

**MINUTES  
CITY OF UNION CITY  
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**TUESDAY, FEBRUARY 26, 2008  
7:00 P.M.**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER**

Mayor Green called the meeting to order at 7:09 p.m.

I.a Pledge of Allegiance – Mayor Green led the salute to the flag.

Mayor Green announced there was no reportable action from the Closed Session held earlier this evening.

I.b Roll Call

Present: Councilmembers Dutra-Vernaci, Navarro and Valle, Vice Mayor Fernandez,  
Mayor Green

Absent: None

**II. UNFINISHED BUSINESS – None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Resolution Presented to Miss Runa Atai in Recognition of her Act of Civilian Heroism

The recipient was not present to receive the resolution. Depending on the recipient's availability, staff will either reschedule the presentation or mail the resolution to Miss Atai.

**IV. ORAL COMMUNICATIONS**

Hugh McNamara announced the Ruggieri Senior Center was in need of a new Bingo director, and stated a Spring Craft Faire and Art Show was planned for Saturday, March 1, 2008.

**V. CONSENT CALENDAR**

It was moved by Vice Mayor Fernandez, seconded by Councilmember Dutra-Vernaci, to approve Consent Items 5.a through 5.h as recommended by staff. Motion carried unanimously.

5.a Motion to Waive Further Reading of Proposed Ordinance (This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)

5.b Approved Minutes for the Special and Regular Meetings of February 12, 2008

- 5.c Rejected Claim No. 727, submitted by Attorney John McBride on behalf of claimants Daniel Rose, Hortense Pepper and Richard Martinez, as Recommended by the City's Claims Administrator
- 5.d Waived reading the full text of the ordinance, approved the second reading of the title of the ordinance, and adopted **Ordinance No. 704-08** Amending Title 18, Zoning, of the Municipal Code for Zoning Text Amendment, AT-04-07, to remove full service, in-line and stand-alone, restaurants from the list of conditionally permitted uses in the Sub-regional Commercial, SRC, sub-area of the Union Landing Commercial, CUL, Zoning District (Introduced February 12, 2008)
- 5.e Waived reading the full text of the ordinance, approved the second reading of the title of the ordinance, and adopted **Ordinance No. 705-08** adding Chapter 5.38 to Title 5 of the Union City Municipal Code, Relating to Regulations for the Provision of Video Service by State Franchise Holders (Introduced February 12, 2008)
- 5.f Adopted **Resolution No. 3598-08** Approving Specifications for the Purchase of One (1) Hybrid 4-door Sedan, City Project No. 08-04
- 5.g Adopted **Resolution No. 3599-08** Approving Specifications for the Purchase of One (1) Medium Duty Diesel Dump Truck, City Project No. 08-05
- 5.h Adopted **Resolution No. 3600-08** Approving Architectural Final Design & Release for Advertisement for the Proposed New Fire Station No. 3, Project No. 03-05

## VI. PUBLIC HEARINGS

- 6.a Adopt an Urgency Ordinance Extending City of Union City Ordinance No. 701-08, Adopted January 22, 2008, Making Findings and Establishing a Moratorium Pursuant to California Government Code 65858 on the Issuance and Approval of Entitlements for the Horner Street, Veasy Street, and Benson Road Area

Redevelopment Agency Manager Evanoff presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. The following individuals spoke in favor of establishing a moratorium: Antonio Goncalves, property owner of 4601 Horner Street at Benson Road; Gary Singh on behalf of property owner Antonio Goncalves; and, Hugh McNamara. There were no speakers in opposition to the moratorium. Mayor Green closed the public hearing.

Economic and Community Development Director Leonard provided a status update on a code enforcement matter involving a truck driving school, and responded to questions regarding the availability of local truck parking sites.

It was moved by Mayor Green, seconded by Vice Mayor Fernandez, to adopt **Ordinance No. 706-08**, an Urgency Ordinance extending City of Union City Ordinance No. 701-08, adopted January 22, 2008, making findings and establishing a moratorium pursuant to California Government Code 65858 on the issuance and approval of entitlements for the Horner Street, Veasy Street and Benson Road area. Motion carried unanimously.

6.b Public Hearing Regarding the Proposed 2008 Public Safety Parcel Tax:

- A) Adopt Proposed Resolution of the City Council of the City of Union City, California, Issuing an Order Calling for a Special Election June 3, 2008 Seeking Voter Approval of a Public Safety Parcel Tax; Establishing Policies and Procedures in Connection with such an Election; Requesting Consolidation with the Statewide Direct Primary Election and Other Local Elections to be Held on Same Date; Requesting the Services of the Registrar of Voters in Conducting Said Election; and Appropriating Funds in an Amount Not to Exceed Ninety-Five Thousand Dollars (\$95,000) to Cover Costs of Said Special Election;
- B) Draft Ordinance Amending Title 3, Chapter 3.20 (Ordinance No. 622-04) of the City of Union City Municipal Code Concerning the Existing Public Safety Services Excise Tax

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers.

