

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
SEPTEMBER 9, 2003, 5:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Elias called the meeting to order at 5:47 p.m.

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

WORK SESSION:

A. Proposed Cable TV Infrastructure

Interim City Manager Larry Cheeves introduced Rachelle Guillen and Dave Simmons, representing Comcast who gave a presentation on the power supplies and their proposed locations.

Mayor Green arrived at meeting at 5:53 p.m.

Councilmember Valle arrived at meeting at 6:00 p.m.

Meeting adjourned at 6:32 p.m.

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CITY OF UNION CITY
SEPTEMBER 9, 2003, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

ROLL CALL: Present: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor
Elias, Mayor Green
Absent: None

There being no one present for oral communications, Council met in closed session on the following:

A. PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 of the California Government Code)

Title: Administrative Services Director

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

Potential Cases: Two

Meeting adjourned at 7:38 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, SEPTEMBER 9, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

At 7:52 p.m. Mayor Green called the meeting to order.

The Union City Police Department Explorers presented the colors 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

At this time, Council recognized representatives from the Human Relations Commission. A moment of silence was observed for the victims of the September 11, 2001 terror attack. God Bless America was performed by a Karen Joshi, eight grade student at Cesar Chavez Middle School and presentations were made to Police Chief Randy Ulibarri and Fire Chief Chris Maxwell.

Council recessed at 8:04 p.m. for a reception.

Council meeting reconvened at 8:31 p.m.

City Attorney Michael Riback stated that the Council in closed session approved the Sixth Compromise Settlement Agreement with Waste Management regarding the Waste Management Franchise Agreement with the City.

Mayor Green read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Regular City Council meeting of Tuesday, August 26, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Introduction of Administrative Services Director

Interim City Manager Larry Cheeves introduced Rich Digre, newly appointed Administrative Services Director, who thanked the Council for the opportunity to work for the City.

Mayor Green moved to accept recommendation to hire Rich Digre, seconded by Vice Mayor Elias.

AYES: 5 NOES: 0 ABSENT: 0

B. Presentation of Green Business Award to City of Union City, Public Works Facility and local businesses

Pam Evans representing the Alameda County Environmental Health Department presented the City with a plaque honoring the City and local businesses for their certification as a Green Business.

C. Presentation regarding Skate Park Opening

Roberto Munoz, Community Relations Coordinator, gave a brief presentation regarding the opening of the Skate Park.

ORAL COMMUNICATIONS

Councilmember Valle, speaking on behalf of Louis Rodrigo, President, James Logan High School Band Color Guard, is requesting Councilmembers to be part of the honorary committee for the Midwest Clinic, an international conference for bands and orchestras in Chicago and for Councilmembers to participate in the fundraiser to be held at Newark Hilton Ballroom, December 4, 2003.

HEARINGS

A. HEARING RE: TENTATIVE PARCEL MAP 7468 AND SITE DEVELOPMENT REVIEW SD-07-03 FOR THE HOFFMAN PROPERTY (Resolutions)

Susan Hoffman, property owner, is requesting approval of a Tentative Parcel Map to subdivide property located at 33121 Alvarado-Niles Road into two parcels. The applicant is also requesting approval of a Site Development Review Permit to convert an existing historical structure located on the property from a residential structure to a professional commercial office.

Aki Honda, Planner, gave the staff report.

At this time Mayor Green opened the hearing for public comment, those speaking in favor of

the project.

There being no speakers either in favor or opposition to this project, the public hearing was closed.

Councilmember Fernandez moved, seconded by Vice Mayor Elias to approve staff recommendation to deny Tentative Parcel Map 7468 and SD -07-03.

AYES: 5 NOES: 0 ABSENT: 0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DENYING TENTATIVE PARCEL MAP 7468 ADOPT
RESO. NO. 2489-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DENYING SITE DEVELOPMENT REVIEW SD-07-03 FOR THE HOFFMAN PROPERTY ADOPT
RESO. NO. 2490-03

REPORTS FROM CITY MANAGER

A. Budget Update

1. Final Fiscal Year 2002-03 Budget Update; Resolution adopting revised Annual Budget Appropriations for Fiscal Year 2002-03

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

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

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION ADOPTING REVISED ANNUAL BUDGET APPROPRIATIONS FOR FISCAL YEAR 2002-03 ADOPT
RESO. NO. 2491-03

2. Fiscal Year 2003-04 Budget Update; Resolution Adopting Revised Annual Budget Appropriations for Fiscal Year FY 2003-04

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

John Haley stated he is pleased on the due diligence that has taken place and expressed his concern about moving monies around from different funds.

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

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION ADOPTING REVISED ANNUAL BUDGET APPROPRIATIONS FOR FISCAL YEAR FY 2003-04	ADOPT RESO. NO. 2492- 03
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3. Report and Recommendations for a Budget Balancing Strategy for Union City's Fiscal Year 2004-05 Budget

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

Barry Ferrier commented on the employee compensation reductions.

