03

*Staff is requesting authorization to purchase a spray rig for the Public Works Department. The existing spray rig has become non-operative and weed control is now being done with a small portable unit that is towed behind a truck, which is not productive or cost efficient. Funding for the spray rig of \$58,000 is available from the Landscape and Lighting District Assessment reserves.*

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR CITY PROJECT 02-49, 2002-03 SLURRY SEAL PROGRAM ADOPT RESO. 2468-03

*A total of 1,574,783 sq. ft. of pavement surface is being slurry sealed this year. Slurry sealing consists of spreading a mixture of water, asphaltic emulsion and crushed fine rock over weathered road pavement. It prevents water from entering the pavement thereby extending the life of the pavement for several years. Four bids were received for this project and it is recommended to award the bid to Bond Blacktop, Inc., of Union City.*

H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ORDERING THE LEVY AND COLLECTION OF ASSESSMENT WITHIN THE CITYWIDE LANDSCAPE AND LIGHTING DISTRICT NO. 2 FOR FISCAL YEAR 2003-04 ADOPT RESO. 2469-03

*Approval of this resolution will result in the levy and collection of approximately \$2.4 million in LLAD assessments that will be used to support street lighting and street landscaping maintenance services, citywide.*

I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING ACCEPTANCE OF FEMA GRANT EMW-2002-FG-12624 AND THE PURCHASE OF THERMAL IMAGING CAMERAS ADOPT RESO. 2470-03

*The Federal Emergency Management Agency (FEMA) approved the Union City Fire Department 2002 grant application for thermal imaging cameras, rescue equipment, and Spanish language training for firefighters in the amount of \$136,124. The City's required match for this program is \$40,837. Staff is recommending authorization of this expenditure from the Capital budget.*

J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT FOR A FUTURE PARK OWNED BY THE CYRIL JOHNSON INVESTMENT CORPORATION ADOPT RESO. 2471-03

*One of the conditions of approval for the Vesting Tentative Tract Map for the Johnson property on Railroad Avenue was for the City to purchase a .73 acre parcel of land from the applicant to be developed as a park for \$900,000 an acre or less depending on the appraised value of the land. This purchase agreement is before the Council for the City to purchase the .73 acre site for \$657,000.*

- L. Introduction of Ordinance: **ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 5.08.050, 4.08.060 AND 5.08.070 OF THE UNION CITY MUNICIPAL CODE RELATING TO BUSINESS LICENSE FEE PAYMENT**

INTRO ORD.  
612-03

*This proposed Ordinance will change the way future Business License Tax payments are processed from a strict fiscal year basis, to an “anniversary date” basis that uses the date of Business License applications instead of July 1 as the fee payment deadline. This Ordinance will affect businesses applying for Business Licenses on or after September 1, 2003.*

- M. Rejection of Claim No. 552

Claim No. 552 was filed by Arthur R. Seymore for alleged personal injury.

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 DECLARING CERTAIN VEHICLES NOT IN USE AS SURPLUS**

*Nine City vehicles, (seven sedans, a small pickup truck, and Cushman Turfster) have reached the end of their useable life. Each of the vehicles are in poor condition and have become too costly to maintain. It is recommended council approve the resolution authorizing the auction of the vehicles.*

Mayor Green commented on the low mileage on the vehicles to be surplus and questioned if any vehicle could be found for senior use.

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

AYES: 5      NOES: 0      ABSENT: 0

ADOPT  
RESO. 2472-03



Jerry Catanzano stated RePAC could fund the Associate Planner position.

Hugh McNamara stated a parcel tax should be planned with a good campaign.

**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 Valle met with School Board President and a meeting of the joint subcommittee will be scheduled in the near future .

Councilmember Dutra-Vernaci reported attending the Housing Commission meeting where she noted that Section 8 housing in Union City increased in 2003 by 83 units from 663 to 746.

Councilmember Dutra-Vernaci reported the League of California Cities, by a unanimous roll call, voted to develop and sponsor a proposed constitutional amendment that would check the power of the state government to balance the state budget by confiscating local tax funds that pay for police fire, EMS, infrastructure maintenance, park and library services. The measure would be placed before the voters by initiative in November 2004. The League has formed a Committee (Citipac) to assist in raising funds for this measure. The East Bay Division has been asked to raise \$25,000 for this measure effort. Each city is to identify top few businesses in their city to be contacted by the League for fund raising.

Councilmember Dutra-Vernaci also reported that the Cal-Home Program announced the funding of grants and loans to local public agencies to fund local home ownership and developments. The Building Equity and Growth in Neighborhood Program will go to local agencies that adopt the measure to encourage affordable housing use for down payment assistance for low and moderate home owners.

At 8:51 p.m. Council recessed, reconvening at 9:12 p.m.

At this time Council convened the continued adjourned meeting from July 18, 2003.

Proposed Budget reductions for FY 2003/2004

Deputy City Manager gave the staff report.

Jerry Catanzano commented on the proposed taxes.

Mayor Green moved, seconded by Vice Mayor Elias to authorize the following budget actions:

- 1) Eliminate NLC membership
- 2) Return on August 26 with information regarding 911 fee issue
- 3) Direction to return on August 26 with information on Union Landing Business Improvement District (BID) paid for by tenants (businesses) to pay for existing and enhanced police services.
- 4) Return in September with more information on becoming a Charter City.

AYES: 5                      NOES: 0                      ABSENT: 0

At this time, Council returned to the printed agenda for July 22, 2003.

### **GOOD OF THE ORDER**

Vice Mayor Elias would like to agendize discussion of formation of citizen advisory committee on budget on next agenda.

Vice Mayor Elias commented on efforts of Council to keep all employees and the need to get information to public on budget issues.

Councilmember Dutra-Vernaci reported a street light out on pole No. 4288.

Councilmember Dutra-Vernaci stated that the East Bay Division League of California Cities meeting will be held on Thursday August 21 at the Masonic Home, 6:30 -7:00 p.m.

Councilmember Valle reported graffiti in front of new development on Seventh Street. Also complimented staff on presentations regarding budget.

Mayor Green received complaint from resident regarding stealing of recyclable products in front of residences and received information as to citations issued to these individuals.

At 10:22 p.m. Councilmember Valle moved, seconded by Councilmember Fernandez to adjourn meeting to Tuesday, August 19, 2003, for joint meeting with Arts Council.

AYES: 5                      NOES: 0                      ABSENT: 0