

**MINUTES FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
MARCH 23, 2004, 6:15 P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

Vice Mayor Fernandez called the meeting to order at 6:25 p.m.

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

There being no public comments, the Council met in closed session on the following:

**CLOSED SESSION:**

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

Name of Case: Brian Benitez, et al vs. Don Montoya, et.al., United States District Court,  
Northern District of California, Case No. C 03-0392

Mayor Green arrived at the meeting at 6:48 p.m.

**B. CONFERENCE WITH PROPERTY NEGOTIATORS**  
(Pursuant to Section 54956.8 of the California Government Code)

Property: 33205-33303 Mission Boulevard, APN 087-0091-051

Negotiating Parties: Larry Cheeves, Executive Director; Tony Acosta, Deputy City Manager;  
Mark Evanoff, Redevelopment Agency Manager; Mark Leonard,  
Community/Economic Development Director; Redevelopment Agency  
Counsel

Under Negotiation: Price and Terms

**ADJOURNMENT**

7:08 p.m.

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, MARCH 23, 2004, 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.

Mayor Green stated there was no reportable action taken in the closed session earlier in the evening.

Mayor Green read the rules for conduct of the meeting.

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

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, March 9, 2004

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

AYES: 5                      NOES: 0                      ABSENT: 0

**PROCLAMATIONS/PRESENTATIONS**

- A. Certificates in honor of Teen Volunteers

*There are hundreds of individuals who volunteer their time for local non-profit organizations and city sponsored events and programs. 90% of these volunteers are teenagers. The City would like to recognize these exceptional teens for their hard work and dedication over the past year.*

Chris Valuckas, Leisure Services Coordinator, introduced the recipients. Those present were Sanjay Rupani, Mary Kong, Candice Nguyen, Alice Kim, Connie Huang, Faraaz Shareswala, Eddy Seetho, Monica Bhatt, Winnie Kao, Louise Santos.



## ORAL COMMUNICATIONS

Don Schlacher, UCYSL Boardmember, commented on problems on their board and requested City help with the problems

Candace Yifru commented on soccer election and presented Council with a written letter.

Tadelle Yifru commented on problems with UCYSL Board.

Karen Yifru commented on problems with UCYSL Board election.

Leslie Quadros commented on problems with a group home for mentally challenged individuals that opened near his residence, and requested assistance in closing this home.

Mayor Green stated that it sets a bad precedence for the Council to become involved in any youth sports Board.

City Attorney Michael Riback confirmed the Mayor's comments, that it would be inappropriate for the Council to become involved.

Community/Economic Development Director Mark Leonard stated the State has taken over the authority to regulate group homes, the City cannot regulate group homes. The above mentioned facility is licensed.

## HEARINGS

### A. HEARING RE: COST RECOVERY FOR DEMOLITION OF ABANDONED BOWLING ALLEY AT 14 UNION SQUARE

*This hearing was continued from the February 10, 2004 Council meeting at that time due to illness of the property owner. Since that time, a settlement has been reached. However, it is again recommended to continue this hearing to ensure payment is received by the City per the settlement agreement.*

Michael Riback, City Attorney, gave the staff report and requested this hearing continued to April 27, 2004.

Mayor Green opened the hearing for public comment.

Mr. Singh, spoke on behalf of auto repair shops, problems with cars being towed, and requested resolution.

Individual spoke on parking problems in area of the bowling alley.

Tenant for Lincoln Property commented on parking problems at Union Square.

Councilmember Elias moved, seconded by Councilmember Valle to continue this hearing until April 27, 2004, at which time the need to hold the hearing will be assessed.

AYES: 5                      NOES: 0                      ABSENT: 0

**REPORTS FROM CITY MANAGER**

- A. Authorization to issue Pension Obligation Bonds and proceed with judicial validation action (Resolution)

*This report provides information on the opportunity for the City to issue Pension Obligation Bonds (POBs) to refinance its unfunded liability in the pension plans the City provides for its employees through the California Public Employees Retirement System (PERS).*

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

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to approve resolution, numbered appropriately, approving the Trust Indenture, and the Bond Purchase Agreement.

