

**MINUTES FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, SEPTEMBER 28, 2004, 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, Elias, Vice Mayor Fernandez,  
Mayor Green  
Absent: Councilmember Valle

**UNFINISHED BUSINESS - NONE**

**APPROVAL OF MINUTES**

- A. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, September 14, 2004

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

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

- B. Approval of Minutes of the adjourned regular City Council meeting of Tuesday, September 21, 2004

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

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

**PROCLAMATIONS/PRESENTATIONS**

- A. Resolution in honor of Battalion Chief Mike Souza upon his retirement from the Fire Department

Councilmember Dutra-Vernaci moved, seconded by Vice Mayor Fernandez to adopt resolution to be read in its entirety.

AYES: 4                      NOES: 0                      ABSENT: 1(RV)                      ADOPT  
RESO. NO. 2728-04

Mike Souza thanked the Council for the recognition.

B. Resolution in honor of Lt. Rod Romano upon his retirement from the Police Department

This item will be continued to the October 12 Council meeting due to Lt. Romano unable to attend the meeting.

C. Resolution in honor of Sgt. Jim Ticer upon his retirement from the Police Department

This item will be continued to the October 12 Council meeting due to Sgt. Ticer unable to attend the meeting.

**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.*

Carol Dutra-Vernaci spoke in support of Proposition 1A, Constitutional protection for city revenues.

Councilmember Valle arrived at the meeting at 7:20 p.m.

Mattie Frances Rousseau spoke on behalf of neighbors that have sidewalks that have buckled in front of their residences. Ms. Rousseau also spoke about the theft of recyclables.

Carmen Saldivar thanked those who expressed condolences after her mother's passing.

Barry Ferrier thanked staff for getting RePAC meetings televised; also recognized Economic Development staff for their efforts in retaining businesses.

Don Heinsohn spoke on the candidacy of Jim Navarro for City Council.

City Manager Larry Cheeves responded that a task force has been set up to work on the issue of stolen recyclables.

**HEARINGS**

A. HEARING RE: **DISBURSEMENT OF FEDERAL GRANT FUNDS FROM THE FEDERAL DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEGB) PROGRAM** (Resolution)

*The City has received federal grant funds from the Federal Department of Justice, Bureau of Justice Assistance for the last seven years. The funds have been disbursed under the Local Law Enforcement Block Grant (LLEGB) program and are intended to assist local jurisdictions in reducing crime and improving public safety.*

Police Chief Randy Ulibarri gave the staff report.

At this time Mayor Green opened the hearing for public comment.

There being no public comments, the hearing was closed.

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

AYES: 5                      NOES: 0                      ABSENT: 0                      ADOPT RESO.  
NO. 2729-04

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  
RECOMMENDATION OF THE LOCAL LAW ENFORCEMENT BLOCK GRANT  
ADVISORY BOARD

**REPORTS FROM CITY MANAGER - NONE**

**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).*

Mayor Green requested to remove Item E from the consent agenda.

Vice Mayor Fernandez moved, seconded by Councilmember Elias to approve Items A-D, F-J, numbered appropriately.

AYES: 5                      NOES: 0                      ABSENT: 0

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

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SOLE SOURCE PROCUREMENT FOR THE “e POLICE DEPARTMENT, INC.” ON LINE REPORTING PROGRAM ADOPT RESO. NO. 2730-04

*The “ePolice Department, Inc., is the only vendor that has an on-line reporting program that allows the importing of data directly in the “Tiburon” Records Management System that is currently in use by the Union City Police Department (UCPD). The procurement of the program offered by “ePolice Department, Inc. would greatly enhance the ability of UCPD to main available resources in the most effective and efficient manner.*

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING NON-COMPETITIVE PROCUREMENT FOR THE MAINTENANCE OF THE COMPUTER AIDED DISPATCH GEOFILE ADOPT RESO. NO. 2731-04

*Updating and maintaining the Computer Aided Dispatch Geofile Program is required and necessary to provide data that would be of optimum value in rendering service to the community. LYNX Technologies has the requisite knowledge and ability to update and maintain the program in the most efficient and cost effective manner.*

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE PURCHASE OF ONE RENTAL OR LEASE RETURNED FULL SIZE FOUR DOOR SEDAN FOR PARATRANSIT, CITY PROJECT NO. 04-17 ADOPT RESO. NO. 2732-04

*The 1996 Dodge Intrepid four door sedan used by Paratransit, has 108,000 miles on it and is currently out of service do to a transmission failure. After one motor replacement and three transmissions, it has been determined this vehicle is not dependable and needs replacing as soon as possible. Staff is recommending purchase of a lease or rental return full size four door sedan through Enterprise Car Sales rather than seeking competitive bids.*

