

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JULY 27, 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 (via conference call from Santa Barbara), Valle, Vice Mayor Fernandez, Mayor Green
Absent: None

Council met in closed session on the following:

CLOSED SESSION:

A. 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: Professional Employee Group

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

Title: City Manager

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Subdivision (a) of Section 54956.9)

Name of case: Munoz vs. City of Union City, Alameda County Superior Court Case No. H204672-7

Meeting adjourned at 7:08 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JULY 27, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green 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 (via conference call from Santa Barbara), Valle, Vice Mayor Fernandez, Mayor Green
Absent: Councilmember Elias

Mayor Green stated the Council took reportable action in the prior closed session. City Attorney Michael Riback will report on the action taken.

Michael Riback, City Attorney, reported the Council directed the City Manager to provide an opportunity for Councilmembers to review, in the presence of the City Manager, a personnel report relating to the Fire Department.

Mayor Green 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, July 13, 2004

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

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

PROCLAMATIONS/PRESENTATIONS

- A. Proclamation in honor of Geoffry Brown for service on the Human Relation Commission

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve the resolution, numbered appropriately and read in its entirety.

AYES: 4 NOES: 0 ABSENT: 1 (BE) ADOPT RESO.
NO. 2696-04

Mayor Green read the resolution in its entirety and presented it to Geoffry Brown who thanked the Council for the recognition.

B. Proclamation in honor of Robert Kelley for service on the Planning Commission

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve the resolution, numbered appropriately and read in its entirety.

AYES: 4 NOES: 0 ABSENT: ADOPT RESO.
NO. 2697-04

Mayor Green read the resolution in its entirety and presented it to Bob Kelley who thanked the Council for the recognition.

ORAL COMMUNICATIONS

Edward Dijeu commented on the 9-11 fee on phones.

Josephine Pando spoke about City's proposal to charge seniors a usage fee for use of the Senior Center.

Hugh McNamara stated the property on Dyer and Meteor is for sale and spoke of possible use of property.

George Adas requested Council hold meetings on west side of town.

HEARINGS - NONE

Councilmember Elias joined the meeting at this time via telephone from the offices of the Western Association of College and University Business Office at the University of Santa Barbara.

REPORTS FROM CITY MANAGER

A. Report on Motorcycles and similar type Motorized Vehicles

This report provides information concerning the legal operating requirements of motorcycles and similar type vehicles including mini-motorcycles or "Pocket" Motorcycles, motor scooters, motorized skateboards, mopeds and motorized bicycles.

Police Chief Randy Ulibarri introduced Traffic Officer Chris Guckert. Chief Ulibarri gave the staff report.

Ed Dijeu commented about the dangers of these vehicle and they are not insurable.

George Adas commented on the dangers of the scooters.

Chief Ulibarri commented on ways to get information to the residents regarding the use of these vehicles. Chief Ulibarri also stated that a consumer protection ordinance can be enacted to have sellers provide a certain level of information regarding laws specifically regarding pocket scooters.

There was Council concurrence for staff to discuss use of motorized vehicles on school tracks; contact vendors in area; and raise the issue at the Alameda County City Manager's meetings.

B. Approval of Franchise Agreement with Tri-CED for collection and processing of recyclable materials

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

Staff is requesting authorization for a franchise agreement between the City and Tri City Economic Development Corporation for recyclable materials collection and processing. The agreement has a term of ten years and may be extended by the City at its sole discretion for up to five additional years.

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

Bob Hilton, representing Hilton, Farnkopf and Hobson, responded regarding effect of worker's compensation rates and the regulation of the recyclables and plastics.

Loren Cole responded to questions regarding results of recycling electronics.

Ed Dijeau questioned if batteries will be accepted and received information that batteries will be accepted if they come with electronic equipment. Car batteries will not be recycled. Mr. Dijeau also questioned if a homeowner will be charged a fee if they need a replacement bin.

Representatives from Tri-CED responded that bins will be replaced free of charge.

