

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

**TUESDAY, MAY 13, 2008
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:04 p.m.

Mayor Green reported the City Council had voted earlier in Closed Session to appeal the case of Bay Area Cellular v. Union City on the following vote:

Ayes: Councilmembers Dutra-Vernaci and Navarro, Vice Mayor Fernandez, Mayor Green
Noes: None
Absent: Councilmember Valle
Abstain: None

Mayor Green reported the City Council had voted earlier in Closed Session to settle the case of Port v. Union City on the following vote:

Ayes: Councilmembers Dutra-Vernaci and Navarro, Vice Mayor Fernandez, Mayor Green
Noes: None
Absent: Councilmember Valle
Abstain: None

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

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 Proclamation Recognizing May 2008 as "Older Americans Month" in the City of Union City

Mayor Green read the proclamation aloud and presented it to Naomi Aylsworth, Chairperson of the Senior Commission.

3.b Proclamation Recognizing May 18 - 24, 2008 as "National Public Works Week"

Mayor Green read the proclamation aloud and presented it to Public Works Director Cheng.

- 3.c Resolution Honoring Union City Fire Department Personnel for their Heroic Efforts at the Witch Fire of 2007

Mayor Green read the resolution aloud and presented the certificates to Assistant Fire Chief Smith who accepted the recognition on behalf of the honorees, all of whom were on duty and could not be present.

Subsequently, after completing their call for service, honorees Captain Havenhill, Engineer Larsen, and Firefighter Duarte stopped by the Council Chambers and expressed their personal appreciation for the recognition.

- 3.d Proclamation Designating May 18 - 24, 2008 as "Emergency Medical Services Week"

Mayor Green read the proclamation aloud and presented it to Assistant Fire Chief Smith, who expressed his appreciation on behalf of the Union City Fire Department.

- 3.e Resolution Honoring Justin Merrick as Firefighter/Paramedic of the Year 2008 and Resolution Honoring Steve Rogge as Engineer/EMT of the Year 2008

Mayor Green read the resolutions aloud and presented them to the honorees. Assistant Fire Chief Smith expressed congratulations on behalf of the Department, and Firefighter Justin Merrick and Engineer Steve Rogge expressed their appreciation for the recognition.

- 3.f Presentation of Certificates to the Winners and Honorable Mention Recipients of the 2008 Union City Activity Guide Photo Contest

Mayor Green provided an overview of the Union City Activity Guide Photo Contest and presented certificates to the following honorees:

Akhshaya Baskar
Dave Howard
Michael Accarizzi
Gaganpreet Bains
Neome Banks-Marko
Fabio Bullara
Donna Snyder-Smith
Rebecca Williams

Mayor Green recessed the meeting to a reception honoring participants in the 2008 Activity Guide Photo Contest at 7:40 p.m.

Mayor Green reconvened the meeting at 8:01 p.m.

IV. ORAL COMMUNICATIONS

Jose and Olga Villa expressed concern about loud music in the evenings coming from the Union City Sports Center, and submitted copies of complaint letters they had written on April 14 and May 6, 2008. Police Chief Stewart acknowledged he had recently received copies of the letters from Mr. and Mrs. Villa. Deputy City Manager/Leisure Services Director Acosta

acknowledged an acoustic problem exists at the Sports Center, and stated staff was seeking expert advice from professionals on how to resolve the problem.

Councilmember Valle exited the Council Chambers at 8:15 p.m.

V. CONSENT CALENDAR

Consent Calendar Items 5.h and 5.i were removed from consideration.

It was moved by Vice Mayor Fernandez, seconded by Councilmember Navarro, to approve Consent Items 5.a through 5.g, and 5.j through 5.m as recommended by staff.

