

**MINUTES  
CITY OF UNION CITY  
CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING  
April 12, 2005**

Mayor Green called the meeting to order at 7:23 p.m.

City Attorney Riback reported the following action from the earlier closed session: The City Council unanimously voted to ratify the City Manager's appointment of an Interim Fire Chief and not to seek further review of the ANG Newspapers, Inc., dba The Argus vs. City of Union City.

- I. PLEDGE OF ALLEGIANCE:** Mayor Green led the flag salute
- II. ROLL CALL:** Present: Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green

Mayor Green introduced Gerald Simon who has been appointment to serve as the City's Interim Fire Chief.

Chief Simon introduced himself, highlighted his resume and said he was looking forward to being in Union City.

- III. UNFINISHED BUSINESS – None**

- IV. APPROVAL OF MINUTES**

- A. Special Council meeting of March 22, 2005

It was m/s by Valle/Fernandez to approve the minutes as submitted. Motion carried unanimously.

- B. Regular Council meeting of March 22, 2005

Councilmember noted that the motion to approve the Knight's of Columbus resolution should read March 20 through March 26.

It was m/s by Dutra-Vernaci/Navarro to approve the minutes as corrected. Motion carried unanimously.

- C. Special Council meeting of March 23, 2005

It was m/s by Fernandez/Valle to approve the minutes as submitted. Motion carried unanimously.

- V. PROCLAMATIONS/PRESENTATIONS**

- A. Adopt City Council Resolution thanking Redevelopment Project Advisory Committee members for their 4½ years of service creating and overseeing the implementation of the Amended and Restated Redevelopment Plan

It was m/s by Valle/Fernandez to waive full reading and adopt **Resolution No. 2966-05** thanking the Redevelopment Project Advisory Committee members for their 4½ years of service creating and overseeing the implementation of the Amended and Restated Redevelopment Plan. Motion passed by the following vote:

AYES: Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green  
NOES: None  
ABSENT: None  
ABSTAIN: None

Mayor Green presented Resolution's to Committee Members Jerry Catanzano, Bill Fournell, Santiago Gonzalez, Irene Wolfe, and Hugh McNamara. The members in attendance addressed Council concerning their experience being a part of the committee.

B. Proposal concerning Recycling Education Center at Tri-Ced

Councilmember Valle recused himself from this item due to his relationship with Tri-Ced and left the Council Chamber.

John Dutra and Wendy Peterson provided a presentation supporting the Recycling Education Center program at Tri-Ced.

Mayor Green sought Council's concurrence to move **Item B under Section VIII** to this point in the meeting. Council concurred with the request.

B. Report and recommendations on potential uses for the accumulated Solid Waste Import Mitigation Funds, and Council direction regarding allocation of unspent monies

Roberto Muñoz, Solid Waste & Recycling Coordinator, introduced the staff report and outlined the following spending plan recommendation:

TRI-CED Education Center	\$250,000
Residential Food Scrap Program	75,000
Multi-family Recycling Programs	50,000
Small Business Recycling Programs	50,000
E-Waste Drop-off Events	30,000
New Program Transition Costs	15,000

Hugh McNamara expressed the need to extend education to places that cater large social events.

Barry Ferrier supported the E-Waste proposal.

George Adas spoke of the need to have additional services on the west side of the city.

Councilmember Fernandez suggested that more funding be allocated in the area of food waste and multi-family education programs.

It was m/s by Green/Navarro to support the staff recommendation with modification to the food waste/multi-family funding. Motion passed by the following vote:

AYES: Councilmembers Fernandez, Navarro, Vice Mayor Dutra-Vernaci,  
Mayor Green  
NOES: None  
ABSENT: None  
ABSTAIN: Councilmember Valle

Councilmember Valle returned to the Council Chamber and took his seat at the dais.

## **VI. ORAL COMMUNICATIONS**

Reiner Glaush expressed concern over the growing number of day laborers assembling in the Home Depot and Pep Boy's parking lots. He also spoke to the panhandling within the City.

