

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, NOVEMBER 23, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:14 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

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of Minutes of the regular City Council meeting of Tuesday, November 9, 2004

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS - NONE

A. Award of Certificates to winners of Leisure Services Pumpkin Drawing Art Contest

Mayor and Council presented the awards to the winners of the Pumpkin Drawing Art Contest.

ORAL COMMUNICATIONS

Theresa Schmidt commented on receiving tickets for street sweeping violations.

John Haley stated he believes that Logan High School is too large and provided options for a interim high school and magna schools.

Councilmember Valle commented that City Clerk Linda West will be retiring at the end of the year and requested that she stay on until a replacement is found.

At this time, Councilmember Elias requested Item XVII C be addressed at this time.

Mayor Green moved, seconded by Councilmember Elias to address this item at this time.

ITEMS REFERRED BY COUNCIL

- B. Request by Councilmember Elias to direct City Manager to release to the public the 2004 Dr. Murphy report in its entirety

Councilmember Elias stated he learned there was additional information to be presented by City Manager Larry Cheeves regarding this item.

City Attorney Michael Riback reported on Proposition 59 which expands the Public Records Act. City Attorney Riback stated that because of Proposition 59, portions of the 2004 Dr. Murphy report can now be made available to those interested.

City Attorney Riback will be returning to Council at their next meeting with a more comprehensive report on Prop. 59.

Carol Koenig, attorney representing UC Firefighters Association, commented on the Dr. Murphy report.

There was no action on this item.

HEARINGS

- A. HEARING RE: NILES CANYON ROAD AND PALOMA WAY SCENIC CORRIDOR PROTECTION PLAN (Resolution)

Staff is requesting consideration of a protection plan for the Niles Canyon Road and Paloma Way Scenic Corridor that addresses the types and extent of land uses that protect and retain the scenic quality. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15307 and 15308 in that this project has been authorized by state law to assure maintenance, restoration, or enhancement of a natural resource and of the environment by establishing procedures for protection.

Joan Malloy, Planning Manager, gave the staff report.

Mayor Green opened the hearing for public comment.

There being no public comment, the hearing was closed.

Councilmember Valle moved, seconded by Councilmember Elias to approve 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 ADOPTING THE NILES CANYON ROAD, STATE ROUTE 84, STATE SCENIC HIGHWAY DESIGNATION PROTECTION PLAN IN ORDER TO ESTABLISH A SCENIC CORRIDOR THROUGH THIS AREA

ADOPT RESO.
NO. 2777-04

- B. HEARING RE: **EXTENSION OF URGENCY ORDINANCE MAKING FINDINGS AND ESTABLISHING A MORATORIUM ON THE APPROVAL OF PERMITS FOR DEVELOPMENT IN THE UNION LANDING COMMERCIAL (CUL) DISTRICT PENDING THE COMPLETION** OF AN UPDATE TO CHAPTER 18.39 OF THE CITY'S MUNICIPAL CODE

A determination is required whether to extend the interim urgency ordinance adopted October 18, 2004 for the Union Landing Commercial (CUL) District. The interim urgency ordinance prohibits permits and land use permits to be approved that would result in the construction or initiation of the following general land uses: General merchandise retail; business services; food stores; restaurants and food service; personal services; medical, dental, and optical; and residential uses.

Joan Malloy, Planning Manager, gave the staff report.

Mayor Green opened the hearing for public comment.

There being no public comment, the hearing was closed.

Councilmember Elias moved, seconded by Councilmember Dutra-Vernaci to adopt urgency ordinance.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolution adopted by this motion and as read by the City Attorney is as follows:

EXTENSION OF URGENCY ORDINANCE MAKING FINDINGS AND ESTABLISHING A MORATORIUM ON THE APPROVAL OF PERMITS FOR DEVELOPMENT IN THE UNION LANDING COMMERCIAL (CUL) DISTRICT PENDING THE COMPLETION OF AN UPDATE TO CHAPTER 18.39 OF THE CITY'S MUNICIPAL CODE

URGENCY ORD.
NO. 638-04

REPORTS FROM CITY MANAGER

- A. Approving a Community Input Component for the City Strategic Planning Process (Resolution)

Council has previously approved a contract with Sherry L. Lund Associates to provide consulting to the city in the development of a Strategic Plan. This report addresses the design

considerations, three options for collecting data, and the impact on cost.

City Manager Larry Cheeves gave the staff report.

Sherry Lund responded to Council comments.

John Haley believes that citizen participation should be throughout the entire process.

Yolanda Triana stated that the response time is too short and involvement should include the community.

Mayor Green moved, seconded by Councilmember Elias moved, to approve resolution, numbered appropriately, to direct staff to proceed with Option 1, and to plan for Council retreat on January 22, 2005.

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 AUTHORIZING THE CITY MANAGER TO MODIFY CONTRACT WITH SHERRY LUND ASSOCIATES	ADOPT RESO. NO. 2778-04
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B. Report on City Council Field Tour

At the November 9, 2004, Council meeting, it was proposed that the Council take a field tour of key opportunity sites, new projects, and blighted properties around the community. The suggestion was made that the tour be scheduled on two Saturdays, one to cover the east side and one to cover the west side. This report suggests dates for the tours and lists possible stops.

