

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

**TUESDAY, JUNE 24, 2008  
7:00 P.M.**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER**

Mayor Green called the meeting to order at 7:10 p.m.

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

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 Introduction of New and Promoted Employees

City Manager Cheeves welcomed the new employees and introduced Police Chief Stewart. Police Chief Stewart introduced Police Officers Matt Harden and Jon Persinger.

Public Works Director Cheng introduced Streets Maintenance Trainee Alex Espinoza.

Fire Chief Rodriguez introduced Firefighter Robert Rubino.

**IV. ORAL COMMUNICATIONS**

Hugh McNamara spoke regarding Watsonville's ban on the sale of fireworks for fire safety reasons and the impact similar bans may have on communities that rely on fireworks sales for fundraising.

Jose and Olga Villa expressed frustration regarding an ongoing problem of noise in their neighborhood resulting from loud music played at the Union City Sports Center when the Center has been reserved for special events and private parties. Deputy City Manager Acosta provided an update as to the efforts made thus far to mitigate the problem, including a

site visit and report from an acoustical engineer indicating the noise reading at the property line was found to be more than 10 dBA above the ambient noise level – a violation of our noise ordinance. Physical remedies will be pursued, along with a possible administrative moratorium that would disallow events with amplified sound.

Lynn Mattos stated that Lucky and Safeway supermarkets have been selling fireworks for several weeks, and wondered how the City could collect its fees. City Manager Cheeves stated it was not legal for grocery stores to sell fireworks. Fire Chief Rodriguez will contact Ms. Mattos for more information and then turn the matter over to Fire Marshall Mapes. City Manager Cheeves stated fireworks had been outlawed east of Mission Boulevard. Fire Chief Rodriguez and Police Chief Stewart stated an incident action plan had been created to cover all facets of the upcoming 4<sup>th</sup> of July holiday, noting zero tolerance for illegal fireworks or any fireworks east of Mission Boulevard. In addition to the City's deployment of all public safety personnel, the California Highway Patrol will be providing aerial surveillance to direct safety personnel to locations within the city where illegal fireworks are ignited.

Sherman Bennett inquired about the status of the Alameda Creek stables. Deputy City Manager Acosta provided an update and outlined some of the challenges staff has been dealing with, noting the Parks and Recreation Commission would be considering the matter soon and would welcome input from interested parties.

## V. CONSENT CALENDAR

**Councilmember Dutra-Vernaci exited the Council Chambers at 7:45 p.m.**

### **Consent Calendar Items 5.f and 5.l were removed from consideration.**

It was moved by Councilmember Navarro, seconded by Councilmember Valle, to approve Consent Items 5.a through 5.e, and Items 5.g through 5.k, as recommended by staff.

Ayes: Councilmembers Navarro and Valle, Vice Mayor Fernandez, Mayor Green  
Noes: None  
Absent: Councilmember Dutra-Vernaci (temporarily exited the Council Chambers)  
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 Regular Meeting of June 10, 2008
- 5.c Waived reading the full text of the ordinance and approved the second reading of the title and adopted **Ordinance No. 712-08** for Municipal Code Text Amendment, AT-02-08, to Amend Title 7, Health & Sanitation, Title 12, Public Improvements, and Title 18, Zoning, for the Purpose of Clarifying Language and Adding Provisions Regarding Smoking, Visible Debris, Prohibitions in the Public Right-of-Way, Definitions, Development Standards in Residential, Commercial and Industrial Zoning Districts, Signs, Density Bonuses, Parking, and Uses in Residential, Commercial, Industrial and Private Institutional Zoning Districts (Introduced June 10, 2008)
- 5.d Rejected Claim No. 714, submitted by Nelia Lastimosa, as Recommended by the City's Claims Administrator

- 5.e Adopted **Resolution No. 3655-08** of the City Council of the City of Union City Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2008, for the Election of Certain Officers; Requesting the Board of Supervisors of the County of Alameda to Consolidate a General Municipal Election to be held on Tuesday, November 4, 2008, with the General Election to be Held on that Date Pursuant to Section 10002 of the Elections Code, and Requesting Certain Services of the Registrar of Voters; and, Establishing Regulations for Candidate Statements on the Sample Ballot
- 5.g Adopted **Resolution No. 3656-08** to Accept and Appropriate Green Building & Bay-Friendly Landscape Grant Funds from Alameda County Waste Management Authority for the New Fire Station No. 3 Replacement, City Project No. 03-05
- 5.h Adopted **RDA Resolution No. 378-08** of the Redevelopment Agency of the City of Union City Approving an Agreement Between the Redevelopment Agency and the Union City Chamber of Commerce for Business Retention and Economic Development Services for Fiscal Year 2008/2009
- 5.i Adopted **Resolution No. 3657-08** Appropriating Federal Grant Funds in the amount of \$513,474 and Entering into a Consultant Agreement with Biggs Cardosa Associate for the Design of the Bridge Retrofit Project, City Project No. 06-10
- 5.j Adopted **Resolution No. 3658-08** Authorizing the City Manager To Enter Into a Contractual Services Agreement on a Sole Source Basis with Mintier & Associates in the Amount of \$74,995 for Preparation of the Updated Housing Element Of The General Plan
- 5.k Adopted **Resolution No. 3659-08** Setting the Paramedic Special Tax for Fiscal Year 2008/2009

