

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JULY 13, 2004, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Fernandez called the meeting to order at 6:08 p.m.

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

Absent: Mayor Green

Council met in closed session on the following:

CLOSED SESSION:

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Pursuant to Section 54957 of the California Government Code)

Title: City Manager

B. **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Section 54957.6 of the California Government Code)

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

Employee Organization: Local 790, Management

Closed session was recessed at 7:23 p.m.

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

Vice Mayor Fernandez called the meeting to order at 7:32 p.m. and led the audience in the salute to the flag.

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

Vice Mayor Fernandez stated the Council took no reportable action in the prior closed session and reported that the closed session will resume at the conclusion of the regular meeting.

Vice Mayor Fernandez read the rules for conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

- A. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, June 8, 2004

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

AYES: 4 NOES: 0 ABSENT: 1 (MG)

- B. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, June 22, 2004

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

AYES: 4 NOES: 0 ABSENT: 1 (MG)

PROCLAMATIONS/PRESENTATIONS - NONE

ORAL COMMUNICATIONS

John Haley commented on firework activity on the Fourth of July, construction debris on Monte Carlo, and clean up needed on Appian Way.

Myrla Raymundo, Historical Museum, requested a directional sign for the Museum and suggested naming a street after Gertrude Corchero.

Carmen Saldivar commented on lack of opportunity for RePAC to review documents prior to going to Council.

Larry Cheeves, City Manager, stated that the City will order a directional sign for the Historical Museum.

Councilmember Valle suggested agendizing a discussion on exemplary City residents and naming of streets after those individuals.

HEARINGS

- A. HEARING RE: GENERAL PLAN AMENDMENT, AG-02-04, ZONING MAP AMENDMENTS, A-04-04 AND A-05-04, AMENDMENT TO THE LAND USE DIAGRAM OF THE 2002 GENERAL PLAN (DRY CREEK COTTAGE AND CITYWIDE LAND USE RECLASSIFICATIONS) AND TO THE ZONING MAP OF THE CITY OF UNION CITY
(Resolution and Introduction of Ordinances)

Initiated by the City of Union City and the East Bay Regional Park District, amendments to the Land Use Diagram of the 2002 General Plan to reflect current policies and address minor inconsistencies and Zoning Map Amendment to bring the Zoning Map into compliance with the Land Use Diagram of the 2002 General Plan. The City has determined that the above amendments are exempt from further environmental review, based upon the certified EIR for the 2002 General Plan. The District is requesting approval to change the General Plan and Zoning Map designation for the property that includes the Meyer's cottage and gardens (APN 087-0040-015-01) from an Agricultural (A) zoning designation to an Open Space (OS) designation. The East Bay Regional Park District, as lead agency for the Meyer's Cottage has prepared a Mitigated Negative Declaration on the project and has determined there will be no significant effect on the environment with the incorporation of mitigation measures.

Councilmember Valle left the meeting at 7:50 p.m. and returned at 7:52 p.m.

Joan Malloy, Planning Manager, gave the staff report.

At this time, Vice Mayor Fernandez opened the hearing for public comment. Those speaking in favor of this project first.

Carol Severin, East Bay Regional Park District, stated the hope that Council would pass this amendment and declare this property as open space.

Myrla Raymundo, Historical Museum, questioned if the Park District will have the liberty to demolish the buildings on the property?

Hugh McNamara questioned if the apartment residences will lose some of their parking.

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

In response to an earlier comment, Joan Malloy stated that the buildings on this site are declared as historical landmarks and cannot be destroyed.

Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to approve resolution.

Councilmember Dutra-Vernaci amended her earlier stated motion to include the zoning map amendments. This amendment was seconded by Councilmember Elias.