City Manager Larry Cheeves gave the staff report.

Mayor Green moved, seconded by Councilmember Valle to plan the Field Tours for January 8th and 29th, and to provide UC Transit buses to transport staff and citizens that may attend.

AYES: 5 NOES: 0 ABSENT: 0

C. Resolution approving a contract extension with MV Transportation for Fiscal Years 2005-06 and 2006-07

The City has had an operating and maintenance contract with MV Transportation since July 1, 2000. The contract is currently in its final option year and will expire on June 30, 2005. MV Transportation is proposing to extend the contract for two more years through June 30, 2007.

Deputy City Manager Tony Acosta gave the staff report.

Councilmember Dutra- Vernaci moved, seconded by Councilmember Elias to approve 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 AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT EXTENSION WITH MV TRANSPORTATION FOR FISCAL YEARS 2005-2006 AND 2006- 2007	ADOPT RESO. NO. 2779-04
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D. Informational Report on the Youth Non-Violence Summit planned for January 15, 2005

A Youth Non-Violence Summit is being planned for Saturday, January 15, 2005, from 8 a.m. to 1 p.m. in the Ruggieri Senior Center. The Summit will feature presentations from the Alameda County Gang Task Force, local youth-serving non-profit agencies, a dramatic presentation from the nationally renowned Logan High School Forensics Program, and most important of all, give an open forum to youth and Union City residents of all ages to establish a frank and open dialogue on youth violence in Union City and what can be done to alleviate it and deal with its underlying causes.

Deputy City Manager Tony Acosta gave the staff report.

There was Council concurrence to accept the report.

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES

A. Report from the Park and Recreation Commission regarding Shorty Garcia Park Improvements

This is a follow-up report regarding background information and recommendations regarding future actions that can be taken to enhance the public recreational amenities in Shorty Garcia Park.

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

Councilmember Dutra-Vernaci left the meeting at 8:58 p.m. and returned at 9:04 p.m.

Yolanda Triana stated that Shorty Garcia is not a community park, it is a sports park.

Bruce Stanley presented digital pictures to the Council and spoke about concerns regarding the

fence and storage.

Two students who attend Kitayama School commented that the fields are dirty, it's a soccer park and tables and BBQ pits are not needed.

Jeff Wang stated the previous speakers are children who play soccer in the area and they want a place to play soccer free of charge.

John Sanchez expressed concern about the proposed fence, but likes the fence that separates the construction area and field.

Rosie Vasquez suggested contacting Pepsi Cola to help defray expenses for the park.

Tadelle Yifru, AYSO, commented on lack of storage area at park.

Mayor Green moved, seconded by Councilmember Elias to approve the expenditure of \$29,400 from the Special Park Development Capital Fund for improvements to Shorty Garcia Park.

AYES: 5 NOES: 0 ABSENT: 0

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).

Vice Mayor Fernandez requested to remove Item A from the consent agenda. Councilmember Valle requested Item D removed; Councilmember Dutra-Vernaci requested Item C removed, and Councilmember Elias requested Item J removed from the consent agenda.

Vice Mayor Fernandez moved, seconded by Councilmember Elias to approve the remaining items, B, E-I, numbered appropriately, and waiving of reading of ordinances.

AYES: 5 NOES: 0 ABSENT: 0

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

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDING CONTRACT FOR THE 2004-2005 TREE PRUNING AND REMOVAL PROJECT, CITY PROJECT NO. 04-22

ADOPT RESO.
NO. 2780-04

Union City provides maintenance of its 18,000 trees located in public places and upon the public right-of-way. Based upon the current budget, the City can maintain approximately 2,500 trees per year using outside contractors and some in-house staff. Staff is recommending awarding contract to TruGreen LandCare of Oakland, California for the 2004-2005 Tree Pruning and Removal Project for the City. Trugreen is the contractor who has provided these services to the City for the last five years.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE REPLACEMENT OF THE FIRE STATION ALERTING SYSTEM

ADOPT RESO.
NO. 2781-04

To avoid time delays and quality control issues in the dispatching process, the Fire Department is requesting authorizing to implement the Locution system, which will reduce fire dispatch costs and increase the dispatcher efficiency.

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DISSOLVING THE SISTER CITY RELATIONSHIP WITH TROISTK, RUSSIA

ADOPT RESO.
NO. 2782-04

This resolution dissolves the current Sister City relationship between the City of Union City and Troistk, Russia. This relationship, which was established in 1991, has been inactive for many years and is therefore not in the City's best interests to continue. The Sister City program is alive and well in Union City, as evidenced by the recent twinning ceremony with Chiang Rai, Thailand and the continued strong relationship with Santa Rosalia, Mexico.

Item G was approved by the earlier stated motion.

