

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
SEPTEMBER 23, 2003, 6:00P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

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

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

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

CLOSED SESSION:

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

Potential Cases: Two

Councilmember Valle arrived at meeting at 7:20 p.m.

ADJOURNMENT

Meeting adjourned at 8:00 p.m.

CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, SEPTEMBER 23, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA

Mayor Green called the meeting to order at 8:03 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 reported that no action was taken during the closed session.

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, September 9, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS - NONE

ORAL COMMUNICATIONS

John Haley commented on the recent murder/suicide in the City and the issue of multiple families living in a single family home. John Haley also commented on improvements to property on 7th Street and his disappointment at the condition of the area.

HEARINGS

A. HEARING RE: **DISBURSEMENT OF FEDERAL GRANT FUNDS FROM THE FEDERAL DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM** (Resolution)

The City has received federal grant funds from the Federal Department of Justice, Bureau of Justice Assistance for the last six years. The funds have been disbursed under the Local Law Enforcement Block Grant (LLEGB) program and are intended to assist local jurisdictions in reducing crime and improving public safety.

Police Captain Greg Stewart gave the staff report.

At this time Mayor Green opened the hearing for public comment.

There being no public comment, the hearing was closed.

Vice Mayor Elias 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 OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING THE RECOMMENDATION OF THE LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD ADOPT RESO. NO. 2497-03

B. HEARING RE: **DISBURSEMENT OF STATE GRANT FUNDS FROM THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES**

(Resolution)

Required Action: Motion

The City has received State grant funds from the State of California Supplement Law Enforcement Services for funds restricted to the use for Front Line Municipal Police Services. Prior to utilizing the funds, the grant requires the local governing unit to hold a public hearing to solicit public comments and to determine how the funds will be expended.

Police Captain Greg Stewart gave the staff report.

Mayor Green opened the hearing for public comment.

There being no public comment, the hearing was closed.

Councilmember Dutra-Vernaci 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 OF THE CITY COUNCIL OF THE CITY OF UNION

REPORTS FROM CITY MANAGER

A. Report and Recommendations on establishing a Citizen Budget Advisory Committee on Budget

This report is written in response to a City Council request for a discussion on establishing a Citizen Budget Advisory Committee to advise the City Council on budget-related issues, including recommendations on potential ways to balance the City's projected General Fund budget deficit.

Interim Administrative Services Director Tony Acosta gave the staff report.

John Haley questioned if this will have short or long term value and feels the most important element should be getting business leaders of the community involved.

Barry Ferrier wants dedicated people on the committee who are willing to do work outside of the committee to be effective.

Hugh McNamara feels those selected should have a finance background.

Jerry Catanzano feels there are citizens that will be willing to assist in this effort.

Mayor Green moved, seconded by Vice Mayor Elias to reduce number of committee members to nine, run advertisement for 30 days, hold interviews week of November 17th, with appointments to be made at the November 25, 2003 Council meeting.

AYES: 5 NOES: 0 AYES: 0

B. Status Report on the Farmer's Market and Concert Series programs held at Cesar Chavez (Old Alvarado) Park

This report provides a brief summary of the 2003 Farmers Market and Summer Concert Series programs held on summer Saturdays in Cesar Chavez (Old Alvarado) Park. Included in the discussion of the summer concert series is the issue of noise complaints.

Interim Leisure Services Director Tony Acosta gave the staff report.

Hugh McNamara stated that the Farmer's Market has not brought in any additional people to the Historical Museum.

There was Council concurrence to accept this report.

At 8:57 p.m. Council recessed in order to meet under their authority as the Community Redevelopment Agency.

REDEVELOPMENT AGENCY

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

A. Resolution of the Community Redevelopment Agency of the City of Union City Authorizing a Supplemental Appropriation of Redevelopment Agency Funds in the Amount of \$50,000 for the New Union City Public Library Project

This resolution authorizes a supplemental appropriation in the amount of \$50,000 for the new Union City Public Library project. The additional funding is required for technical work required to complete a grant application for submission to the State Librarian under the 2000 State Library Bond Act.

