

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JANUARY 13, 2004, 6:15P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Fernandez called the meeting to order at 6:21 p.m.

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

CLOSED SESSION:

There was no one present to speak under oral communications.

Councilmember Elias arrived at the meeting at 6:26 p.m.

Mayor Green arrived at the meeting at 6:32 p.m.

The Council met in closed session on the following:

CLOSED SESSION:

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Subdivision (a) of Section 54956.9)**

Property: 34201 Alvarado Niles Road, APN 486-0099-006

Agency negotiator: Mark Evanoff, Redevelopment Agency Manager; Randy Ulibarri, Police Chief; Mark Leonard, Community and Economic Development Director; Larry Cheeves, Interim City Manager; Tony Acosta, Deputy City Manager

Under negotiation: Possible purchase and/or lease of property

Councilmember Valle left the meeting at 6:50 p.m. due to a conflict with Item B.

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

One Potential Case

ADJOURNMENT

Meeting adjourned at 7:26 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 13, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:40 p.m. and led the audience in the salute to the flag.

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

Mayor Green stated there was no reportable action 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, December 9, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS - NONE

ORAL COMMUNICATIONS

George Adas, 3502 Oyster Court, spoke about freeway landscaping, road work blocking Union Landing, plans for freeway ramps, low plant maintenance, and Alvarado Road road work.

Maria Adas, 3502 Oyster Court, commented on purchase of property for police department and need for traffic light at Tidewater and Smith.

Sandi Holder, Chair for Citizens for Yes on K, spoke about Measure K.

Hugh McNamara commented on road work at Union Landing and expressed his support for Measure K.

Interim City Manager, Larry Cheeves, responded to public comments in that an update from USD would be presented to Council at a future date regarding work being performed by them and traffic signal projects.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Setting Fee for 911 Emergency Communication System Response Fee (Resolution)

This resolution sets the fee for the 911 Emergency Communication System Response Fee pursuant to Ordinance No. 617-03 which adds Chapter 7.20 to the Union City Municipal Code. This fee will be charged on all "land line" and cellular telephones located and/or billed to addresses in Union City.

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

George Adas, resident, stated cell phones should be considered differently, and questioned usage of public safety cell phones.

Councilmember Elias moved, seconded by Vice-Mayor Fernandez 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 ESTABLISHING 911 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEE RATES FOR FISCAL YEAR 2004	ADOPT RESO. NO. 2558-04
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B. FY 2004/05 Budget Preparation

Staff is presenting a process for the Council's consideration for the preparation of the operating budget and capital investment plan (CIP) for FY 2004/2005.

Rich Digre, Administrative Services Director, gave the staff report.

Dev Bhatia commented on MOU salary increases.

John Haley commented on local control of monies, expenditure control, cutting public safety, and need for reserves.

Hugh McNamara stated information regarding Measure K needs to get out to the public through the newspaper.

Councilmember Valle moved, seconded by Councilmember Elias to approve staff recommendation, i.e. one year fiscal budget plan and zero-based budgeting approach, and approval of the budget calendar.

AYES: 5 NOES: 0 ABSENT: 0

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

CONSENT CALENDAR/RESOLUTIONS

(All matters listed under the Consent Calendar are considered routine City Council or Redevelopment Agency items by the City Staff and may be enacted by the City Council/Agency by one motion in the form listed below. There will be no separate discussion of these items unless, before the City Council/Agency votes on the motion to adopt, Members of the City Council/Agency, staff, or the public request specific items to be removed from the Consent Calendar for separate action).

Councilmember Valle requested Item E removed from the consent calendar.

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

AYES: 5 NOES: 0 ABSENT: 0

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

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|----|---|----------------------------|
| A. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING A REVISED MASTER FEE SCHEDULE FOR FISCAL YEAR 2003/2004 | ADOPT RESO.
NO. 2559-04 |
|----|---|----------------------------|

This resolution amends the Master Fee Schedule for Fiscal Year 2003/2004 to reflect changes to the Massage Establishment and Massage Technical fees, Business License Report fees, and Environmental Program Fees.