Council accepted report.

4. Resolution Authorizing Procurement of Public Opinion Polling Services Regarding Potential City Revenue Enhancements

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

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

AYES: 5 NOES: 0 ABSENT: 0

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

RESOLUTION AUTHORIZING PROCUREMENT OF PUBLIC OPINION POLLING SERVICES REGARDING POTENTIAL CITY REVENUE ENHANCEMENTS	ADOPT RESO. NO. 2493- 03
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B. Fourth of July After Action Report

This report is in response to a request by the City Council for information regarding the activities that occurred throughout the community during the Fourth of July celebration this year.

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

Barry Ferrier suggested signs entering the City should be larger. He stated this report doesn't reflect the activity on the days before the Fourth of July or any public input.

John Haley commented on activity in the Seven Hills area in that it was the quietest he has experienced.

Council accepted report.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

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

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

Councilmember Valle requested Item A removed from consent agenda.

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

AYES: 5 NOES: 0 ABSENT: 0

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|----|---|----------------------------|
| C. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT TO PAGE CONSTRUCTION COMPANY OF NOVATO FOR UNION CITY POLICE DEPARTMENT REMODEL, PHASE II, CITY PROJECT NO. 02-28 | ADOPT
RESO. NO. 2495-03 |
|----|---|----------------------------|

This resolution awards contract to Page Construction for the Police Department remodel. Phase II will include hard walls for the Police Captain's office areas for privacy, additional HVAC work, improvement to the lighting and new T-bar ceiling throughout the facility.

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CCS PLANNING AND ENGINEERING FOR CONSTRUCTION ADMINISTRATION, SURVEYING AND MATERIAL TESTING FOR CITY PROJECT NO. 02-51, UNION LANDING BOULEVARD WIDENING PROJECT

This resolution authorizes City Manager to execute Contract Amendment No. 1 with CCS Planning and Engineering in the amount of \$50,000 for construction contract administration, staking and material testing for this highly visible construction project at the entrance of Union Landing.

Councilmember Valle received information about his concerns regarding the median and pedestrian traffic.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2496-03

The title of Item B is as follows:

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY REQUESTING THAT THE CITY'S STATE LEGISLATORS AND THE LEAGUE OF CALIFORNIA CITIES WORK TOWARDS PLACING A MEASURE ON THE STATE BALLOT WHICH WOULD GIVE GENERAL LAW CITIES THE POWER TO LEVY REAL ESTATE TRANSFER TAXES WHEN APPROVED BY THE VOTERS OF THE MUNICIPALITY

State Proposition 62 prohibits general law cities from placing real estate transfer tax measures on local ballots for consideration by local voters. This resolution requests the State Legislators works towards placing a measure on the state ballot giving general law cities the power to levy real estate transfer taxes when approved by voters of the municipality.

Councilmember Dutra-Vernaci removed this item to request information as to how the legislators will be contacted. Deputy City Manager Tony Acosta responded that the legislators will receive written correspondence as well as follow-up phone calls.

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Elias to adopt Item B, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2497-03

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 attending the Community Services Policy meeting at the League of California Cities Conference. The Committee decided it will continue to meet in light of ballot initiative and will continue to get the message out about the initiative.

Councilmember Dutra-Vernaci reported the speaker on Sunday at the conference cautioned those in attendance to be wary of unintended consequences that the initiative may bring about, i.e. the State figures out a way around the cities and still takes their money.

Councilmember Dutra-Vernaci attended the East Bay Division meeting where the focus will be on the ballot initiative. Beginning in January the Division will be meeting every other month in order to focus their energies on the initiative and the meetings will also focus on the initiative. Each division in league, consisting of every city in the state, is in support of the initiative. The League's General Assembly will be adopting the resolution in support of initiative at their meeting on September 10th.

Councilmember Valle announced the joint subcommittee with New Haven will be meeting on September 30 at 5:30 p.m.

GOOD OF THE ORDER

Councilmember Fernandez would like to have the median on Alvarado Niles Road have the same simple design throughout.

Vice Mayor Elias questioned the development of property on Lowry in that they were to return to Council in approximately eight months with their plans. Community Development/Economic Development Director, Mark Leonard responded that this would come before the Council in October.

Vice Mayor Elias commented on newspaper article regarding the number of lawsuits against KB Homes.

Councilmember Dutra-Vernaci stated she was a moderator for Park and Recreation session at the League Conference and will turn over materials she received to staff.

Councilmember Dutra-Vernaci complimented Planning Department for recent experience resident had with the staff.

Vice Mayor Elias moved, seconded by Councilmember Fernandez to adjourn meeting at 10:23 p.m.

AYES: 5 NOES: 0 ABSENT: 0