Ayes: Councilmembers Dutra-Vernaci and Navarro, Vice Mayor Fernandez, Mayor Green
Noes: None
Absent: Councilmember Valle
Abstain: None

- 5.a Waived 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 April 22, 2008
- 5.c Adopted **Resolution No. 3628-08** Reappointing Dominic Filardo to Serve on the Senior Commission
- 5.d Adopted **Resolution No. 3629-08** Canceling the Regularly Scheduled City Council Meeting of August 12, 2008
- 5.e Adopted **Resolution No. 3630-08** Accepting Work for Intersection Signalization for Smith Street & Tidewater Drive, City Project No. 04-13
- 5.f Adopted **Resolution No. 3631-08** Awarding a Contract for the Purchase of a Police Department Utility Van
- 5.g Adopted **Resolution No. 3632-08** Authorizing and Directing the City Manager to Execute an Agreement between the City of Union City and the County of Alameda Designating the City of Union City as a Sub-Recipient of Home Investment Partnership Act Funds
- 5.j Adopted **Resolution No. 3633-08** Approving the Reclassification of the Management Analyst II-Transit to a Transit Planner and Amending the Classification Plan
- 5.k Adopted **Resolution No. 3634-08** to initiate proceedings for the formation of the Union Landing Property and Business Improvement District (PBID), and levy and collection of assessments for Fiscal years 2008-2009 through 2010-2011, pursuant to the provisions of Part 7 of Division 18 of the California Streets and highways Code; Adopted **Resolution No. 3635-08** to describing proposed services and approval of the preliminary Management District Plan regarding the proposed formation of the Union Landing Property and Business Improvement District, and the levy and collection of assessments for Fiscal Years 2008-2009 through 2010-2011, pursuant to the provisions of Part 7 of Division 18 of the California Streets and Highways Code; and, adopted **Resolution No. 3636-08** to preliminarily approve an Engineer's Report for the Union

Landing PBID; and adopted **Resolution No. 3637-08** declaring the City's intention to form the Union Landing PBID and the levy and collection of assessments for Fiscal Years 2008-2009 through 2010-2011, pursuant to the provisions of Part 7 of Division 18 of the California Streets and Highways Code, and call for an assessment ballot proceeding to submit to the qualified property owners within such district and the question of establishing an assessment range formula for such district and levying such assessments for such district at a Public Hearing on July 8, 2008.

- 5.l Waived reading the full text of the Ordinance and introduced an Ordinance amending Section 1.12.050 of the City of Union City Municipal Code concerning the recovery of attorneys fees for nuisance abatement actions
- 5.m Waived reading the full text of the Ordinance and introduced an Ordinance Authorizing an Amendment to Contract with between the City of Union City and the Board of Administration of the California Public Employees' Retirement System to Provide the Option for Local Fire Members to Buy-Back Service Credit for Permanent Career Civilian Federal Firefighter or Permanent Career State Firefighter Service

Consideration of Items Removed from the Consent Calendar.

- 5.h Adopt a Resolution Approving the 2008-2009 Action Plan and Authorizing the city Manager to Submit the 2008-2009 Action Plan and Application for the Union City Community Development Block Grant Program

Housing Coordinator Smith responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3638-08** approving the 2008-2009 Action Plan and Authorizing the City Manager to Submit the 2008-2009 Action Plan and Application for the Union City Community Development Block Grant Program.

Ayes: Councilmembers Dutra-Vernaci and Navarro, Vice Mayor Fernandez, Mayor Green
Noes: None
Absent: Councilmember Valle
Abstain: None

- 5.i Adopt a Resolution Awarding contract for Alvarado-Niles Road/Decoto Road Intersection Improvements, City Project No. 06-02

Public Works Director Cheng responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3639-08** Awarding Construction Contract for Alvarado-Niles Road/Decoto Road Intersection Improvements, City Project No. 06-02.

Ayes: Councilmembers Dutra-Vernaci and Navarro, Vice Mayor Fernandez, Mayor Green
Noes: None
Absent: Councilmember Valle
Abstain: None

VI. PUBLIC HEARINGS - None

VII. CITY MANAGER REPORTS

- 7.a Report on Policy Options Pertaining to the Public Art Review Board; Introduction of an Ordinance Adding Chapter 12.40 to the Union City Municipal Code Establishing the Art in Public Places Program to be Funded Through Contributions from Municipal and Private Development Projects

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

Councilmember Valle returned to the Council Chambers at 8:28 p.m.