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT  
RESO. NO. 2601-04

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE ISSUANCE OF BONDS TO REFUND CERTAIN PENSION OBLIGATIONS OF THE CITY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN INDENTURE OF TRUST AND PURCHASE CONTRACT, AND AUTHORIZING JUDICIAL VALIDATION PROCEEDINGS RELATING TO THE ISSUANCE OF SUCH BONDS

**REDEVELOPMENT AGENCY - NONE**

**AUTHORITIES/AGENCIES - NONE**

**REPORTS FROM CITY COMMISSIONS/COMMITTEES**

A. Recommendation of the Park and Recreation Commission for adoption of an Ordinance of the City of Union City Municipal Code Banning the Use of Skateboards, In-line Skates, Scooters and BMX Bicycles from City Facilities

*The unregulated use of skateboards, in-line skates, scooters and BMX bicycles in City facilities is becoming increasingly problematic due to the use of these conveyances (especially skateboards) in ways that damage property. This Ordinance would ban the use of skateboards, in-line skates, and BMX bicycles from City facilities. Use of such devices could be allowed at any City facility (e.g., the Skate Park) where expressly permitted.*

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

Barry Ferrier suggested modifying the skatepark schedule and adding lights for evening use.

Councilmember Elias moved, seconded by Councilmember Valle to introduce the ordinance, reading of title by City Attorney to suffice.

AYES: 5                      NOES: 0                      ABSENT: 0                      INTRO. ORD.  
NO. 621-04

The title of the ordinance introduced by this motion is as follows:

ORDINANCE OF THE CITY OF UNION CITY MUNICIPAL CODE BANNING THE USE OF SKATEBOARDS, IN-LINE SKATES, SCOOTERS AND BMX BICYCLES FROM CITY FACILITIES

B. Recommendation of the Park and Recreation Commission for establishment of a Sports Field Maintenance Fund

*In order to properly maintain Union City sports fields, a \$20,000 per year stipend will need to be raised through youth and adult user fees. This report discusses options for raising this stipend.*

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

Mayor Green moved, seconded by Councilmember Elias to return this item to the April 27, 2004 agenda with cost information.

AYES: 5                      NOES: 0                      ABSENT: 0

## CONSENT CALENDAR/RESOLUTIONS

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

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

AYES: 5                      NOES: 0                      ABSENT: 0

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

- A.      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE DONATION OF ONE SUN MCA-3000 ENGINE ANALYZER TO THE JAMES LOGAN HIGH SCHOOL AUTO SHOP                      ADOPT RESO. NO. 2602-04

*The Sun Electronic MCI-3000 was replaced in 2000 with a state of the art emissions tester and engine analyzer. The older engine analyzer has little to no value to the City. The auto shop at James Logan High School has expressed a need for this analyzer.*

- B.      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING IMPROVEMENTS FOR UNION CITY BOULEVARD PARK & RIDE LOT, CITY PROJECT NO. 00-01                      ADOPT RESO. NO. 2603-04

*Top Grade Construction has completed the improvements on Union City Boulevard Park and Ride Lot. The construction of this 25 car parking facility involved grading, placing asphalt concrete pavement and concrete curb, installing bicycles racks, lighting, landscaping, sound wall, gate and modifying the existing street frontage. This resolution accepts improvements for the construction of a public parking area for bus riders.*

*Funding for this project is through the Transportation Development Act (TDA) and Measure B*

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE FILING OF APPLICATIONS WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4 AND 4.5/STATE TRANSIT ASSISTANCE FUNDS AND WITH THE ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY FOR ALLOCATION OF MEASURE B FUNDS FOR FISCAL YEAR 2004-05

ADOPT RESO.  
NO. 2604-04

*This resolution authorizes staff to apply for grants funds to operate the City's fixed-route and paratransit systems for Fiscal Year 2004-2005. Transportation Development Act (TDA) Article 4, State Transit Assistance (STA) and Alameda County Measure B funds will be claimed to operate the fixed-route system, Union City Transit. TDA 4.5, STA and Measure B funds will be claimed to provide the Union City Paratransit service. TDA and STA funds are apportioned through the Metropolitan Transportation Commission. Measure B funds are apportioned through the Alameda County Transportation Improvement Authority.*

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING TENTATIVE PARCEL MAP TPM 8348

ADOPT RESO.  
NO. 2605-04

*Initiated by Sarah D. Borjal, property owner, a request to approve a Tentative Parcel Map to subdivide a property located at 4235 Horner Street (APN: 482-0010-023-00) into three (3) parcels. Parcel 1 will be 14,110 square feet, Parcel 2 will be 7,214 square feet, and Parcel 3 will be 6,325 square feet.*