Barry Ferrier commented on the theft of the recyclables.

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

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UNION CITY AUTHORIZING A FRANCHISE AGREEMENT
BETWEEN THE CITY OF UNION CITY AND TRI-CITY
ECONOMIC DEVELOPMENT CORPORATION (TRI-CED) FOR
RECYCLABLE MATERIALS COLLECTION AND PROCESSING

ADOPT RESO.
2688-04

At 9:10 p.m. Council recessed, reconvening the meeting at 9:25 p.m.

Councilmember Valle returned to the meeting at this time.

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).

A member of the audience requested to remove Item N.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve Items A-M, numbered appropriately, reading of titles of ordinances to suffice.

AYES: 5 NOES: 0 ABSENT: 0

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY RESCINDING THE 5% EMPLOYEE COMPENSATION CONCESSION FOR THE MANAGEMENT EMPLOYEE GROUP AND APPROVING A 0.5% COST OF LIVING ADJUSTMENT FOR THE MANAGEMENT EMPLOYEE GROUP, EFFECTIVE JULY 1, 2004; AND AMENDING THE COMPENSATION PLAN FOR THE MANAGEMENT EMPLOYEE GROUP

ADOPT RESO.
NO. 2689-04

This resolution approves rescinding the 5% Employee Compensation Concession and approves a 0.5% Cost of Living Adjust for the Management Employees Group effective July 1, 2004 and amends the Compensation Plan for the same period.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING REVISIONS TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND LOCAL 790, SEIU FOR THE PERIOD FROM JULY 1, 2004 THROUGH JUNE 30, 2005; AND AMENDING THE COMPENSATION PLAN FOR EMPLOYEES REPRESENTED BY LOCAL 790, SEIU

ADOPT RESO.
NO. 2690-04

This resolution approves revisions to the Memorandum of Understanding between the City and Local 790, SEIU for the period from July 1, 2004 through June 30, 2005 and amends the compensation plan for the same period.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PURCHASE OF ONE CNG POWERED PICKUP TRUCK

ADOPT RESO.
NO. 2691-04

The purchase of a CNG pickup truck is recommended to replace a 1980 gasoline powered pickup truck which has a cracked engine block. Melrose Form has a 2004 F150 CNG powered pickup truck in stock as a result of the Oakland Housing Authority backing out of a contract. Staff is recommending the purchase of this truck which can be delivered in five days after the purchase order is processed.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING RECORDING OF THE FINAL MAP IN CONNECTION WITH DEVELOPMENT OF THE MISSION BOULEVARD GATEWAY DEVELOPMENT ADOPT RESO. NO. 2692-04

The Final Map for this project consolidates the existing eight legal parcels into two legal parcels. This consolidation is a condition of constructing the Mission Gateway development, and has been presented as a preferred condition of closing the financing for the development.

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

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY FOR CONVEYANCE OF PSSC ROUTE 84 PROPERTY BY LEGAL DESCRIPTION ADOPT RESO. 2693-04

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY REGARDING ITS INTENTION TO REIMBURSE COSTS WITH THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS ADOPT RDA RESO. NO. 301-04

The City Council and Redevelopment Agency Board entered into an Owner Participation Agreement (OPA) with Pacific States Steel Corporation in 2002 to cleanup and develop the former Pacific States Steel Corporation (PSSC) site. One provision of the OPA is for the City or the Agency to purchase the Route 84 right-of-way after the site has been cleaned up. The Council and Agency resolutions accept the conveyance of the Route 84 property on the former PSSC site.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING COUNCILMEMBER AS VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ADOPT RESO. NO. 2694-04

This year's League Annual Conference is scheduled for Friday, September 17-19 in Long Beach. One important aspect of the conference is the annual business meeting when the membership takes action on conference resolutions. League bylaws provide that each city is entitled to one vote in matters affecting municipal or League policy. This resolution designates the Voting Delegate as Carol Dutra-Vernaci from the City of Union City.