## **VII. HEARINGS**

- A. Status report concerning actions taken pursuant to Urgency Ordinance No. 650-05, previously adopted on March 8, 2005, which placed a moratorium on the establishment and operation of medical marijuana dispensaries in Union City, and consideration as to whether or not to extend that moratorium

City Attorney Riback introduced the staff report. Staffs recommendation is that the Ordinance be extended 10 months and 15 day to allow time for thorough research of the issue and to seek public input.

Mayor Green opened the public hearing.

Speaking in opposition to extending the moratorium and to allow Kindcare to reopen included:

Robert A. Kaich, Attorney  
Bob Swanson, Castro Valley resident  
Dr. Todd Nicarea, El Cerrito resident  
Angle McClary Raich, Oakland resident  
Sharon Reignbyrd, Hayward resident  
Harjeev Garcha, Fremont resident  
Jane Weirick, Hayward resident  
Stephanie Rodriguez, Ashland area  
Elizabeth Loza, Hayward resident  
Adell Morgan, Cannabis Club owner in Hayward  
George Adas, Union City resident  
Shane Carter, Kindcare owner

There being no one else wishing to speak, Mayor Green closed the public hearing.

Councilmember Dutra-Vernaci acknowledged the need for people to get their medicine, expressed her desire to fast track this issue and extend the ordinance 60 days.

Councilmember Dutra-Vernaci left the Council Chamber at 9:38 p.m., and returned to the dais at 9:46 p.m.

Councilmember Valle expressed his desire for Kindcare to work with the Police Department and Staff to get them back in business by June 14 or as soon as possible.

Councilmember Navarro questioned why the applicant failed to state he would be selling medical marijuana on his business license application.

Mayor Green proposed the Ordinance amendment be scheduled for the June 14 meeting.

It was m/s by Green/Navarro to waive full reading and adopt **Urgency Ordinance No. 652-05** extending until July 28, 2005, a moratorium on the establishment and operation of medical marijuana dispensaries, to become effective immediately. Motion passed by the following vote:

AYES: Councilmembers Fernandez, Navarro, Vice Mayor Dutra-Vernaci,  
Mayor Green  
NOES: Councilmember Valle  
ABSENT: None  
ABSTAIN: None

Council recessed to a break at 9:53 p.m. The meeting reconvened at 10:10 p.m. with Councilmember Valle absent.

## VIII. REPORTS FROM CITY MANAGER

### A. Procurement and Claim Settlement Limits

(1) Adopt a City Council Resolution revising Council Policy on 'Authorization to execute City Contracts and Agreements'

(2) Adopt a Resolution electing Under Public Contract Code Section 22030 to become subject to the Uniform Public Construction Cost Accounting Procedures

(3) Introduce an Ordinance adding Chapter 12.36 to the Municipal Code to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code)

Administrative Services Director Digre introduced the staff report. He said staff is recommending the following changes to the current dollar amount authorized for public works contracts, purchasing and claims settlement: 1) increase the amount for informal bidding of Public Works Projects to \$50,000 or one-half of the State limit of \$100,000; 2) increase contracts or the purchase of material and goods from \$15,000 to \$50,000; 3) increase claims settlements against the City from \$15,000 to \$25,000.

Councilmember Fernandez recommended that Pubic Works Project be set \$75,000 considering the amount projects cost in today's market.

Mayor Green recommended that the claims settlement limit be raised to \$50,000 to allow staff the ability to settle claims in a timelier manner.

It was m/s by Green/Navarro to waive full reading and adopt **Resolution No. 2967-05** revising Council Policy on 'Authorization to Execute City Contracts and Agreements; waive full reading and adopt **Resolution No. 2668-05** electing under Public Contract Code Section 22030 to become subject to the Uniform Public Construction Cost Accounting Procedures, with the recommended changes and waive full reading and passed **Ordinance No. 653-05** adding Chapter 12.36 to the Municipal Code to provide Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code). Motion passed by the following:

AYES: Councilmembers Fernandez, Navarro, Vice Mayor Dutra-Vernaci,  
Mayor Green  
NOES: None  
ABSENT: Councilmember Valle  
ABSTAIN: None