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY OF INTENTION TO ANNEX LANDS INTO COMMUNITY FACILITIES DISTRICT NO. 96-1 (DIPSA) FOR THE PACIFIC STATES STEEL CORPORATION (PSSC) PROPERTY

ADOPT RESO.  
NO. 2606-04

*At the request of the owner, this proposed action establishes the intent to annex the PSSC property into CFD 96-1 (DIPSA). The principal significance of this resolution is to set a date for a public hearing (tentatively scheduled for April 27, 2004).*

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE DESTRUCTION, WITHOUT DUPLICATION, OF POLICE RECORDS THAT HAVE EXCEEDED THEIR LEGAL RETENTION

ADOPT RESO.  
NO. 2607-04

Each year the Police Departments destroys records that have reached their expiration date. The records are identified by the Records Destruction Officer and approved by the City Attorney. This resolution authorizes the destruction of records for calendar year 2003.

Items H and I were approved by the earlier stated motion.

H. Comprehensive Annual Financial Report - June 30, 2003

*This report transmits the Comprehensive Annual Financial Report (CAFR) and accompanying Report to Management covering Fiscal Year 2002-2003 (ending June 30, 2003). Staff is recommending Council accept the CAFR, which is commonly referred to as the City's audit report.*

I. Rejection of Claim No. 551

*The City's Claim Administrator is requesting rejection of Claim No. 551 which has been accepted by MV Transportation via our Tender.*

The title of Item C is as follows:

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY REJECTING ALL BIDS AND REDESIGN SPECIFICATIONS FOR UNION CITY BOULEVARD MEDIAN LANDSCAPE RENOVATION, CITY PROJECT NO. 02-17

*Eight bids were received for Project No. 02-17. All bids exceeded the budget for the project and it is not in the best interest of the City to award a contract at this time.*

Councilmember Dutra-Vernaci requested this item removed to request the City Manager to explain where the funds are coming from for this landscaping renovation.

City Manager Larry Cheeves responded the funds for this project came from the Special Park Budget Fund.

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Fernandez to approve Item C, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

ADOPT RESO.  
NO. 2608-04

**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

Vice Mayor Fernandez stated that the joint meeting with the NHUSD committee would be meeting Wednesday, March 24, 2004 at the Crowne Plaza at 5:30 p.m. where school crossing guards and SRO's will be discussed.

Councilmember Dutra-Vernaci reported attending the Community Services Policy meeting for the League of California Cities where a presentation was given by the California Arts Council. The Policy Committee will write a letter of support for the Council.

B. Request by Councilmember Dutra-Vernaci for discussion on requiring City Council candidates to pay a fee for pulling nomination papers and to pay the cost of the candidate's statement

Councilmember Dutra-Vernaci requested and received concurrence to agendize this item for the April 13, 2004.

C. Request by Councilmember Elias for discussion on reducing Council compensation by 5%

Councilmember Elias requested a discussion on reducing Council compensation for one year. There was concurrence to agendize this item for April 13, 2004.

**GOOD OF THE ORDER**

Councilmember Elias would like to see a budget update at every meeting.

Vice Mayor Fernandez questioned aggressively pursuing relocation for businesses at Union Square.

Councilmember Valle stated that the gas station at 10<sup>th</sup> and H should be included in any discussions for redevelopment.

Councilmember Valle would like the Council to consider sending a delegation and participate in the Legislative Action Days on May 13 in Sacramento.

Mayor Green questioned the outcome of the meeting with CRA?

Larry Cheeves responded that a delegation from the City toured the facility and discussed the company's plans. The company has indicated they will leave the City in approximately 15 months. In the interim, the company will make some improvements.

Mayor Green commented on the earlier citizen complaint regarding the group home on Bing Court and questioned if we are we hearing more of these type of complaints and are other cities experiencing the same?

Community/Economic Development Director Mark Leonard responded that this is a problem in that the State has taken away most of the ability of the City to regulate these types of homes.

At 10:34 p.m., Councilmember Valle moved, seconded by Councilmember Elias to adjourn meeting to Tuesday, March 30, 2004 at 7:00 p.m. for interviews for the Senior and Human Relations Commission.

AYES: 5                      NOES: 0                      ABSENT: 0