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY TO ENTER INTO A CONTRACT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF ALCOHOL CONTROL - GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROGRAM, TO RECEIVE FUNDS THROUGH A GRANT ADOPT RESO. NO. 2695-04

This resolution authorizes the City to accept a grant through the State of California, Department of Alcohol Beverage Control in the amount of \$31,737.00. The Union City Police Department will use the funds from this grant for the enforcement of alcohol related laws.

- H. FINAL READING ORDINANCE NO. 627-04: ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-04-04 FINAL ORD. 627-04

This is the second reading of Ordinance 627-04. Initiated by East Bay Regional Park District, the applicant is requesting approval to change the Zoning Map Amendment designation for the property which includes the Meyer's cottage and gardens (APN 087-0040-015-01) and the adjacent property (APN 087-004-015-04) from an Agricultural (A) to an Open Space (OS) designation to allow for public access to the site. The East Bay Regional Park District, as lead agency, 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.

- I. FINAL READING ORDINANCE NO. 628-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-05-04 FINAL ORD. 628-04

This is the second reading of Ordinance 628-04. Initiated by the City of Union City, the proposal is a Citywide amendment to the Zoning Map of the City of Union City to bring the Zoning Map into compliance with the Land Use Diagram of the 2002 General Plan. This amendment affects 72 parcels of land in various locations through the City. The City has determined that the above amendment is exempt from further environmental review, based upon the certified EIR for the 2002 General Plan.

- J. FINAL READING ORDINANCE NO. 629-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-04-04 FINAL ORD. 629-04

This is the second reading of Ordinance 629-04 which will 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.

- K. FINAL READING ORDINANCE NO. 630-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTION 2.04.390 - DATE OF GENERAL MUNICIPAL ELECTIONS FINAL 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. This Ordinance provides authority to amend Section 2.04.390 of the Union City Municipal Code to reflect this change.

- L. FINAL READING ORDINANCE NO. 631-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 8.14, "ABATEMENT OF VICIOUS DOGS," OF THE UNION CITY MUNICIPAL CODE FINAL ORD. 631-04

This is the second reading of Ordinance 631-04 which will expand the ability of the City to collect costs associated with impounding vicious dogs, including administrative costs.

- M. FINAL READING ORDINANCE NO. 632-04: AN ORDINANCE OF THE CITY OF UNION CITY REPEALING CHAPTER 8.36 OF THE UNION CITY MUNICIPAL CODE "REGULATION OF PIT BULLS" FINAL ORD. 632-04

This is the second reading of Ordinance 632-04 which amends Chapter 8.36 of the Union City Municipal Code. 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. Claim No. 582

The City's Claim Administrator is requesting rejection of Claim No. 582 filed by Han Sup Shin regarding alleged abuse by Union City Police Department.

Ed Dijeau commented on the claimants for this claim.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to reject claim no. 582.

AYES: 5 NOES: 0 ABSENT: 0

ORAL COMMUNICATIONS

There were no oral communications.

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

Councilmember Dutra-Vernaci requested information on the provisions of the agreement reach on the State budget.

City Manager Larry Cheeves responded that the one issue that is still trying to be resolved is how the budget will affect Redevelopment Agencies.

GOOD OF THE ORDER

Vice Mayor Fernandez commented that there is a street light out on Chechester Way.

Councilmember Valle received information that the CORO organization wants to do a study on Union City and requested a press release.

Councilmember Dutra-Vernaci commented on a phone call received regarding the public safety parcel tax and the low income tax exemption.

Councilmember Elias questioned if Comcast power supplies have all been installed.

Mayor Green commented on a program “Communities in Distinction” and requested staff look into the possibility of participating in this program.

At 9:53 p.m. Councilmember Dutra-Vernaci moved, seconded by Councilmember Valle to adjourn meeting to Tuesday, August 3, 2004 for interviews with applicants for the Park and Recreation Commission and Arts Council.

AYES: 5 NOES: 0 ABSENT: 0