- G. CURRENT STATUS OF 911 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEE

This report provides a current status report on the 911 Fee, detailing current and projected revenues and current expenditures.

Item H was introduced and adopted by the earlier stated motion. Title read by the City Attorney.

- H. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 2.20.030, 2.25.020, 2.26.020, 2.27.020 OF THE UNION CITY MUNICIPAL CODE RELATING TO QUALIFICATIONS FOR MEMBERSHIP ON THE PARKS AND RECREATION COMMISSION, HUMAN RELATIONS COMMISSION, SENIOR CITIZENS COMMISSION, AND ARTS COUNCIL OF THE CITY, RESPECTIVELY
- INTRO ORD.
NO. 639-04

This Ordinance is in response to Council's consideration of revising the City's requirement that register voter status be a condition of membership on the City's Commissions.

- I. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33333.2(c) AND 33333.6(e)(2)(C), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH
- INTRO ORD.
NO. 640-04

The State Legislature passed a law that required redevelopment agencies to contribute to the Educational Revenue Augmentation Fund. The law included a provision that allowed an agency board by ordinance to extend the term of a redevelopment plan by one year to compensate for the ERAF payment. Staff is recommending introduction of the ordinance approving the amendment to the Redevelopment Plan and adoption of the proposed Notice of Exemption for the Ordinance.

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING PLANS AND SPECIFICATIONS FOR THE ALVARADO NILES ROAD MEDIAN AND PAVEMENT REHABILITATION, CITY PROJECT NO. 03-13

Plans and specifications have been prepared by the City's consultant for the Alvarado-Niles Road Median and Pavement Rehabilitation Project. This project consists of removing and replacing curbs and gutters, installing root barriers, and replacing asphalt concrete pavement at selected locations in order to repair the uplifted median curb and pavement caused by tree roots. This resolution approves the plans and specifications for this project and calls for a bid opening on Thursday, January 13, 2005.

Vice Mayor Fernandez removed Item A from the consent calendar to comment on the height of the curbs, The medians have been worked on so much that the height of the curb doesn't function as a curb. Vice Mayor Fernandez also stated the landscaping designs of our medians need to be revisited.

Vice Mayor Fernandez moved, seconded by Councilmember Elias to approve Item A, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2783-04

The title of Item C is as follows:

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CANCELING THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR TUESDAY, DECEMBER 28, 2004

Past practice has been for the second regularly scheduled Council meeting in December to be canceled. Staff is requesting Council concurrence to cancel the December 28th meeting in order to give the public and employees proper notice.

Councilmember Dutra-Vernaci requested Item C removed to point out that we will not have a meeting on December 28, 2004.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2784-04

The title of Item D is as follows:

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-07-04, EAST BAY REGIONAL PARK DISTRICT

The East Bay Regional Park District is requesting approval of Site Development Review to construct a 50 car parking area and to allow limited public access to the property gardens through May Road. 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.

Councilmember Valle removed Item D to question how the cottage would be used. Councilmember Valle suggested holding the Council retreat there.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2785-04

The title of Item J is as follows:

J. FINAL READING ORDINANCE NO. 637-04: ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTION 7.04.130 OF THE UNION CITY MUNICIPAL CODE TO MAKE THE COLLECTION OF CURBSIDE RECYCLING MATERIALS BY UNAUTHORIZED PERSONS AN INFRACTION

This legislation will revise the Union City Municipal Code to provide for a revised bail schedule and infraction ordinance applicable to curbside recyclable theft in Union City.

Councilmember Valle recused himself from hearing Item J due to a conflict of interest with his employment at Tri-CED recycling.

Councilmember Elias requested Item J removed from the consent calendar to comment that this new enforcement is becoming effective.

Councilmember Elias moved, seconded by Vice Mayor Fernandez to adopt Ordinance 637-04, waiving reading by the City Attorney.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT ORD.
637-04

ORAL COMMUNICATIONS

John Sanchez commented on items that are stored by the Soccer Leagues, and issues with the fence at Shorty Garcia Park.

Tadelle Yifru commented on the snack bar and restrooms at Shorty Garcia Park.

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 reported attending the League of California Cities leaders conference to discuss priorities for upcoming year. The priorities were identified as top three housing issues, transportation issue and infrastructure issues, and working on protections of redevelopment monies.

Item B was addressed earlier in the meeting.

C. Request by Mayor Green for discussion on amending Union City Municipal Code regarding swearing in of new Councilmembers

Mayor Green suggested making the official swearing in of new council members set for the first regular meeting in December.

There was Council concurrence to agendize this item on the December 14th agenda.

GOOD OF THE ORDER

Councilmember Valle wished everyone a Happy Thanksgiving.

Mayor Green commented on density regarding transit stations - people living and working within a half mile radius of transit stations what opportunities do we have to boost numbers on both sides.

Councilmember Elias moved, seconded by Councilmember Valle to adjourn the meeting at 10:02 p.m. to November 30, 2004 at 7:00 p.m.

AYES: 5 NOES: 0 ABSENT: 0