Interim Leisure Services Director Tony Acosta gave the staff report.

Barry Ferrier commented on records retention of certain files.

Agencymember Dutra-Vernaci moved, seconded by Vice Chair Elias to approve resolution numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 284-03

Redevelopment Agency meeting adjourned at 8:53 p.m.

Council meeting reconvened at 8:54 p.m.

AUTHORITIES/AGENCIES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested items G & H removed from the consent agenda.

Councilmember Valle requested Item A removed from the consent agenda.

Jerry Catanzano requested Item E removed from the consent agenda.

Councilmember Fernandez moved, seconded by Vice Mayor Elias to approve Items B-D and F, numbered appropriately.

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

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING COMPLETION OF UNION CITY SKATE PARK, CITY PROJECT NO. 01-07 ADOPT RESO. NO. 2499-03

A. J. Vasconi General Engineering has completed the contract for the Union City Skate Park in accordance with the plans and specifications for this project. The project consisted of the construction of a 19,800 square foot skate park that included demolition, grading, drainage, forming, concrete walls, concrete skate paving, asphalt paving and steel work.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CANCELLING THE REGULARLY SCHEDULED MEETING OF TUESDAY, NOVEMBER 11, 2003 AND SCHEDULING MEETING FOR NOVEMBER 10, 2003 ADOPT RESO. NO. 2500-03

Pursuant to Section 2.04.010 of the Union City Municipal Code, there shall be no Council meeting held on Tuesday, November 11, 2003, a legal holiday. This resolution cancels the November 11th meeting and reschedules a meeting for Monday, November 10, 2003.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY MODIFYING THE MEMORANDUM OF UNDERSTANDING WITH THE UNION CITY POLICE OFFICER'S ASSOCIATION REGARDING COMPENSATORY TIME OFF ACCRUAL ADOPT RESO. NO. 2501-03

The current Memorandum of Understanding (MOU) between the Union City Police Officer's Association and the City was found to be deficient in addressing the issue of accrued compensatory time under terms of the Federal Fair Labor Standards Act. The revised language will remedy the deficiency and is in compliance with Federal law and court decisions.

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY MODIFYING THE FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) AND THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDING (SLESF) GRANT

ADOPT RESO.
NO. 2502-03

This resolution authorizes modifications of the appropriations previously made by the City Council for the Federal 2002 Local Law Enforcement Block Grant (LLEBG) and the State 2002 Supplemental Law Enforcement Services Funding (SLESF) Grant. These modifications are a result of the budget hearings held by Council in July 2003 and also to remain in compliance with regulations pertaining to each of the listed grants.

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING AN ENVIRONMENTAL INDEMNITY AGREEMENT WITH THE MCKESSON CORPORATION

The City Council previously approved a Site Development Review application and Vesting Tentative Tract Map on April 8, 2003, to subdivide and develop the McKesson property for small lot sing-family homes. As part of the development the City will receive title to certain areas for streets and parks. Per the conditions of approval, McKesson must indemnify the city from any claims that arise from the environmental condition of soil and groundwater located under or about the property.

Councilmember Valle questioned why the indemnification is needed on this property. Community/Economic Development Director Mark Leonard responded that the soil and ground water was polluted by the chemical company and the clean up met regional standards. However, if we accept streets, parklands, etc., we want to make sure there is no liability to the City.

Councilmember Valle feels Braddock and Logan should make sure the quality of housing is as good as others in the city and that the 3000 sq. ft. lots do not detract from the quality.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2503-03

The title of Item E is as follows:

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY EXTENDING THE AGREEMENT WITH WASTE MANAGEMENT OF ALAMEDA COUNTY FOR THE COLLECTION OF SOLID WASTE AND YARD WASTE THROUGH DECEMBER 31, 2004

This resolution authorizes extension of the existing Agreement with Waste Management of Alameda County for the collection of solid waste and yard waste through December 31, 2004. This is the third and final extension authorized by the Agreement.

Councilmember Valle recused himself from this item due to a conflict of interest.

Jerry Catanzano stated individuals are putting bulky items out 2-3 weeks before Waste Management picks up.