AYES: 4 NOES: 0 ABSENT: 1 (MG)

The titles of the resolution adopted by the above stated motion and the ordinances introduced with titles read by the Assistant City Attorney are as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING AN AMENDMENT TO THE LAND USE DIAGRAM OF THE 2002 UNION CITY GENERAL PLAN INITIATED BY THE EAST BAY REGIONAL PARK DISTRICT PERTAINING TO THE DRY CREEK COTTAGE AND GARDENS PROPERTIES, AG-02-04(a) AND BY THE CITY PERTAINING TO VARIOUS PROPERTIES CITYWIDE, AG-02-04(b)	ADOPT RESO. NO. 2676-04
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AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-04-04	INTRO ORD. NO. 627-04
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AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-05-04	INTRO ORD. NO. 628-04
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HEARINGS (continued)

B. HEARING RE: ZONING TEXT AMENDMENT AT-04-04, CHAPTER 18.105, DEVELOPMENT IMPACT FEES (Introduction of Ordinance)

Amend Section 128.105.150, Fee Accounts of Development Impact Fees zoning text to consolidate the fee accounts and create one list of eligible projects, to remove specific account percentages, and to add two new projects to the list of projects that can be funded by the Capital Facilities Fee. The new projects are: 1) Whipple Road widening, and 2) public parking structure in the Station District.

Joan Malloy, Planning Manager, gave the staff report.

At this time, Vice Mayor Fernandez opened the hearing for public comment. Those speaking in favor of this project first.

There being no public comment, the hearing was closed.

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

AYES: 4 NOES: 0 ABSENT: 1 (MG)

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

AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-04-04	INTRO ORD. 629-04
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C. HEARING RE: RESOLUTION OF NECESSITY, PINN BROTHERS, ROUTE 84, APN 087-0020-003

This resolution is the first required step by the State Eminent Domain Law for the acquisition of a portion of the Historic Route 84 right-of-way within Union City for the construction of the Highway 84 Realignment Project. This resolution must be approved by a two-thirds vote of the Council.

Mark Evanoff, Redevelopment Agency Manager, gave the staff report.

At this time, Vice Mayor Fernandez opened the hearing for public comment. Those speaking in favor of this project first.

John Haley questioned the dollar amount for the acreage.

Hugh McNamara hopes this item will come before the RePAC.

There being no further public comment, the hearing was closed.

Councilmember Valle moved, seconded by Councilmember Elias to adopt resolution, numbered appropriately.

AYES: 4 NOES: 0 ABSENT: 1 (MG)

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UNION CITY DETERMINING THAT THE PUBLIC INTEREST
AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN
LAND AND DIRECTING THE FILING OF EMINENT DOMAIN
PROCEEDINGS

ADOPT RESO.
NO. 2677-04

D. **HEARING RE: LANDSCAPE AND LIGHTING DISTRICT NO. 2 (Pursuant to the Landscaping and Lighting District Act of 1972) (Resolution)**

In accordance with the Landscape and Lighting Act of 1972 and the California Government Code, the City Council is required to conduct a public meeting and hearing regarding the levy of assessments for the upcoming fiscal year. The services to be provided through this assessment district are generally described as "street lighting and signalization, street median and backup landscape maintenance, and street tree management" within the City limits. There is no change to the current assessment.

City Manager Larry Cheeves gave the staff report.

At this time, Vice Mayor Fernandez opened the hearing for public comment. Those speaking in favor of this project first.

Barry Ferrier commented on the increase in costs to the City and questioned why the CPI increase is not utilized.

George Adas commented on the need for this type of district and the possibility of splitting the fee.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to adopt resolution, numbered appropriately.