Public Art Review Board members Diane La Mountaine, Enrique Romero, David Epps, and Dee Bueno offered recommendations including re-designating PARB as a Public Art Commission; transferring PARB administration to Economic and Community Development; assigning the Parks & Recreation seat on PARB to a Logan High student; requesting early project review packets prior to final design; requesting an opportunity to review the public art guidelines; and, suggesting a councilmember be assigned to sit on PARB.

Mayor Green stated he had an ex parte discussion earlier in the week with Board Member La Mountaine and Economic and Community Development Director Leonard regarding the proposed recommendations from PARB.

Councilmembers provided comment.

Economic and Community Development Director Leonard stated he would schedule meetings within the next several weeks to review the proposed guidelines and ordinance, and would return to Council in June with recommendations to consider.

- 7.b Fiscal Year 2007-08 3rd Quarter Report on Budget to Actual Results; Budget Adjustments for FY 2007-08; and Check Disbursement Listing for the period January 1 through March 31, 2008

Administrative Services Director Digre presented the staff report. Department Directors responded to questions from Councilmembers.

Barry Ferrier spoke regarding funding reserves, budget adjustments, and establishing written goals for fund reserves.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3640-08** amending the Operating Budget for Fiscal year 2007/2008. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. ORAL COMMUNICATIONS

Barry Ferrier spoke regarding a map he had received from the Chamber of Commerce which did not include any shopping centers in Union City. Mayor Green stated he was familiar with the map, and had found a number of errors in it as well. He indicated the proposed changes would be passed along to the Chamber of Commerce for corrections in a future version of the map.

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

Vice Mayor Fernandez reported having attended an ABAG Spring Conference with Mayor Green, where the focus was on Smart Growth.

Councilmember Navarro thanked staff for placing his contact information on the City's webpage as a resource to citizens with concerns regarding airport noise. Councilmember Navarro stated he had received four emails from residents regarding airport noise.

Councilmember Dutra-Vernaci stated the League of California Cities meeting had been canceled.

Councilmember Valle stated the Alameda County Library Commission had distributed information regarding Senate Bill 1516, and had also requested a letter of support from Mayor Green be sent to members of the Appropriations Committee.

Mayor Green reported on his trip to Washington DC to lobby for intermodal station funding.

Mayor Green stated the Alameda County Waste Management Authority was reviewing its preliminary draft budget. Mayor Green also stated the county's weighted average for diversion was 61%, and that Union City was currently at 64% diversion.

XIV. GOOD OF THE ORDER

Councilmember Valle stated he wished to bring it to the Transit Manager's attention that he had received a complaint regarding a bus driver using his cell phone while operating Union City Transit bus number 613 on Friday night, May 9.

Councilmember Navarro requested a status update regarding potential honorees of the *Sentinels of Freedom* program. Deputy City Manager Acosta stated he was attempting to coordinate a group presentation for three individuals expected to return home in the near future.

Councilmember Navarro stated tagging seemed to be increasing. Police Chief Stewart stated that incidents of tagging appear to rise with the onset of better weather, but noted there was no new gang activity to report.

Councilmember Navarro inquired about paperless agenda packets. City Manager Cheeves stated the city was providing electronic packets for all Council and Commission meetings on the city's website.

Mayor Green stated the Asian American Heritage Festival had been a very good event.

Mayor Green stated Mr. Reis was expecting staff to contact him regarding bollards along Union City Boulevard, between Calistoga and Lowry.

Mayor Green adjourned the regular meeting to Closed Session at 9:57 p.m.

XV. CLOSED SESSION

15.a CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

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

Employee organizations: International Association of Firefighters, Local 1946; SEIU Local 1021; Union City Police Officer's Association

Mayor Green convened the Closed Session at 10:10 p.m. with the following attendance:

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

Absent: Councilmember Valle

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 11:15 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk