

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
NOVEMBER 25, 2003, 6:00P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Elias called the meeting to order at 6:09 p.m.

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

CLOSED SESSION:

Mayor Green arrived at meeting at 6:11 p.m.

There was no one present to speak under oral communications.

The Council met in closed session on the following:

A. **LICENSE/PERMIT DETERMINATION**
(Pursuant to Section 54956.7 of the California Government Code)

Title: Driver's Permit to Operate Union City Paratransit Bus

Meeting adjourned at 7:06 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, NOVEMBER 25, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:21 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 were no reportable actions taken 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 Regular City Council meeting of Tuesday, November 10, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

B. Approval of minutes of the Adjourned Regular City Council meeting of Monday, November 17, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Appointment of Vice Mayor

Vice Mayor Elias moved, seconded by Councilmember Valle to appoint Manuel Fernandez as Vice Mayor.

AYES: 5 NOES: 0 ABSENT: 0

B. Presentation by New Haven Unified School District thanking the City Council for their support of Measure A

Gwen Estes, Susan Speakman, Barbara Aro-Valle, and Michael Richie, representing New Haven Unified School District, presented a resolution thanking the Council for their support of Measure A.

C. Proclamation in honor of Engineer/Paramedic Sean Burrows, 2003 Firefighter of the Year

Mayor Green read the proclamation in its entirety and presented it to Engineer/Paramedic Sean Burrows who accepted the proclamation and thanked the Council for the recognition.

ORAL COMMUNICATIONS

John Haley spoke about five vacant lots on Benito and Appian Way and the accumulation of trash on the site.

Pei Ru Shen spoke about traffic concerns for children crossing to Delaine Eastin School at intersection on Union City Boulevard and Delores Drive.

Harbinder Johal, parent of student at Delaine Eastin, spoke about safety concerns for children attending Delaine Eastin school and traffic at Union City Boulevard and Delores Drive.

Interim City Manager Larry Cheeves will report back at the December 9 Council meeting regarding safety options for this intersection.

HEARINGS

A. HEARING RE: **ADMINISTRATIVE ENFORCEMENT ORDINANCE**
(Resolution)

Final Reading of Ordinance No. 618-03 would establish an administrative enforcement program for enforcing code provisions. The program establishes procedures to inspect private property, abate nuisance conditions, issue administrative citations, collect fines and fees and provides for an appeal process through an Administrative Hearing.

Glenn Kirby, Neighborhood Preservation Coordinator, gave the staff report.

Mayor Green opened the hearing for public comment for those speaking in favor of this Ordinance.

Jerry Catanzano stated this is a good ordinance that is timely and the results will help to remove blight.

Hugh McNamara commented on the administrative costs and enforcement issues.

John Haley stated there needs to be an emphasis on enforcement and the associated costs.

Mayor Green requested comments from those speaking in opposition to this ordinance.

John Russo feels there is too much new legislation that curtails lifestyle.

There being no further public comment, Mayor Green closed the public hearing.

Councilmember Valle moved, seconded by Councilmember Elias to approve resolution, numbered appropriately and to adopt Ordinance 618-03.

AYES: 5 NOES: 0 ABSENT: 0

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

City Attorney Michael Riback read the title of the Ordinance adopted by this motion as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING AN AMENDED FEE SCHEDULE FOR FISCAL YEAR 2003-2004

ADOPT RESO.
NO. 2536-03

AN ORDINANCE REPEALING CHAPTER 1.12 RIGHT OF ENTRY FOR INSPECTION, ADDING CHAPTER 1.12 PROPERTY INSPECTION, ABATEMENT AND LIENS, AMENDING CHAPTER 1.16 GENERAL PENALTY, ADDING CHAPTER 1.18 ADMINISTRATIVE ENFORCEMENT, AMENDING CHAPTER 7.16 PROPERTY MAINTENANCE, SECTIONS 7.16.060 ALTERNATIVE ACTIONS AVAILABLE - VIOLATION AN INFRACTION AND 7.16.070 VIOLATION AND PENALTIES, AMENDING CHAPTER 13.36 STORM WATER MANAGEMENT AND DISCHARGE CONTROL, SECTION 13.36.035 VIOLATIONS CONSTITUTING INFRACTIONS, AND REPEALING SECTION 13.36.036 PENALTY FOR VIOLATION OF THE UNION CITY MUNICIPAL CODE

FINAL ORD.
NO. 618-03

REPORTS FROM CITY MANAGER

A. Fireworks Regulation Changes

This report recommends the changes to the regulation of the use and sales of fireworks in Union City. The suggested changes do not change the day or hours of operation for the booths, the hours of use of legal fireworks, the ban of any fireworks east of Mission, or the ban on the use of fireworks in the City parks.