Human Relations Commission (HRC) Chairperson Dianne Gates-Anderson presented the following youth violence intervention and prevention recommendations:

- the proposed Public Safety Parcel Tax be broadened to include youth violence intervention and prevention programs with a minimum funding level for these programs of at least \$500,000 per year
- the City Council completely transfer the Intervention Services Unit (ISU) from the Police Department
- a Youth Violence Prevention Work Team be established with the mission of researching, evaluating, ranking, and selecting the most effective and appropriate youth violence prevention and intervention programs for the residents of Union City
- any funds made available in the near future, such as a \$50,000 transfer from the Leisure Enterprise Fund, be first used to reinstate a suspension alternative program at the high school and subsidize after school programs for needy, at-risk middle school students.

Mayor Green opened the public hearing and invited those speaking in favor of the proposed Public Safety Parcel Tax to speak first. The following individuals addressed the Council: Mary Schlarb, Karen Yifru, Jerico Abanico, Chris Cara (provided handout), Heather Arthur, and Jerry Catanzano (requested exemption for senior citizens). There were no speakers in opposition to the proposed Public Safety Parcel Tax. Mayor Green closed the public hearing.

Councilmembers provided comment and directed staff to make the following text changes to the draft ordinance:

- Under Section 2, to expand the definition of "Public safety services" to include the following **additional text**: ... (c) paying the personnel salaries and benefits of youth violence prevention and intervention services, and contract costs for youth violence prevention and intervention services,

***including but not limited to crime data analysis, violence prevention strategy coordination, community outreach programs, intervention counseling services,*** and obtaining, furnishing, operating, and maintaining youth violence prevention and intervention services property, equipment or apparatus.

- Under Section 3, to include the following ***additional text: A low income exemption is hereby established for the duration of this tax. The low income exemption shall apply to property owners with incomes at or below the Annual Very Low Income (50% of median income) limits for Federal Housing and Urban Development (HUD) Programs, provided that written proof of income is provided annually to the City on such a form as may be required by the Administrative Services Director.***

Councilmembers agreed the Human Relations Commission should start the Youth Violence Prevention Work Team process as soon as possible for the benefit of campaigning for the proposed measure as well as ongoing management of the provisions of the measure.

City Manager Cheeves stated staff would begin the relocation and reorganization of the Intervention Services Unit currently located within the Police Department.

**Mayor Green recessed the meeting at 9:09 p.m. in order for staff to incorporate the text changes (as noted above) into the proposed ordinance.**

**Mayor Green reconvened the meeting at 9:33 p.m.**

Copies of the newly revised proposed ordinance were distributed by staff for Councilmembers to review.

It was moved by Mayor Green, seconded by Councilmember Navarro, to:

- 1) Conduct the public hearing (testimony as noted above);
- 2) Approve **Resolution No. 3601-08** issuing the order calling for a special election June 3, 2008 seeking voter approval of a public-safety services tax; establishing policies and procedures in connection with such an election; requesting consolidation with the Statewide Direct Primary Election and other local elections to be held on said date; requesting the services of the Registrar of Voters in conducting said election; and appropriating funds in an amount not to exceed ninety-five thousand dollars (\$95,000) to cover costs of special election;
- 3) Approve the wording of the proposed Ordinance, as revised, amending Title 3, Chapter 3.20 (Ordinance No. 622-04) of the City of Union City Municipal Code concerning the existing public safety services excise tax for attachment to the proposed Resolution and transmittal to the Alameda County Board of Supervisors by March 7, 2008;
- 4) Confirm the Human Relations Commission review process of the proposals of the Youth Violence Prevention Coalition as outlined in the February 26, 2008 staff report.

Ayes: Councilmembers Dutra-Vernaci, Navarro and Valle, Vice Mayor Navarro, Mayor Green

Noes: None

Absent: None

Abstain: None

Councilmembers directed staff to schedule a special meeting of the City Council for Monday, March 10, 2008, at 8:00 p.m., for the purpose of facilitating the signing of the Argument in Favor of the Ballot Measure.

**VII. CITY MANAGER REPORTS**

7.a Report on Public Works Volunteer Program

Public Works Superintendent Sealana presented the staff report and responded to questions from Councilmembers.

Councilmembers accepted the report and directed staff to expand the Public Works Volunteer Program.