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING INTENTION TO VACATE A PORTION OF RIGHT OF WAY IN THE CITY OF UNION CITY AND SETTING A TIME AND PLACE FOR PUBLIC HEARING
- ADOPT RESO.  
NO. 2733-04

*Elimination of a driveway entrance and street realignment requires vacation of a portion of Union Landing Boulevard right-of-way. The proposed vacation smooths an abandoned driveway entrance affecting 0.17 acres. It is recommended that October 26, 2004 at 7:00 p.m. be set as the time and place for the roadway vacation.*

- F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING SITE DEVELOPMENT REVIEW SD-09-04
- ADOPT RESO.  
NO. 2734-04

*Nelida Campos & Jerry Gamardo, Depot Road and 9<sup>th</sup> Street, are requesting approval to construct two new single family two story detached residential homes on two exiting lots located between Depot Road and 9<sup>th</sup> Street. The subject parcels are within the R-5000 Single Family Residential zoning district.*

- G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE CONFLICT OF INTEREST CODE OF NON-ELECTED OFFICIALS AND DESIGNATED EMPLOYEES OF THE CITY OF UNION CITY BY AMENDING APPENDICES A, B C AND D
- ADOPT RESO.  
NO. 2735-04

*The Political Reform Act requires local government agencies to review their Conflict of Interest Codes biennially, and to prepare an amended Code if necessary. It has been determined that there is a need to amend the Appendices, Designated Positions and Disclosure categories.*

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING REPRESENTATIVES TO SERVE ON THE UNION LANDING PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT (PBID) OWNERS ASSOCIATION
- ADOPT RESO.  
NO. 2736-04

*The Union Landing property owners established the Union Landing Property-Based Business Improvement District (PBID) for a one year period to provide funding for three dedicated full-time sworn Union City Police Officers at Union Landing. This resolution will appoint the members of the required Owners Association to provide management of the PBID.*

- I. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 2 OF THE UNION CITY MUNICIPAL CODE INTRO ORD.  
634-04

*The Council has expressed a desired to eliminate the requirement for a member of the City Council and a member of the New Haven Unified School District Board of Education to select one of its members to serve as an ex officio non-voting member of the Arts Council. This ordinance would eliminate the requirement for ex-officio members.*

- J. Claim No. 596

*Staff is requesting rejection of Claim No. 596, filed by Jason Barnes, regarding alleged damage to his vehicle as a result of road work performed by Alameda County Water District.*

Claim No. 596 was rejected on the earlier stated motion.

The title of Item E is as follows:

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO SERVE ON THE PLANNING COMMISSION

*Interviews were held on Tuesday, September 21 with five applicants to fill vacancies on the Planning Commission. This resolution appoints one individual to serve for a four year term expiring October 31, 2008, and one individual to fill an unexpired term expiring October 31, 2005.*

Mayor Green moved, seconded by Councilmember Dutra-Vernaci to re-appoint Cathi Sweeney to the Planning Commission with a term ending October 31, 2008.

AYES: 5                      NOES: 0                      ABSENT: 0

Mayor Green moved, seconded by Councilmember Elias to appoint Rey Sison to the Planning Commission to fill the unexpired term ending October 31, 2005.

ADOPT RESO.  
NO. 2737-04

## 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 reported attending the League of California Cities Conference where the main focus was on Proposition 1A.

Councilmember Valle reported the joint subcommittee meeting with New Haven Unified School District was canceled until the new School Superintendent is on board. A reception for the Superintendent has been scheduled for October 25.

B. Request by Mayor Green for discussion on requirements to serve on City Commissions

Mayor Green commented on the requirement for City Commissioners to be registered voters.

City Attorney Riback responded that the Government Code Section 1020 requires that a Planning Commissioner is not able to hold office unless they are 18 years of age and a U.S. and State citizen.

Mayor Green requested information at the next Council meeting on the applicability of this Code Section to the other City Commissions.

**GOOD OF THE ORDER**

Councilmember Valle requested placing recognition on the next Council agenda in honor of Tommie Lindsay for receiving the Murphy Genius Award.

Councilmember Valle requested an update on James Logan High School issues at next meeting.

Councilmember Elias suggested holding ceremonies when streets are named in honor of public officials per the Council's policy.

Mayor Green reported that Alice Arce's street name sign is misspelled.

In memory of Connie Ruiz, Mayor Green adjourned the meeting to closed session at 7:46 p.m.

**CLOSED SESSION:**

There was no one present to present oral comments prior to the Council meeting in closed session.

Council met in Closed Session on the following:

A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
(Pursuant to Subdivision (b) of Section 54956.9 of the California Government Code)

Two cases

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

Title: City Manager

Council reconvened in open session at 8:50 p.m.

City Attorney Michael Riback stated Council approved a contract with Sherri Lund for Strategic Planning Process.

Council adjourned the meeting at 8:51 p.m.