Barry Ferrier stated he had to wait three months for a bulky waste pickup.

Mike Risetti, District Manager, Tri Cities Waste Management, stated they have suggested four clean up pickups per year, one per each quarter.

John Haley stated the pickup in his neighborhood is always on time. Mr. Haley suggested sending a notices out twice per year for bulky waste pickups on certain dates.

Jerry Catanzano stated he is opposed to reducing amount of pickup and would like to eliminate trash placed on the curbs.

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

AYES: 4 NOES: 0 ABSENT: 1 (RV) ADOPT RESO.
RESO. NO. 2504-03

The title of Item G is as follows:

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY-OFFICE OF TRAFFIC SAFETY - CALIFORNIA SEATBELT COMPLIANCE CAMPAIGN GRANT

Staff is requesting acceptance of a State of California Business, Transportation and Housing Agency, Office of Traffic Safety Grant in the amount of \$14,735.00. The grant will be used for pre-operation seat belt compliance survey conducted by officers on overtime; 14-day seat belt violation enforcement operation conducted by officers on overtime, and post-operation seat belt compliance survey conducted by officers on overtime. All costs for the project will be covered by the grant.

Mayor Green questioned the mechanics of the pre and post survey. Captain Greg Stewart

responded that they are planning the survey to be visual rather than stopping vehicles.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2505-03

H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING THE PROVISIONS OF ASSEMBLY BILL AB 1886 FOR THE CITY OF UNION CITY

Introduction of Ordinance: ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 10, CHAPTER 10.28 OF THE UNION CITY MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC, BY ADOPTION OF THE PROVISIONS OF ASSEMBLY BILL 1886 AND IN PARTICULAR, CALIFORNIA VEHICLE CODE SECTION 42011

AB 1886 provides for increased penalties, including the doubling of fine amounts, for certain defined traffic violations that occur in specially posted school zones. Staff is recommending adoption of the resolution applying provisions of AB 1886 and introducing the ordinance which approves the increased fines and penalties for traffic violations committed in proximity to occupied school grounds.

Mayor Green received information as to the traffic violations that would be cited.

Jerry Catanzano received information that this doubles fines when school is in session.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2506-03

INTRO. ORD.
613-03

ORAL COMMUNICATIONS

Barry Ferrier thanked the City on behalf of neighborhood kids who appreciate the skatepark. Mr. Ferrier also brought to the Council’s attention that making left turn from Alvarado Niles onto Dyer is getting too dangerous.

Mayor Green responded for staff to consider the same mitigation measures for this intersection as those that were taken on Moccasin Street.

CORRESPONDENCE -NONE

APPROVAL OF BILLS - MONTH OF AUGUST

A. Approval of warrants for payment for August 2003

Councilmember Valle moved, seconded by Councilmember Fernandez to approve warrants for payment for month of August 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 reported the subcommittee with New Haven Unified School District will meet on September 30, 2003 at 5:30 p.m.

GOOD OF THE ORDER

Councilmember Valle reported that cars parking on Royal Ann Drive across from the Senior Center all the way to Alvarado Niles Road are making it dangerous for other cars to make a right hand turn onto Alvarado Niles.

Councilmember Valle reported two large garbage piles in front of homes on 13th Street have been there for four weeks and requested assistance in getting them picked up.

Councilmember Fernandez questioned if the City has any control over private property owners in the manner in which they prune their trees. Councilmember Fernandez reported that trees at the Crowne Plaza Hotel were over-pruned. Interim City Manager Larry Cheeves responded that the Crowne Plaza was given a stop notice regarding the pruning of those trees and they have also been cited.

Vice Mayor Elias would like to advertise on Channel 20 about the illegalities of parking of vehicles on the street and advertising that those cars are for sale.

Mayor Green reported there are shopping carts on city property that need to be picked up.

Vice Mayor Elias moved, seconded by Councilmember Fernandez to adjourn meeting at 9:39 p.m. to Tuesday, September 30, 2003 at 7:30 p.m. for a joint work session with the Park and Recreation Commission.

AYES: 5 NOES: 0 ABSENT: 0