**IX. REDEVELOPMENT AGENCY – None**

**X. AUTHORITIES/AGENCIES – None**

**XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES – None**

**XII. CONSENT CALENDAR/RESOLUTION**

- A. Accepted Annual Financial Report, Auditor's Report to Management and the Single Audit presented by the City's Independent Auditor for fiscal year ending June 30, 2004
- B. Adopted City Council **Resolution No. 2969-05** awarding a contract for a compressed natural gas fuel island and fuel storage cylinders; City Project No. 05-04 to Accel Project Systems in the amount of \$85,250
- C. Adopted City Council **Resolution No. 2970-05** authorizing the filing of an application for FTA Section 5307 and 5309 Fixed Guideway (FG) and Surface Transportation programs funding and committing the necessary local match for the project(s) and stating the assurance of the City complete the project(s)
- D. Adopted City Council **Resolution No. 2971-05** authorizing the City Manager to execute a Funding Agreement with the Metropolitan Transportation Commission for the 2005 Spare the Air Day/Free Morning Transit Commute Program
- E. **Pulled for discussion** City Council Resolution authorizing the City Manager to enter into an agreement with Urbitran Associates, Inc. to prepare the City's Fiscal Year 2006-2015 Short Range Transit Plan in an amount not to exceed \$55,000

- F. Adopted City Council **Resolution No. 2972-05** rescinding Resolution No. 2949-05 approving Zoning Map Amendment A-07-04 (Summerhill); introduced and waived full reading of **Ordinance No. 654-05** approving Zoning Map Amendment A-07-04 (Summerhill)
- G. Adopted Redevelopment Agency **Resolution No. 312-05** authorizing payment to Alameda County Transportation Authority for the City's match of the widening of Mission Boulevard and the associated enhanced landscape improvements
- H. Rejected Claim No. 622 filed by State Farm Insurance as recommended by the City's Claims Administrator

Mayor Green pulled Item E for discussion.

It was m/s by Fernandez/Navarro to approved Consent Calendar Items A – D and F – H as recommended by staff. Motion carried with Councilmember Valle absent.

Item E – In response to Mayor Green's inquiry, Transit Manager Wilson Lee explained the rating criteria.

It was m/s by Green/Dutra-Vernaci to waive full reading and adopt **Resolution No. 2973-05** authorizing the City Manager to enter into an agreement with Urbitran Associates, Inc. to prepare the City's Fiscal Year 2006-2015 Short Range Transit Plan in an amount not to exceed \$55,000. Motion passed by the following vote:

AYES: Councilmembers Fernandez, Navarro, Vice Mayor Dutra-Vernaci, Mayor Green  
 NOES: None  
 ABSENT: Councilmember Valle  
 ABSTAIN: None

**XIII. ORAL COMMUNICATIONS – None**

**XIV. CORRESPONDENCE – None**

**XV. APPROVAL OF BILLS**

- A. Approve Disbursement for March 2005

It was m/s by Dutra-Vernaci/Fernandez to approve the Disbursement List for March 2005. Motion carried unanimously with Councilmember Valle absent.

**XVI. SCHEDULED ORAL COMMUNICATIONS – None**

**XVII. ITEMS REFERRED BY COUNCIL**

- A. Oral reports by Councilmembers on meetings of County or Regional Board and Commissions

Councilmember Dutra-Vernaci reported on Community Services League Committee and their discussions concerning CDGB Funding and the California Arts Councils proposal of a one-percent surcharge on ticket sales.

Councilmember Navarro noted that he attend the April 21<sup>st</sup> meeting of the League's East Bay Division Meeting.

**XVIII. GOOD OF THE ORDER**

Mayor Green noted that he had been given a flag to commemorate the opener of the A's baseball season. He also highlighted recent conversation with owners of the Crown Plaza concerning occupancy declines and proposals for some use changes in the hotel.

**XIX. ADJOURNMENT:** There being no further business, Mayor Green adjourned the City Council meeting at 10:42 p.m., and stated that the Council would reconvene in the earlier recessed closed session.

Respectfully submitted,

Karen Diaz, CMC  
City Clerk