

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, NOVEMBER 10, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:10 p.m. and led the audience in the salute to the flag.

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

Mayor Green read the rules for the conduct of the meeting.

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

A. Approval of minutes of the Regular City Council meeting of Tuesday, October 28, 2003

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

A. Proclamation in honor of Engineer/Paramedic Sean Burrows, 2003 Firefighter of the Year

Sean Burrows could not be in attendance at this meeting. Presentation will be schedule at a future meeting.

B. Proclamation in honor of the 2003 Public Works/Leisure Services/Transit Employee of the Year

Ken Furman could not be in attendance at this meeting. The proclamation will be forwarded to him.

C. Proclamation in honor of 2003 Public Safety Employee of the Year

Mayor Green moved, seconded by Vice Mayor Elias to approve presentation of proclamation.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green presented the proclamation to Ray Iverson who thanked the Council for this recognition.

D. Proclamation in honor of 2003 General Government Employee of the Year

Mayor Green moved, seconded by Vice Mayor Elias to approve presentation of proclamation.

AYES: 5 NOES: 0 ABSENT: 0

Mayor Green presented the proclamation to Tim Higaes who thanked the Council for this recognition.

ORAL COMMUNICATIONS

Hugh McNamara commented on Union Landing entrances.

Lou Filipovich, San Leandro resident, commented on City's budget shortfall.

Vince Fernelius commented on City's budget shortfall.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Quarterly update on City's Financial Status (July 1, 2003 to September 30, 2003)

This report provides an analysis of the condition of the City's general fund, revenues collected and costs of operations for the first quarter of the fiscal year 2003-04 for the period July 1, 2003 to September 30, 2003.

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

There was no action taken on this item.

B. Report and recommendations for FY 2003-04 and FY 2004-05 Revenue Enhancements

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

- 1) Ordinance Adding Chapter 7.20 to the Union City Municipal Code Pertaining to 911 Emergency Communication System Response Fee

Bruce Stanley commented on the proposed exemptions.

Jerry Catanzano voiced his objections to this fee.

Vince Fernelius commented on this fee.

Hugh McNamara commented on this fee in relation to his income.

Mayor Green moved, seconded by Vice Mayor Elias to introduce ordinance, reading of title to suffice.

AYES: 5 NOES: 0 ABSENT: 0 INTRO ORD.
617-03

City Attorney Mike Riback read the title of the Ordinance introduced by this motion for the record.

- 2) Resolution Issuing the Order Calling for a Special Election on March 2, 2004 for Voter Approval of a Public-Safety Services Tax, Establishing Polices and Procedures in Connection with such an Election; Requesting Consolidation with other Local Elections to be held on the same date; and Requesting the Services of the Registrar of Voters in Conducting Said Election

Barry Ferrier stated the sunset clause is good idea, acknowledged need to generate revenues, and the needs of the fire department, stated fees should be computed on square footage and what is needed to cover city staff, not public safety.

Jerry Catanzano requested senior exemption.

Mayor Green moved, seconded by Councilmember Fernandez to adopt resolution amended to change wording to “expire” instead of “sunset”, using low income Federal guidelines for exemptions for property owners, and authorizing Councilmember Valle, Mayor Green, Interim City Manager, Police Chief and Fire Chief to write language for argument in favor of measure. The motion included the approval of the form of the Ordinance which will be attached to the resolution (calling for the Special Election) as Exhibit A and which will be considered as the text of the ballot measure.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2527-03

- 3) Urgency Ordinance Imposing an Excise Tax for Public-Safety Services Subject to Voter Approval

The form of this ordinance was approved by the earlier stated motion and will be attached to the resolution calling for the Special Election as Attachment A and will be considered as the text of the ballot measure.

At 9:06 p.m. Council recessed, reconvening at 9:29 p.m.

REPORTS FROM CITY MANAGER

- C. Administrative Enforcement Program for Neighborhood Preservation (Introduction of Ordinance)

This item is brought forth to establish an Administrative Enforcement Program for Neighborhood Preservation. The program will establish procedures to inspect private property, abate nuisance conditions, issue administrative citations and conduct administrative hearings for appeal.

Glenn Kirby, Neighborhood Preservation Coordinator, gave the staff report.

Jerry Catanzano voiced his support of this ordinance.

Hugh McNamara commented on the clean water portion of this ordinance.

Mayor Green moved, seconded by Vice Mayor Elias to introduce ordinance, reading of title to suffice.

AYES: 5 NOES: 0 ABSENT: 0 INTRO ORD.
618-03

REDEVELOPMENT AGENCY - NONE

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Item F removed from the consent calendar.

Councilmember Dutra-Vernaci requested Items A and D removed from the consent agenda.

Councilmember Valle moved, seconded by Councilmember Fernandez to approve Items B, C, E, G and H, numbered appropriately, reading of titles suffice.

AYES: 5 NOES: 0 ABSENT: 0

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

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING FIRE STATION NO. 2 EMERGENCY GENERATOR UPGRADE, CITY PROJECT NO. 02-27

ADOPT RESO.
NO. 2528-03

This resolution accepts the upgrade of the Fire Station No. 2 Generator performed by Tri-Mode Inc., of Pleasanton. The project consisted of replacing the existing generator due to insufficient capabilities to meet current load capacities. The new generator system that has been installed meets current and future anticipated load capacities for the entire facility.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING THE TEEN CENTER RENOVATION AND EXPANSION AT KENNEDY PARK, CITY PROJECT NO. 02-15

ADOPT RESO.
NO. 2529-03

This resolution accepts the work performed by Apex Construction of Los Gatos for the Teen Center Renovation and Expansion at Kennedy Park. The project consisted of renovating the Teen Center to comply with American with Disabilities Act (ADA) guidelines, expanded the Recreation Room, and provided building related necessities.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF \$950,000 UNDER THE MURRAY-HAYDEN PROGRAM OF THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR THE UNION CITY YOUTH RESOURCE CENTER PROJECT

ADOPT RESO.
NO. 2530-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF \$3,000,000 UNDER THE URBAN PARK ACT OF 2001 PROGRAM OF THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR THE UNION CITY YOUTH RESOURCE CENTER PROJECT

ADOPT RESO.
NO. 2531-03

These resolutions authorize approval of grant applications under the Murray-Hayden Program and the Urban Park Act of 2001 Program of the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. These State of California grant applications support the Union City Youth Resource Center/Gymnasium Project.

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY CANCELLING THE DECEMBER 23, 2003 REGULARLY SCHEDULED COUNCIL MEETING

ADOPT RESO.
NO. 2532-03

In accordance with past practice, staff is recommending cancellation of the December 23rd Council meeting. All City offices will be closed from Friday, December 19, 2003 (black Friday) and will reopen on Monday, January 5, 2004.

H. Final Ordinance No. 615-03: ORDINANCE AMENDING THE OFFICIAL ZONING MAP A-01-03

FINAL ORD.
615-03

This is the second reading of Ordinance 615-03 which will amend the Zoning Map to reclassify the 40.26 acre Accinelli property from Agriculture, A, to 32.26 acres of Single-family Residential, RS6000, and 8 acres of Private Institutional, PI as shown in the General Plan. This will provide a uniform zoning classification consistent with the Land Use Element of the 2002 Union City General Plan.

The title of Item A is as follows:

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY SUPPORTING THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT (NOVEMBER 2004 BALLOT INITIATIVE)

This resolution is in support of the 2004 Local Taxpayers and Public Safety Protection Act ballot initiative sponsored by the League of California Cities, the California State Association of Counties and the California Special Districts Association which would increase local control over local tax dollars.

Councilmember Dutra-Vernaci pulled this item to give an explanation of the initiative and what it will accomplish.

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2533-03

The title of Item D is as follows:

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ACCEPTING PUBLIC IMPROVEMENTS FOR BARNARD WHITE MIDDLE SCHOOL PEDESTRIAN PROJECT, CITY PROJECT NO. 99-05

This resolution accepts work performed by Granite Construction Company of San Jose in accordance with the plans and specifications approved for this federally funded project. The goal of the project was to improve pedestrian access and safety around Barnard White Middle School and particularly along the former SPRR tracks in the Decoto Neighborhood

Interim City Manager Larry Cheeves responded to Councilmember Dutra-Vernaci's concern on this item that the dollar amount above the bid.

Jerry Catanzano stated that \$430,000 came out of RDA funds to complete projects with the condition that grant funds would be refunded to the RDA.

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

AYES: 4 NOES: 1 (BE) ABSENT: 0 ADOPT
RESO. NO. 2534-03

The title of Item F is as follows:

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING COST SHARING AGREEMENT FOR DESIGN ENGINEERING AND CONSTRUCTION OF CIRCULATION IMPROVEMENTS AND PARKING CONFIGURATION IN UNION LANDING PARKING AREA

This resolution authorizes the Cost Sharing Agreement with Syufy for the redesign of the main parking lot located between Borders Books and Century 25 Theater. The agreement memorializes the terms of participation between the City and Syufy.

Mayor Green removed item F to state that something needs to be added to the agreement that obligates Syufy to pay.

Barry Ferrier commented that Syufy should pay a percentage of their ticket sales to the City.

Councilmember Fernandez moved, seconded by Councilmember Dutra-Vernaci to approve resolution with the caveat that Syufy needs to pay half the cost of design or wait until the application is approved.

AYES: 4 NOES: 1 (BE) ABSENT: 0 ADOPT
RESO. NO. 2535-03

ORAL COMMUNICATIONS

Barry Ferrier commented on Union City gateway signs.

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

There were no reports.

GOOD OF THE ORDER

Councilmember Fernandez commented on the money they authorize to be spent on behalf of the City.

At 10:38 p.m., Councilmember Fernandez moved, seconded by Councilmember Valle to adjourn meeting to Monday, November 17, 2003.

AYES: 5 NOES: 0 ABSENT: 0