

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JANUARY 25, 2005, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Vice Mayor Dutra-Vernaci called the meeting to order at 6:07 p.m.

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

CLOSED SESSION:

- A. **PUBLIC EMPLOYEE APPOINTMENT**
(Pursuant to Subdivision (a) of Section 54957)

Title: Public Works Director

Mayor Green arrived at the meeting at 6:17 p.m.

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

**Name of Case: City of Union City, a municipal corporation v. Equity Capital, Inc.,
a Nevada Corporation
Superior Court**

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

Potential Cases: One

Meeting recessed at 7:07 p.m. to reconvene after the regular Council meeting.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 11, 2005, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:15 p.m. and led the audience in the salute to the flag.

Mayor Green announced that in closed session the Council appointed Mintze Chang as Public Works Director.

Mintze Chang thanked the Council for the opportunity to work for the City of Union City.

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

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of Minutes of the adjourned regular City Council meeting of Saturday January 8, 2005

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

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

B. Approval of Minutes of the adjourned regular City Council meeting of Tuesday, January 11, 2005

Councilmember Navarro moved, seconded by Councilmember Valle to approve minutes as amended to reflect comments by Dave Bhatia in that Mayor Green was incorrectly reported as being both present and absent at the meeting.

AYES: 3 NOES: 0 ABSENT: 1 (MF) ABSTAIN: 1 (CDV)

PROCLAMATIONS/PRESENTATIONS

A. Resolution in recognition of Firefighter Michael Barry for his efforts with the Toys for Tots program

Councilmember Valle moved, seconded by Councilmember Navarro to adopt resolution, numbered appropriately and read in its entirety.

AYES: 4

NOES: 0

ABSENT: 1 (MF)

ADOPT RESO.
NO. 2815-05

Mayor Green read the resolution in its entirety and presented it to Firefighter Michael Barry, who thanked the Council for the recognition.

B. Resolution in recognition of business efforts to aid in the South Asia Tsunami Disaster Relief

Councilmember Navarro moved, seconded by Vice Mayor Dutra-Vernaci to adopt resolution, numbered appropriately and read in its entirety.

AYES: 4

NOES: 0

ABSENT: 1 (MF)

ADOPT RESO.
NO. 2816-05

Mayor Green read the resolution in its entirety and presented the resolution to Joseph Maroun, James Logan student representative, and Paddy Iyar who thanked the Council for the recognition.

C. Presentation by Centro De Servicios regarding services provided to the City

Due to illness, Jaime Jaramillo, Executive Director of Centro, requested this item continued to February 8, 2005.

There was Council concurrence to reagendaize this item for February 8, 2005.

ORAL COMMUNICATIONS

Comments from the floor on non-agenda items will be accepted for a period of ½ hour maximum. Speakers are limited to three minutes each. Persons wishing to speak must complete a Speaker Card available at the rear of the Council Chambers or from the Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XIII of the agenda if they wish.

Dave Bhatia announced a fundraiser for the Union City Historical Museum, February 12, at the Ruggieri Center.

HEARINGS

A. HEARING RE: **IMPLEMENTATION OF AN AUTOMATED RED LIGHT PHOTO ENFORCEMENT PROGRAM** (Resolution)

This is a public hearing concerning the proposed implementation of an automated red light photo enforcement program. Staff is recommending entering into a sole source contract with Redflex Traffic Systems to provide the automated photo enforcement capabilities.

Police Chief Randy Ulibarri and Captain Brian Foley gave the staff report.

A short video was shown on the Redflex product.

Mayor Green opened the hearing for public comment, those speaking in favor first.

Hugh McNamara commented that the time element needs to be included in this product.

Barry Ferrier commented about the timing of the yellow lights and suggested need for public education.

Dave Bhatia stated Fremont lost money with this program and commented on the brightness of the light.

There being no further comments in favor of this item, Mayor Green requested those speaking in opposition to this item.

George Adas expressed concern about public education.

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

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

AYES: 4 NOES: 0 ABSENT: 1 (MF) ADOPT RESO.
NO. 2817-05

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING
NON COMPETITIVE PROCUREMENT OF A RED LIGHT PHOTO ENFORCEMENT
PROGRAM WITH REDFLEX TRAFFIC SYSTEMS

REPORTS FROM CITY MANAGER

A. Midyear Budget Report

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

Barry Ferrier thanked the City for having the Council Council packet on the website; commented on information in this report for police and fire for 04/05 and stated this information doesn't match the adopted budget.

Councilmember Valle moved, seconded by Councilmember Navarro to accept informational report.

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

B. Report on conducting a survey of all City departments

Larry Cheeves, City Manager, gave the staff report.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Navarro to approve the follow-up Strategic Planning process for completion of a Departmental Strategic Planning Process in the Fire Department at a cost not to exceed \$8,610.00 from the General Fund Undesignated Reserve.

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

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES

A. Recommendation of the Park and Recreation Commission to name KB Trestle Glen/Johnson Property Park and Pacific States Steel site park

At their January 12, 2005 Park and Recreation Commission meeting, the Commission considered naming of two new parks at KB Trestle Glen/Johnson property site and the KB Pacific Point/Pacific States Steel Corporation site. Their recommendations are brought forward for Council consideration.

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

J. J. Amaya stated that Al Roderigues should have a park named after him or perhaps after Manuel Silva.

Mayor Green moved, seconded by to approve the KB Trestle Glen/Johnson Property Park as Dry Creek Park.

AYES: 3 NOES: 1 (JN) ABSENT: 1 (MF)

There was Council concurrence to return the naming of the Pacific States Steel site park back to the Park and Recreation Commission for reconsideration.

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 Navarro requested to remove Item G from the consent calendar.

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to approve Items A-F, and H, items numbered appropriately.

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

The title of the items approved by this motion are as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE PROGRESS REPORT ON THE IMPLEMENTATION OF THE HOUSING ELEMENT 2002-2004 ADOPT RESO. NO. 2818-05

Staff is recommending Council review and accept the Progress Report on the Implementation of the Housing Element of the General Plan.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AWARDED CONTRACT FOR ALVARADO-NILES ROAD MEDIAN AND PAVEMENT REHABILITATION PROJECT, CITY PROJECT NO. 03-13 ADOPT RESO. NO. 2819-05

This project consists of removing and replacing curbs and gutters, installing root barriers, and replacing asphalt concrete pavement at selected locations along Alvarado-Niles Road medians in order to repair the uplifted median curb and pavement caused by tree roots. This work will improve the ride in the inside or number one lane of Alvarado-Niles Road from I-880 to the Serpentine Drive and should also prevent future uplifting of the pavement and curb due to tree roots.

- C. FINAL ORD. 642-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-06-04** FINAL ORD. 642-05

On January 11, 2005, the City Council conducted a public hearing on Zoning Map Amendment, A-06-04 and Tentative Tract Map, TTM 7576, to reclassify the zoning of the Hiramine Nursery site located at 32727 Alvarado-Niles Road from CN (Neighborhood Commercial) to RS 4500 (Single-Family Residential) and to allow the subdivision of the property into 15 residential lots. This is the second and final reading of Ordinance 642-05.

- D. FINAL ORD. 643-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 18.39 OF THE UNION CITY MUNICIPAL CODE AT-06-04** FINAL ORD. 643-05

The City Council conducted a public hearing on January 11, 2005 to consider Zoning Text Amendment AT-06-04 to amend Chapter 18.39, Union Landing Commercial (CUL) District to: 1) strengthen the zoning text language regarding the performance criteria for each development type to further support the goals and policies of the General Plan; 2) revise the permitted and conditionally permitted uses to be more specific; 3) add a list of prohibited uses; and delete the Auto Mall development type in both the text and the permitted conditionally permitted use charts since it is clear that there is no future opportunity for auto mall development. This is the final and second reading of Ordinance 643-05.