Fire Chief Chris Maxwell gave the staff report.

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

Councilmember Valle stated he will oppose the motion if the \$50 inspection fee is a part of the resolution.

Mayor Green did not amend his motion.

AYES: 4 NOES: 1 (RV) 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 REGULATING THE USE OF STATE-APPROVED FIREWORKS

ADOPT RESO.
NO. 2537-03

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Items A, E, I and K removed from the consent agenda.

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

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to adopt Items C, D, H, J and L, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

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

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT FOR PURCHASE OF FOUR PATROL CARS, CITY PROJECT NO. 03-18 ADOPT RESO. NO. 2538-03

The 2003/2004 budget includes the purchase of four police patrol cars for the Police Department. These vehicles have been recommended as replacements to the Police Department. Staff is recommending adoption of the resolution to award the contract for the four police cars to Melrose Ford of Oakland.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARING CONTRACT FOR THE PURCHASE OF ONE ANIMAL CONTROL VEHICLE, CITY PROJECT NO. 03-19 ADOPT RESO. NO. 2539-03

The 2003/2004 budget includes the purchase of one Animal Control Vehicle for the Police Department. The vehicle being replaced had a life expectancy of seven years and was purchase in 1996. The animal control box has corrosion and the vehicle has over 100,000 miles on it. Staff is recommending adoption of the resolution to award the contract for the Animal Control Vehicle to S & C Ford, San Francisco.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING TENTATIVE PARCEL MAP TPM 7427, U.S. PIPE AND FOUNDRY ADOPT RESO. NO. 2540-03

U. S. Pipe and Foundry is requesting to subdivide their 69.14 acre parcel into a 59.37 acre parcel (Lot 1) and a 9.77 acre parcel (Lot 2). The applicant is also seeking to relocate an existing sanitary sewer line that traverses a portion of the 9.77 acre site to the perimeter of Lot 2. Lot 1 would be retained for operation of the U.S. Pipe and Foundry business. Lot 2 is expected to be sold to an industrial developer.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY IN SUPPORT OF ENHANCED REGIONAL FUNDING FOR MAINTENANCE OF LOCAL STREETS AND ROADS ADOPT RESO. NO. 2541-03

Members of the local Streets and Roads Committee comprised of City and County Public Works professionals from throughout the nine-county Bay Area are seeking Union City's support for a balance apportionment of regional transportation funds so that local streets and road maintenance receives a fair share of whatever regional funding may be available for this purpose in the future.

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE DESTRUCTION OF RECORDS WHICH HAVE EXCEEDED THEIR LEGAL RETENTION ADOPT RESO. NO. 2542-03

Pursuant to the Records Retention Schedule adopted by City Council in August 2001, staff is requesting authorization to dispose of records that have passed their suggested retention.

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING AN AMENDED FEE SCHEDULE FOR FISCAL YEAR 2003-2004 ADOPT RESO. 2543-03

It has been recently discovered that California Government Code Section 41612 requires a \$15 fee to be collected for the release of a vehicle subsequent to its repossession. This fee was not included in the Master Fee Schedule previously adopted by City Council on July 8, 2003. This resolution amends the Master Fee Schedule to include the \$15 fee.

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR SHORTY GARCIA FIELD RENOVATION, CITY PROJECT NO. 03-11

This resolution awards the contract to Interstate Grading & Paving, Inc. of South San Francisco. To renovate the existing grass field at Shorty Garcia Park to artificial turf field and to include grading, drainage, fencing, asphalt, irrigation and electrical work.