AYES: 4 NOES: 0 ABSENT: 1 (MG)

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENT FOR FISCAL YEAR 2004-2005 WITHIN THE BOUNDARIES OF ASSESSMENT DISTRICT NO. 2 (Pursuant to the Landscaping and Lighting District Act of 1972)

ADOPT RESO.
NO. 2678-04

REPORTS FROM CITY MANAGER - NONE

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

CONSENT CALENDAR/RESOLUTIONS

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2004-2005

ADOPT RESO.
NO. 2679-04

Each fiscal year a revised Master Fee Schedule is presented to Council for consideration. This resolution establishes fees pertaining to services provided by the City to the public.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE CLASSIFICATION AND COMPENSATION PLAN, AND THE AUTHORIZED STAFF POSITIONS LIST

ADOPT RESO.
NO. 2680-04

The City establishes the positions authorized by the Council and the salary to be paid for each of these authorized positions at the commencement of each fiscal year. This resolution authorizes the negotiated adjustments.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE ORIGINAL AGREEMENT WITH MUNIFINANCIAL DATED APRIL 25, 2002

ADOPT RESO.
NO. 2681-04

This resolution authorizes the City Manager to enter into a contract extension for professional services with the firm of MuniFinacial to assist the City in providing the County Assessor with information to be included for certain taxes and fees on the Property Tax bills for Fiscal Year 2004-05.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF UNION CITY AND THE COUNTY OF ALAMEDA FOR LIBRARY SERVICES ADOPT RESO. NO. 2682-04

The proposed agreement is essentially the same as was executed in 2003 with the exception of a budget of \$12,458 for the purchase of additional books and other library materials. This amount is reflective of the County's staffing efficiencies which have resulted in lower staffing costs.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PURCHASE OF ONE LEASE/RENTAL RETURN FOUR WHEEL DRIVE SUV, CITY PROJECT NO. 04-06 ADOPT RESO. NO. 2683-04

Vehicle #501 is a 17 year old Jeep which has multiple mechanical and electrical issues and is no longer cost effective to repair. It is recommended replacing this vehicle with a lease/rental return which will cost \$25,000, \$4,000 less than a new vehicle.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PURCHASE OF FIVE LEASE/RENTAL RETURN VEHICLES, CITY, CITY PROJECT NO. 04-07 ADOPT RESO. NO. 2684-04

The 2004/05 budget authorizes the replacement of five Chevy Celebrity sedans that are no longer cost effective to repair. Lease/rental vehicles will cost approximately \$17,000 each which will save the City approximately \$6,000 over the cost of new vehicles.

Items G and H were addressed in a joint session of the Community Redevelopment Agency and the City Council.

- G. Resolution of the Community Redevelopment Agency of the City of Union City AUTHORIZING A CONTRACT WITH NOLTE ASSOCIATES FOR ONGOING PROJECT AND FUNDING COORDINATION SERVICES FOR THE BROADER INTERMODAL STATION DISTRICT PROJECT FOR FY 04/05 ADOPT RDA RESO. NO. 299-04

This resolution authorizes a contract with Nolte Associates to provide ongoing coordination and maintenance of the Master Project Schedule and associated project design and construction schedules, cash flow forecasting, funding oversight and assistance, and coordination services for the broader Intermodal Station District project.

H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDDING CONSTRUCTION CONTRACT FOR CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION (PSSC) AND EXECUTION OF CONTRACT AGREEMENT

NO. 2685-04

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AWARDDING CONSTRUCTION CONTRACT FOR CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION (PSSC) AND EXECUTION OF CONTRACT AMENDMENT

ADOPT RDA
RESO.NO.2682-04

The Council and Agency resolutions award the construction contract for the Line M Detention Basin/Pump Station to Anderson Pacific Engineering Construction, Inc., of Santa Clara, and authorizes the execution of the Contract Amendment with Mark Thomas and Co., Inc. for providing construction administration, inspection and surveying for this project.

I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CANCELING AUGUST 24, 2004 REGULARLY SCHEDULED CITY COUNCIL MEETING

ADOPT RESO.
NO. 2686-04

Past practice has been for the second regularly scheduled Council meeting in August to be canceled. Staff is requesting Council concurrence to cancel the August 24TH meeting in order to give the public and employees proper notice.

K. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTION 2.04.390 - DATE OF GENERAL MUNICIPAL ELECTIONS

INTRO ORD.
630-04

Ordinance 605-03 adopted by the City Council in 2003 amended the general municipal elections of the City to be held on the first Tuesday after the first Monday in November of even-numbered years and provides authority to amend Section 2.04.390 of the Union City Municipal Code to reflect this change.

L. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 8.14, "ABATEMENT OF VICIOUS DOGS," OF THE UNION CITY MUNICIPAL CODE

INTRO ORD.
631-04

The proposed revision expands the ability of the City to collect costs associated with impounding vicious dogs, including administrative costs.

ADOPT RESO.

- M. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY REPEALING CHAPTER 8.36 OF THE UNION CITY MUNICIPAL CODE “REGULATION OF PIT BULLS” INTRO ORD. 632-04.

Due to changes in State law, municipal regulations dealing with specific breeds of animals are no longer legally valid, rendering UCMC Chapter 8.36 moot. This Chapter of the Code is unenforceable because of State law.

- N. Final Reading Ordinance 626-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-03-04 FINAL ORD. 626-04

On June 22, 2004, the Council conducted a public hearing on applications to demolish the existing 1,212 square foot Victorian residence (formerly owned by Mary Sa) and associated water tower, and to remove the Landmark and Historic Preservation Overlay Zone designation from the property. This is the second reading of the Ordinance 626-04 which amends the Official Zoning Map for the City.

O. **Claims No. 581 and 584**

Claim nos. 581 and 584 were rejected by the earlier stated motion.

Staff is recommending rejection of Claim No. 581 filed by Claudia Marquez for alleged damage to her vehicle as a result of an excavation job done by Alameda County Water District.

Staff is recommending rejection of Claim No. 584 filed by Ambrose Rodriguez for alleged damage to his vehicle as a result of a metal object which became pinned or trapped beneath his vehicle. Mr. Rodriguez encountered this object on Mission Boulevard which is a State of California highway.

The title of Item J is as follows:

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING RELEASE OF A REQUEST FOR PROPOSALS FOR SOLID WASTE, RECYCLABLE MATERIALS AND ORGANIC WASTE COLLECTION AND DISPOSAL SERVICES

This resolution authorizes the release of Request for Proposals for solid waste, recyclable materials and organic waste collection and disposal. The RFP consists of the RFP, the draft Franchise Agreement for Solid Waste, Recyclable Materials and Organic Waste collection services, and the draft Solid Waste Disposal Agreement.

Councilmember Valle recused himself from this item due to his employment with Tri-CED.

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

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

AYES: 3 NOES: 0 ABSENT: (MG/RV) ADOPT RESO.
NO. 2687-04

ORAL COMMUNICATIONS

There were no oral communications.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF JUNE 2004

Councilmember Valle returned to the meeting at this time.

A. Approval of Disbursements for Month of June 2004

Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to approve disbursements for the month of June 2004.

AYES: 4 NOES: 0 ABSENT: 1 (MG)

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Councilmember Valle questioned the date of the next joint subcommittee meeting with NHUSD. Staff responded that this meeting is scheduled for September.

Councilmember Elias commented on a scheduled library meeting.

Councilmember Dutra-Vernaci reported that issues regarding the League initiative “Constitutional Protection for Local Governments” has not been resolved.

B. Request by Councilmember Elias for discussion on manner in which items are agendized

Councilmember Elias would like to continue this item to the next meeting.

GOOD OF THE ORDER

Councilmember Elias commented on the upcoming retirement of Police Chief Randy Ulibarri.

Councilmember Dutra-Vernaci commented on the upcoming retirement of Police Chief Randy Ulibarri.

Councilmember Valle stated the City should have a limerick contest at the Police Chief's retirement party.

Vice Mayor Fernandez also commented on the upcoming retirement of Police Chief Randy Ulibarri.

Police Chief Randy Ulibarri thanked Council for their comments.

Council adjourned to closed session at 8:42 p.m.

Closed session adjourned at 10:28 p.m.