- E. FINAL ORD. 644-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 15.20.180 TO TITLE 15 OF THE UNION CITY MUNICIPAL CODE CONCERNING HAZARDOUS MATERIALS** FINAL ORD. 644-05

This ordinance will remove Risk Management and Prevention and insert Federal Risk Management Program (RMP) and California's Accidental Release Prevention (CAL ARP) to the City Hazardous Materials Ordinance.

- F. FINAL ORDINANCE NO. 645-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 15.20.180 TO TITLE 15 OF THE UNION CITY MUNICIPAL CODE CONCERNING SWEARING IN OF NEW COUNCILMEMBERS** FINAL ORD. 645-05

This ordinance is in response to Council direction at the Council meeting of December 14, 2004 to change the swearing-in date for newly elected (or reelected) Councilmembers, and the selection of the Vice Mayor. This ordinance was introduced at the January 11, 2005 Council meeting.

- H. **Claim No. 611**

Staff is recommending rejection of Claim No. 611 filed by Aristeo Tesorero regarding alleged injuries as a result of an automobile accident with a UC bus.

Item H was rejected by the earlier stated motion.

The title of Item G is as follows:

G. FINAL ORDINANCE NO. 646-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 7.16, "PROPERTY MAINTENANCE", OF THE UNION CITY MUNICIPAL CODE**

The proposed amendment to the ordinance will place into effect general property maintenance provisions that will provide the City with the flexibility and option to address, through the code enforcement process, any property maintenance issues that give rise to conditions that threaten the peace, health and safety of the public. This ordinance will also expand the application of the City's property maintenance provisions to conditions on non-residential properties that are not visible from a public street, but which still threaten the peace, health and safety of the public.

Councilmember Navarro removed Item G to question the inclusion of commercial trucks and large RV parking.

City Attorney Riback responded they will look at the entire Chapter 7 to see if commercial trucks and large RV parking are included. If not, staff can return at Council's direction for inclusion. City Attorney Riback stated that this ordinance will broaden the general laws that deal with property that falls within specific categories.

Councilmember Valle moved, seconded by Vice Mayor Dutra-Vernaci to adopt Ordinance No. 646-05, waiving the reading of the ordinance.

AYES: 4 NOES: 0 ABSENT: 1 (MF) FINAL ORD.
646-05

ORAL COMMUNICATIONS

J. J. Amaya commented about retirement of police officer and requested an investigation into an incident with this officer.

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 Valle had briefing with Alameda County Library Commission and will be attending their first meeting in February. They requested an alternate. Also met with ACAP and will be attending first meeting in February.

Councilmember Navarro volunteered to be alternate to Councilmember Valle on the Alameda County Library Commission.

Councilmember Navarro reported attending the League of California Cities Conference in Sacramento and the East Bay Division meeting in Walnut Creek.

Vice Mayor Dutra-Vernaci attended the League of California Cities Services Policy Committee where there was discussion about the 2006 Library bond and the threat the Bond will be pulled from the ballot.

Vice Mayor Dutra-Vernaci also reported attending the League of California Cities EBD meeting in Walnut Creek.

B. Request by Councilmember Navarro for discussion on establishing a Youth Commission

Councilmember Navarro requested establishment of a Youth Commission.

Staff commented on the existing Youth Committee that is staffed by Recreation Supervisor Corina Hahn and commented on the problems associated with their establishment.

There was Council concurrence to have staff return with a report as to direction of the Youth Committee to improve their purpose and service to the community - February 22 meeting.

GOOD OF THE ORDER

Mayor Green commented on City Clerk's retirement party on February 3 at the Senior Center.

Mayor Green commented on email received regarding following up on Comcast patches.

Council recessed at 9:45 p.m. and reconvened in closed session at 9:55 p.m.

Councilmember Navarro moved, seconded by Vice Mayor Dutra-Fernandez to adjourn closed session at 10:40 p.m. to Saturday, January 29, 2005 at 9:00 a.m. for a tour of the west side of Union City.

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