

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
FEBRUARY 22, 2005, 6:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 6:35 p.m.

There was no one present to address the Council.

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

Councilmember Valle recused himself from Item A due to a conflict of interest.

Council met in closed session on the following:

CLOSED SESSION:

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

One Case

Councilmember Valle joined the meeting at 6:50 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

ADJOURNMENT - 7:06 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, FEBRUARY 22, 2005, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:21 p.m. and led the audience in the salute to the flag.

City Attorney Michael Riback stated the Council took action on a 4-0 vote with Councilmember Valle absent to approve the resolution entitled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE SEVENTH COMPROMISE AGREEMENT AND MUTUAL RELEASE BETWEEN WASTE MANAGEMENT OF ALAMEDA COUNTY, INC. AND THE CITY OF UNION CITY

ADOPT RESO.
NO. 2827-05

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

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, February 8, 2005

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

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS

- A. Award of certificates to winners of the Valentines Day card contest

Certificates were awarded to the winners of the Valentines Day card contest.

- B. Presentation by Assemblymember Alberto Torrico regarding the State budget

Assemblyman Alberto Torrico addressed the Council on issues concerning the State budget.

C. Presentation by Spectrum Community Services, Inc. regarding services provided to the City

Michael Sweeney, Executive Director, presented information to the Council regarding the services that are provided to Union City by Spectrum Community Services, Inc.

D. Resolution congratulating and honoring Linda West on her retirement as City Clerk

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

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2828-05

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

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.

Police Chief Randy Ulibarri invited Council, staff and others to the Tsunami Relief Fundraiser to be held March 1 at Southern Wine and Spirits, all proceeds will go to FEED THE CHILDREN benefit. Fundraiser starts at 6:00 p.m. to 8:00 p.m. Master of Ceremonies will be Tony Acosta, and the live auction will include a dinner for four at UCFD Station, and the second auction will be dinner for two with the UCPD Swat Team at Rifle Range.

Ben Elias spoke on behalf of Firefighters and their concerns regarding hiring of Fire Chief Chris Maxwell.

Marlou Canosa requested a speed bump on Aspen Loop behind Guy Emanuele School.

Nitan Lalka, resident on Sherman Drive commented on the increase in crime in his neighborhood and requested Council assistance.

John Haley commented on Route 84 and the proposed compromise.

Carol Koenig, legal counsel for Local 1946, requested Council release the full Dr. Murphy report.

Randy Sekany, VP of Local 1946 from San Jose, not Union City, spoke on issue of fire administration.

Debra Szabo commented on vote of no confidence for Fire Chief.

Mattie Rousseau commented on letter she received regarding Fire Chief.

Gertrude Corchero commented on the issues with the Fire Department.

Fire Chief Chris Maxwell responded to the issues and accusations that have been raised.

At this time, Council recessed at 9:10 p.m for a reception. and reconvened at 9:40 p.m.

HEARINGS - NONE

REPORTS FROM CITY MANAGER

A. Centro de Servicios Funding Request

This report provides a brief update on the City's status of public service funding and Centro de Servicios' recent request for additional public service funding.

Vern Smith, Community Housing Coordinator, gave the staff report.

Arnold Chavez spoke in support of Centro and its positive impact on the City.

George Adas commented on the positive aspects of Centro.

Councilmember Fernandez moved, seconded by Councilmember Navarro to prorate the request for \$36,000 and provide \$8500 for the last upcoming quarter of the 2004-05 fiscal year, beginning April 1, 2005. Staff is to return on the March 8 agenda with a resolution that will appropriate the funds from the General Fund.

AYES: 5 NOES: 0 ABSENT: 0

Jaime Jaramillo thanked the Council for the support throughout the years.

Councilmember Dutra-Vernaci left the meeting at 10:03 p.m. and returned at 10:06 p.m.

B. Strategic Plan Process and Adoption (Resolution)

Staff is recommending Council adopt the Strategic Plan as the basis for developing the Bi-annual budget for fiscal years 2006/07 and to revisit the Plan within the next six months to update any missing elements prior to publication of the Plan on City documents and notices.

City Manager Larry Cheeves gave the staff report.

Vice Mayor Dutra-Vernaci moved, seconded by Councilmember Navarro to adopt the Strategic Plan as the basis for developing the Bi-annual budget for fiscal years 2006/2007 and to revisit the plan within the next six months to update any missing elements prior to publication of the plan on City documents and notices.

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 ADOPT RESO.
UNION CITY ADOPTING A STRATEGIC PLAN FOR THE CITY NO. 2829-05

C. Fire Department Operations Chief (Resolution)

The Fire Department is requesting that the position of Operations Chief be filled during the fourth quarter of the current fiscal year. This position has been unfilled since February 2003. This is the second-in-command position and responsible for day-to-day coordination of Fire Department services.

Fire Chief Chris Maxwell gave the staff report.

Mattie Rousseau asked if any of the current firefighters would be considered for this job.

City Manager Larry Cheeves responded that this would be an open and promotional opportunity.

Mayor Green moved, seconded by Vice Mayor Dutra-Vernaci 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 ADOPT RESO.
UNION CITY AUTHORIZING THE FILLING OF THE FIRE NO. 2830-05
DEPARTMENT OPERATIONS CHIEF POSITION

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 Items A and B be removed from the consent agenda

Councilmember Fernandez moved, seconded by Councilmember Navarro to approve Items C-3, numbered appropriately, reading of titles to suffice.

AYES: 5 NOES: 0 ABSENT: 0

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

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|----|---|----------------------------|
| C. | RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS | ADOPT RESO.
NO. 2831-05 |
|----|---|----------------------------|

One of the most important parts of the firefighter safety ensemble is the self-contained breathing apparatus. The SCBA protects the firefighter from super-heated gasses and by-products of combustion during firefighting activities. The industry standard has changed to include these units on wildland firefighting apparatus. The Fire Department is requesting the funds necessary to place SCBA's on both of the wildland fire engines.

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

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| D. | Final Reading Ordinance No. 647-05: AN ORDINANCE OF THE CITY OF UNION CITY ADDING CHAPTER 10.18 TO TITLE 10 OF THE UNION CITY MUNICIPAL CODE "FRANCHISES FOR POLICE TOWING" | FINAL ORD.
NO. 647-05 |
|----|---|--------------------------|

This ordinance will create a franchise system for tow companies participating in Police Department rotational towing.

Claim No. 607 was rejected by the earlier stated motion.

- E. Claim No. 607

Staff is recommending rejection of Claim No. 607 filed by Lori Sung regarding alleged tree root problems.

The title of Item A is as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY REJECTING ALL BIDS AND AUTHORIZATION TO READVERTISE FOR BIDS FOR THE JOHNSON PROPERTY PARK, PHASE I, CITY PROJECT NO. 03-16

This project consists of developing the Johnson property site into a park. The general scope of work includes grading and drainage; constructing hardscape such as concrete walls, pilasters, seat walls and asphalt trails; installing customized metal fencing, lighting, and park amenities such as play structures, safety surface and a water feature; planting of trees, shrubs, and lawn; and installing an irrigation system.

Mayor Green pulled this item from the consent calendar to question why the received bids were so much over the engineer's estimate.

Public Works Director Mintze Cheng stated they will look at the required basic features and later on add other features. The project will be expected to be rebid at a later date.

Mayor Green moved, seconded by Councilmember Fernandez to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2832-05

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY IN SUPPORT OF PROTECTING THE COMMUNITY DEVELOPMENT GRANT PROGRAM FROM PROPOSED BUDGET CUTS

This resolution states opposition to proposed cuts to the CDBG Program and would quantify the City's need for the program and formally establish the City Council's opposition to such severe cuts to greatly needed domestic programs.

Mayor Green pulled this item to suggest adding greater specificity about how the Federal Government could or should achieve their goal.

Councilmember Navarro moved, seconded by Councilmember Fernandez to return the amended resolution to the Council at the March 8 meeting.

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

Vice Mayor Dutra-Vernaci reported attending the Housing Committee meeting and the League of California meeting where the topic of CDBG funding was discussed at both.

Councilmember Valle requested a joint committee meeting with NHUSD to be scheduled and also include on the agenda the setting of quarterly meetings.

City Manager Larry Cheeves responded that the School Superintendent has been contacted and will be responding with possible dates for the joint meeting.

GOOD OF THE ORDER

Councilmember Valle questioned when the new City Clerk would start.

City Manager Cheeves responded that she will begin on March 1.

Vice Mayor Dutra-Vernaci questioned when the dog park would reopen.

Public Works Director Mintze Chang stated the turf is currently being reseeded and the park is scheduled to reopen on May 1.

Councilmember Fernandez suggested reseeding only half of the park at a time so that the other half can remain open.

Councilmember Navarro questioned the possibility of fencing off the large area next to the park for use while the park is being reseeded.

Councilmember Fernandez questioned any Municipal Codes the City may have on repair shop operations regarding noise and hours of operations.

At 10:37 p.m. Council recessed and reconvened in closed session.

CLOSED SESSION:

The City Council will adjourn to a closed session. Prior to the beginning of the closed session, there will be an opportunity for citizens to make public comments. After public comments, the Council will meet in closed session.

CLOSED SESSION:

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

Title: City Manager

Councilmember Fernandez moved, seconded by Councilmember Navarro to adjourn meeting at 11:55 p.m.

AYES: 5 NOES: 0 ABSENT: 0