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-13-03 FOR KERRY SWEET INGREDIENTS ADOPT RESO. NO. 2560-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DENYING VARIANCE V-08-03, FOR KERRY SWEET INGREDIENTS ADOPT RESO. NO. 2561-04

Initiated by Craig Bonelli of Cold Storage Manufacturing, Inc., on behalf of Kerry Sweet Ingredients, the applicant is requesting approval of a Site Development Review, SD-13-03, and a Variance, V-08-03, to allow a 17,625 square foot expansion to an existing commercial baking/candy production facility and to allow a reduction in the required number of parking spaces on site for the project.

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-14-03 ADOPT RESO. NO. 2562-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING TENTATIVE PARCEL MAP 8296 ADOPT RESO. NO. 2563-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING USE PERMIT UP-08-03 ADOPT RESO. NO. 2564-04

Initiated by Steve Chess, property owner, the applicant is requesting approval of a Site Development Review Permit (SD-14-03) to construct two 2-story buildings on a 3.11 acre site. Building A would have 10 commercial condominium units and Building B would have 9 units.

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR 2002-03 SLURRY SEAL PROGRAM, CITY PROJECT NO. 02-49 ADOPT RESO. NO. 2565-04

Bond Blacktop, Inc, has completed the improvements for the 2002-03 Slurry Seal Program in accordance with the plans and specifications. A total of 1,556,416 sq. ft. of pavement surface was slurry sealed this year. Slurry seal treatment prevents water from entering the pavement thereby extending the life of the pavement for several years. It is expected that the slurry seal treatment will help maintain the relatively high OCI ratings of the project streets.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A BART PLUS AGREEMENT FOR THE PERIOD ENDING DECEMBER 31, 2005

ADOPT RESO.
NO. 2566-04

This new agreement is required to replace the existing BART Plus Agreement because AC Transit is no longer participating in the BART Plus Program. The proposed agreement is for the period from the effective date through December 31, 2005 and can be extended in annual increments.

All Item under "G" was approved by the earlier stated motion.

- G. Rejection of Claim Nos. 553, 563, and 567

The City's Claim Administrator is requesting rejection of Claim No. 553, filed by Johnnita Caldwell regarding alleged personal injury.

The City's Claim Administrator is requesting rejection of Claim No. 563, filed by California Casualty Insurance Company regarding property damage.

The City's Claim Administrator is requesting rejection of Claim No. 567, filed by Charlotte Bell regarding alleged property damage.

The title of Item E is as follows:

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE AUTOMATIC MUTUAL AID AGREEMENT FOR EXCHANGE OF FIRE PROTECTION, RESCUE, AND EMERGENCY MEDICAL SERVICES

Union City and Newark Fire Department's have developed an agreement to mutually provide automatic mutual aid between each agency. This agreement increases the service level of both departments at no cost to either City by sharing fire resources. The Union City first alarm attendance level will be increased from a minimum of 10 to 15. Additionally, when Union City has a first alarm, Newark will share their Battalion Chief and will cover both cities in the event of a simultaneous alarm.

Councilmember Valle requested and Fire Chief Maxwell provided a more extensive description of this agreement and the timing for approval of the agreement by the City of Newark.

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

AYES: 5

NOES: 0

ABSENT: 0

ADOPT
RESO. NO. 2567-04

ORAL COMMUNICATIONS

There were no speakers under this section of Oral Communications.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTHS OF NOVEMBER AND DECEMBER

A. Approval of disbursements for payment for November and December 2003

Councilmember Elias moved, seconded by Mayor Green to approve disbursements for payment for months of November and December 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 Dutra-Vernaci reported she would be attending the League of California Policy Committee meetings at the end of this week. The focus of the meetings will be to discuss the November ballot initiative which will prevent the State from dipping into City funds.

GOOD OF THE ORDER

Councilmember Elias wished everyone a Happy New Year.

Councilmember Dutra-Vernaci received clarification that the work session to be held on February 17 would begin at 7:00 p.m.

Councilmember Valle reported light poles 12, 13, 2688 and 308 are out.

Mayor Green spoke about the upcoming ballot measures on the March 2, 2004 election.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to adjourn meeting at 9:37 p.m. to January 20, 2004 for a work session regarding Route 84.

AYES: 5

NOES: 0

ABSENT: 0