

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
July 26, 2005**

Mayor Green called the meeting to order at 7:00 p.m.

I. PLEDGE OF ALLEGIANCE – Mayor Green led the flag salute.

II. ROLL CALL: Present: Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green

III. UNFINISHED BUSINESS – None

IV. APPROVAL OF MINUTES

A. Regular meeting of June, 28, 2005

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

B. Special and Regular meeting of July, 12, 2005

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

V. PROCLAMATIONS/PRESENTATIONS – None

VI. ORAL COMMUNICATIONS

Capt. Greg Stewart introduced the newest Union City Officer Brain Baumgartner.

Sammy Caudillo spoke of a recent incident with the police department in which his keys came up missing.

VII. HEARINGS

A. Levy of assessment for City-Wide Landscape & Lighting Maintenance District No. 3

Public Works Superintendent Rick Sealana introduced the staff report and provided the history of the City-Wide Landscape & Lighting District, which included the Landscape & Lighting District Act of 1972 and Proposition 218. Mr. Sealana noted that the results of the election will be certified at the August 9 City Council meeting.

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

B. Consider whether or not to extend an existing moratorium on the establishment and operation of medical marijuana dispensaries in Union City, which was previously adopted on April 12, 2005

Assistant City Attorney Jon Bakker introduced the staff report and spoke of the legal aspects. He outlined the four options available to the Council and recommended that the City Council make the required findings and adopt the ordinance extending the moratorium for one year to July 27, 2006 with a status review in six months.

Neighborhood Preservation Coordinator Glenn Kirby spoke about the regulatory issues of dispensaries and highlighted recent developments. He summarized the research and surveys conducted by staff over the past few months.

Councilmember Valle felt one year was too long of a period to extend the moratorium.

Councilmember Valle said he had to be at a meeting in Hayward and excused himself from the meeting at 8:45 p.m.

Mayor Green opened the public hearing.

Bob Swanson urged the Council not to extend the moratorium and to put together a regulatory ordinance as soon as possible.

Robert Raich provided copies of a draft ordinance regulating medical cannabis dispensaries and asked Council not to pass the ordinance extending the moratorium.

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

Council held a discussion and asked questions concerning current laws and the cases that are currently moving through the court system.

It was m/s by Green/Navarro to waive full reading and adopt **Urgency Ordinance No. 656-05** extending a Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries, to become effective immediately. Motion passed by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Mayor Green

NOES: None

ABSENT: Councilmember Valle

VIII. REPORTS FROM CITY MANAGER – None

IX. REDEVELOPMENT AGENCY – None

X. AUTHORITIES/AGENCIES – None

XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES – None

XII. CONSENT CALENDAR/RESOLUTIONS

- A. PULLED FOR DISCUSSION - Adopt a Resolution authorizing the City Manager to execute a Contract Amendment with Mark Thomas and Co., Inc., for additional services

- B. Adopted **Resolution No. 3031-05** declaring the Intent to Renew Landscape & Lighting Maintenance District No. 2 and set the date of August 9, 2005 for the public hearing
- C. Adopted **Resolution No. 3032-05** approving the Master Fee Schedule for FY 2005-06
- D. Waived second reading and adopted **Ordinance No. 655A-05** authorizing the levy of a special tax within Community Facility District No. 2005-1 (Public Service)
- E. Rejected Claim No. 626 presented by 21st Century Insurance Company as recommended by the City's Insurance Adjuster
- F. Rejected Claim No. 629 presented by Michael Salisbury as recommended by the City's Insurance Adjuster
- G. Accepted the Annual Report for Fiscal Year 2003-04 concerning sources and uses of Development Fees pursuant to Government Code Section 66006

It was m/s by Fernandez/Navarro to approve Consent Item B through G as recommended by staff. Motion carried with Council Valle absent.

Item A – Mayor Green questioned the reason for the amendment.

It was m/s by Green/Fernandez to adopt **Resolution No. 3033-05** authorizing the City Manager to execute a Contract Amendment with Mark Thomas and Co., Inc., for additional services. Motion passed by the following vote:

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

XIII. ORAL COMMUNICATIONS

Rev. Brown invited the Council to the Union City Pastor's Alliance sponsored event "Paid in Full" presented by Hitland Productions on August 6th at Kennedy Park.

Barry Ferrier asked if there would be a review of the fireworks situation.

XIV. CORRESPONDENCE – None

XV. APPROVAL OF BILLS – None

XVI. SCHEDULED ORAL COMMUNICATIONS – None

XVII. ITEMS REFERRED BY COUNCIL

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

Councilmember Fernandez spoke of his tour of the new high school.

Councilmember Navarro spoke of his recent trip to the City's Sister City, Pasay City in the Philippines.

XVIII. GOOD OF THE ORDER

Councilmember Fernandez spoke of the Sister Cities Festival co-sponsored by the Park and Recreation Department, to be held on August 7, 2005 at 5:00 p.m. at the Holly Community Center.

Vice Mayor Dutra-Vernaci announced that the Union City Girls Little League won a National title and they are seeking donation to help them with their travel expenses to compete in the regional competition.

Mayor Green noted the litter problem in the Tamarack area and inquired about the possibility of a voluntary adopt-a-cleanup-area program.

The meeting adjourned to closed session at 8:26 p.m.

XIX. CLOSED SESSION

A. Public Employee Performance Evaluation (pursuant to Section 54957 of the Government Code) – Title: City Attorney

B. Conference with Labor Negotiators (pursuant to Section 54957.6 of the Government Code)

City designated representatives: Larry Cheeves, Tony Acosta, Rich Digre

Employee organizations: Management
Police Management
Police Officer Association
Professionals
SEIU Local 790

Councilmember Valle rejoined the meeting as 8:50 p.m.

The meeting reconvened in open session at 9:45 p.m., with no action to report.

XX. ADJOURNMENT – There being no further business, Mayor Green adjourned the meeting at 9:46 p.m.

Respectfully submitted,

Karen Diaz, CMC
City Clerk