**VIII. REDEVELOPMENT AGENCY – None**

**IX. AUTHORITIES AND AGENCIES– None**

**X. CITY COMMISSION/COMMITTEE REPORTS– None**

**XI. ORAL COMMUNICATIONS - None**

**XII. SCHEDULED ORAL COMMUNICATION– None**

**XIII. ITEMS REFERRED BY COUNCIL**

13.a Oral Reports by Mayor and Councilmembers on meetings of County or Regional Boards and Commissions

Councilmember Dutra-Vernaci reported attending a Housing Authority meeting where she learned about the efforts of Miss Atai to assist her neighbors at the Nidus Court fire.

Councilmember Dutra-Vernaci stated the Housing Authority is in the process of completing renovations at its current location.

Councilmember Dutra-Vernaci reported attending a League of California Cities meeting last week where a presenter from Silicon Valley spoke regarding the economy and THE (Transportation-Housing-Education).

Mayor Green Mayor stated ABAG Executive Director Henry Gardner was planning to speak with Oakland Mayor Ron Dellums about the importance of Oakland participating with the rest of the east bay cities on the radio communication project.

Mayor Green reported attending a meeting of Sub-area Three of the Congestion Management Agency where they were able to get an extraction from other agencies and cities to restore funding for the Dumbarton Rail Project within the countywide transportation plan.

Mayor Green stated the ACTA Board would again be considering the Route 238/Mission-Foothill Corridor Improvement Project presented by the City of Hayward.

Mayor Green stated staff should prepare an application for possible funding available through ACTIA to help with the City's planning for bicycle and pedestrian traffic.

Mayor Green reported attending the ABAG retreat at Half Moon Bay, where the joint policy committee was considering preparing a proposal for the JPC to begin commenting on projects of regional significance (i.e., the A's moving to Fremont).

Mayor Green stated mandatory recycling would be seriously considered over the next six months to a year, as cities strive to meet 75% diversion goals.

#### **XIV. GOOD OF THE ORDER**

Councilmember Valle reported seeing an abandoned car on Western Avenue near the print shop (before Pacific).

Councilmember Navarro stated we may have our first "Sentinels of Freedom – Operation Welcome Home" program recipient at an upcoming April 2008 City Council meeting.

Councilmember Navarro asked about the status of the pork chop landscaping project at Dyer and Union City Boulevard. Public Works Director Cheng stated completion of the project had been delayed due to rain, but the boulders would be replaced with River Rock in the very near future.

Vice Mayor Fernandez reported large garbage bins at Union Landing were not being placed back inside of their enclosures after dumping.

Vice Mayor Fernandez stated a popular exercise station had been removed at William Cann Park and should be replaced.

Vice Mayor Fernandez spoke enthusiastically about the successful efforts to save a County tree near William Cann Park by securing bolts and cables to its trunk and limbs.

Mayor Green inquired about the status of the Diamond Mine Storage sign. Economic and Community Development Director Leonard stated an application requesting extension of the variance would be coming before the Planning Commission, with a recommendation for denial just as before.

Mayor Green asked about the status of the NeoCenter building sign. Economic and Community Development Director Leonard stated the property manager had been contacted and had indicated they were having trouble renting the upper floor. Staff will follow-up on the matter and report back.

Mayor Green asked about the status of the color scheme modifications needed for the Mexican restaurant at Union City Boulevard and Smith Street. Economic and Community Development Director Leonard stated staff was working with the restaurant to secure an agreement on a color scheme that would be representative of the area.

Mayor Green reported that the stall doors were not working well in the men's bathroom at the Holly Center.

Councilmember Navarro asked about the yellow tape around a bus stop on Union City Boulevard. Public Works Director Cheng stated the bus stop had been deemed unsafe and the shelter was scheduled to be removed. Councilmember Dutra-Vernaci suggested staff consider relocating the shelter to another bus stop.

Councilmember Navarro asked about the status of abandoned shopping carts. Public Works Director Cheng stated staff was continuing to work with shopping cart owners, and daily collection and retrieval of abandoned carts continued to be a high priority for Public Works crews.

Mayor Green spoke about a jay-walking situation that had stopped traffic at Guy Emmanuel School when a parent crossed at the median as school was letting out. Mayor Green suggested putting up fences on that stretch of Decoto Road. City Manager Cheeves stated fencing had originally been considered, and staff would look into the need for that option once more.

Mayor Green adjourned the Regular Meeting to Closed Session at 10:35 p.m.

## **XV. CLOSED SESSION**

15.a CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION  
(Pursuant to Government Code Section 54956.9)  
(Several Cases)

Present: Councilmembers Dutra-Vernaci and Navarro, Vice Mayor Fernandez, Mayor Green

Absent: Councilmember Valle

## **XVI. ADJOURNMENT**

Mayor Green adjourned the Closed Session at 11:05 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott  
City Clerk