Mayor Green commented on the amount of the alternate bids.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2546-03

The title of Item I is as follows:

I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR DEMOLITION OF STRUCTURE AT 14 UNION SQUARE AND WAIVING COMPETITIVE BIDDING

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY WAIVING COMPETITIVE BIDDING AND AWARDING CONTRACT TO DEMOLISH STRUCTURE AT 14 UNION SQUARE AND ALLOCATING FUNDS TO COVER COSTS

The owner of the former bowling alley was given until November 13, 2003 to either repair or demolish the structure. The building was declared a dangerous structure by the Chief Building Official with the owner appealing the Notice and Order to Abate. The Board of Appeals upheld the Order. Given the public safety urgency of this matter, staff is requesting the Council to waive formal bid procedures and award the demolition contract. The agency is requested to advance the funds to perform this work.

Mayor Green questioned the reason for giving property owner a final chance to abate property.

City Attorney Michael Riback responded as to the process that is required for this type of procedure.

John Haley stated his agreement, but also commented about accumulation of money for this project.

Mayor/Chair Green moved, seconded by Vice Mayor/Vice Chair Fernandez to adopt resolutions, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2547-03

ADOPT RDA
RESO. NO. 287-03

- K. Final Reading Ordinance No. 617-03: ORDINANCE OF THE CITY OF UNION CITY ADDING CHAPTER 7.20 TO THE UNION CITY MUNICIPAL CODE PERTAINING TO 911 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEE

This is the Final Reading of Ordinance No. 617-03 which adds Chapter 7.20 to the Union City Municipal Code, pertaining to a "911" Emergency Communication System Response Fee, which is proposed to be charged on all "land line" and cellular telephones located and/or billed to addresses in Union City.

Mayor Green pulled this item to reiterate that the Council would be adopting the ordinance, but are not setting the fee. The fee will be set at a future Council meeting.

Jerry Catanzano stated his opposition to this because of no exemptions for seniors.

Jim Jandnik, 3428 Regal Drive, speaking on his own behalf as a small business owner, and the Chamber of Commerce, suggested a cap on number of lines.

John Louie echoed the comments of the last speaker.

Mayor Green moved, seconded by Councilmember Elias to approve ordinance with amendment to Section 7.20.040, B "no subscriber shall be required to pay fees in excess of \$10,000" shall be amended to "no subscriber shall be required to pay fees in excess of \$5,000".

AYES: 5 NOES: 0 ABSENT: 0 FINAL ORD.
NO. 617-03

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE -NONE

APPROVAL OF BILLS - MONTH OF OCTOBER

A. Approval of disbursements for payment for October 2003

Councilmember Dutra-Vernaci questioned a \$9,870 check written to MJB pipeline for emergency sprinkler repair.

Administrative Services Director Rich Digre responded that this amount was for repairs to the fire sprinkler system at the Corporation Yard as a result of a vehicle accident. The City will be reimbursed the money for the repairs.

Councilmember Fernandez, seconded by Councilmember Dutra-Vernaci to approve disbursements for the month of October 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

There were no oral reports.

GOOD OF THE ORDER

Councilmember Elias commented the Crowne Plaza is advertising their location in Union City as Oakland South. Requested staff to contact them regarding their marketing.

Councilmember Dutra-Vernaci received comment from resident regarding three way stop on Lowry Road.

Community and Economic Development Director Mark Leonard responded that this three way stop is temporary.

Councilmember Valle questioned procedure regarding replacing burned out street lights.

Interim City Manager Larry Cheeves responded that residents can call in with the pole number and nearest cross street to report burned out street lights.

Councilmember Valle thanked Crowne Plaza for donation of turkeys, stuffing and gravy for Lions Club Thanksgiving senior dinner.

Vice Mayor Fernandez requested a light directed at the podium.

Vice Mayor Fernandez requested a study to address traffic at Union City Boulevard.

Vice Mayor Fernandez commented on dumping of trash on various vacant sites.

Mayor Green commented on Choi's Marshal Arts event which donated \$2,000 to New Haven Schools Foundation.

At 8:49 p.m. Council adjourned to closed session:

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to subdivision(b) of Section 54957.6)

Agency Designated representatives: Larry Cheeves, Interim City Manager; Tony Acosta, Deputy City Manager; Rich Digre, Administrative Services Director

Employee organization: Management

Council came out of closed session at 9:20 p.m. with no reportable action.

Vice Mayor Fernandez moved, seconded by Councilmember Valle to adjourn meeting at 9:20 p.m.

AYES: 5 NOES: 0 ABSENT: 0