**Consideration of Items 5.f and 5.l removed from the Consent Calendar.**

- 5.l Adopt a Resolution Appointing an Alternate Planning Commissioner to a Regular Seat on the Planning Commission

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3660-08** Appointing Ray Gonzales to a Regular Seat on the Planning Commission to complete the unexpired term of office vacated by Commissioner Sweeney, to-wit: October 31, 2008.

Ayes: Councilmembers Navarro and Valle, Vice Mayor Fernandez, Mayor Green  
 Noes: None  
 Absent: Councilmember Dutra-Vernaci (temporarily exited the Council Chambers)  
 Abstain: None

- 5.f Adopt a Resolution Establishing Annual Rates for Municipal Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharge for 2008/2009

**As an employee of Tri-CED Recycling, Councilmember Valle recused himself and exited the Council Chambers at 7:50 p.m.**

**Councilmember Dutra-Vernaci returned to the Council Chambers at 7:49 p.m.**

It was moved by Vice Mayor Fernandez, seconded by Councilmember Navarro, to adopt **Resolution No. 3661-08** Establishing Annual Rates for Municipal Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharge for 2008/2009

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

**Councilmember Valle returned to the Council Chambers at 7:52 p.m.**

## **VI. PUBLIC HEARINGS**

- 6.a Public Hearing to Consider the Adoption of a Resolution Approving a One Year Extension of Time Request for Tentative Parcel Map, TPM 8812, and Site Development Review, SD 03-06 to subdivide an existing 10,000 Square Foot Lot, Located at 33724 5th Street (APN 486-0009-052), Into Two Lots Measuring 5,000 Square Feet Each and Construct Two New 3,265 Square Foot Single-family Residences That Include an Attached Secondary Dwelling Unit

Senior Planner Campbell presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Hugh McNamara expressed concern that the proposed residences listed in the staff report were larger than what was originally approved in 2006. There were no other speakers on the matter. Mayor Green closed the public hearing.

Mayor Green asked staff to respond to Mr. McNamara's concern. Senior Planner Campbell responded that she thought the square footage listed for the proposed residences was consistent with what was originally approved in 2006. However, Ms. Campbell said she would verify that what was being approved by the City Council tonight was consistent with what was originally approved in 2006 and, if necessary, would modify the City Council Resolution accordingly to ensure this.

It was moved by Councilmember Valle, seconded by Councilmember Navarro, to hold the public hearing; approve the one (1) year extension of time request for Tentative Parcel Map TPM 8812 and Site Development Review SD-03-06; make the required findings; and adopt **Resolution No. 3662-08** confirming the Approval of a 1-Year Extension of Time Request for Tentative Parcel Map 8812 and Site Development Review Approval SD 03-06.

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

- 6.b Public Hearing to Introduce an Ordinance approving Municipal Code Text Amendment, AT-04-08, to amend Title 5, Business Licenses and Regulations, to establish a Green Food Packaging Ordinance (Chapter 5.38) that would prohibit restaurants and other food vendors from providing prepared food to customers in disposable food service ware that uses polystyrene foam (Styrofoam)

**Councilmember Valle recused himself and exited the Council Chambers at 8:01 p.m.**

Assistant Planner Schultz presented the staff report and, together with Economic and Community Development Director Leonard, responded to questions from Councilmembers.

Councilmember Dutra-Vernaci disclosed she had spoken yesterday with a gentleman from the American Chemistry Council and Paul Appleblom from JATCO. Councilmembers provided comment.

Mayor Green opened the public hearing.

Speakers in support: Hugh McNamara and John Lu.

Speakers in opposition: Paul Appleblom of JATCO; David Firestone, Director of Recycling for Timbron International; Ryan Kenny of the American Chemistry Council; Steven Jones, employee of JATCO.

There were no rebuttal comments. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to hold the public hearing, waive reading the full text of the ordinance, and introduce by title an Ordinance for Municipal Code Text Amendment, AT-04-08, to Amend Title 5, Business Licenses and Regulations, to Establish a Green Food Packaging Ordinance (Chapter 5.38) that would Prohibit Restaurants and Other Food Vendors from Providing Prepared Food to Customers in Disposal Food Service Ware that uses Polystyrene Foam (Styrofoam) with the modification that the ordinance would not take effect until July 1, 2009.

Ayes: Councilmember Navarro, Vice Mayor Fernandez, Mayor Green

Noes: Councilmember Dutra-Vernaci

Absent: Councilmember Valle (recused)

Abstain: None

**Mayor Green announced a 10 minute recess at 8:58 p.m.**

**Mayor Green reconvened the meeting at 9:15 p.m. with full attendance.**

- 6.c Public Hearing for the Intent to Renew Landscape and Lighting Assessment District No. 3

Public Works Superintendent Sealana presented the staff report and responded to questions from Councilmembers. Public Works Director Cheng responded to questions regarding LED lighting. Councilmembers provided comment. City Manager Cheeves stated staff would look into whether or not there would be an opportunity for pass-through funds from the East Bay Regional Park District's Measure AA.

Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

Council directed staff to return with a plan for a systematic appraisal of converting grass medians and side-lined grass areas with newer, green-friendly landscapes. City

Manager Cheeves stated staff would return within the next several months with a report for Council's consideration.

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Valle, to hold the public hearing and adopt **Resolution No. 3663-08** confirming diagram and assessment and levying assessment for Fiscal Year 2008-09 within the Boundaries of Assessment District No. 3, pursuant to the Landscaping and Lighting District Act of 1972. Motion carried unanimously.

## **VII. CITY MANAGER REPORTS**

### **7.a Report on Options for Potential Revenue Enhancements on the November 4, 2008 General Election Ballot**

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

Lynn Mattos stated she had been a proponent of both Measure K ballot measures [2004 and 2008], and expressed her opinion as to the probable causes for the failure of Measure K on the June 2008 ballot.

Barry Ferrier stated the June 2008 Measure K had missed by 295 votes, although precinct numbers had yet been made available. Mr. Ferrier stated he would favor a parcel tax but not a utility users' tax.

Mary Schlarb stated Youth Violence Coalition members were ready to help with promoting another ballot measure to fund youth violence prevention programs.

Councilmembers provided general feedback to staff regarding a successor measure to be placed on the November 4, 2008 General Municipal Election ballot.

## **VIII. REDEVELOPMENT AGENCY - None**

## **IX. AUTHORITIES AND AGENCIES - None**

## **X. CITY COMMISSION/COMMITTEE REPORTS**

### **10.a Report from the Public Art Review Board Regarding Public Art Legislation:**

(a) 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 Building Development Projects;

(b) Introduction of an Ordinance Repealing Chapter 2.27 of the Union City Municipal Code Entitled "Public Art Review Board" and Adding Chapter 2.27 to the Union City Municipal Code Entitled "Public Art Board";

(c) Resolution Approving and Adopting Public Art Guidelines for the City of Union City.

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

It was moved by Councilmember Valle, seconded by Councilmember Dutra-Vernaci, to:

- (1) waive reading the full text of the ordinance, and introduce by title 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 Building Development Projects;
- (2) waive reading the full text of the ordinance, and introduce by title an Ordinance Repealing Chapter 2.27 of the Union City Municipal Code Entitled "Public Art Review Board" and Adding Chapter 2.27 to the Union City Municipal Code Entitled "Public Art Board"; and,
- (3) adopt **Resolution No. 3664-08** Adopting Revised Public Art Policies and Guidelines for the City of Union City. Motion carried unanimously.

## **XI. ORAL COMMUNICATIONS**

Barry Ferrier stated he had spoken with Youth Violence Coalition members and others who were upset with the proposals made by the HRC, and was afraid that dissention might hurt the chances for passing a future parcel tax measure. Mr. Ferrier recommended securing the services of a facilitator for meetings of the HRC and Coalition.

## **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 stated the Housing Commission's monthly meeting had been rescheduled to June 25 due to ongoing labor negotiations.

Councilmember Valle stated the Alameda County Library Commission was successful in securing someone from the State Senate to sponsor a new allocation for library funding on the November 2010 ballot, and would be asking Assemblymember Torrico co-sponsor the Bill on the Assembly side.

Mayor Green stated Waste Management would likely be voting on a tonnage increase as well as a change to the JPA voting structure which now requires 14 affirmative votes out of 20.

Mayor Green stated he had been reappointed to ABAG at the Mayors Conference earlier this month.

Mayor Green stated he had recently returned from a trip to Washington DC where he was lobbying for the reauthorization bill, and noted self-help counties should be rewarded with reauthorization money.

Mayor Green stated he had met a woman by the name of Maria Eugenia Hernandez Lane at the Senior Center. Ms. Lane is the Deputy Vice President of the National Hispanic Council on Aging, and is interested in setting up a program with elderly Hispanic Union City residents related to prevention inoculations and other health-related

programs. Mayor Green passed along her contact information to Deputy City Manager Acosta.

Mayor Green inquired about the status of the City's contract with Allied Waste with regard to the pickup of the commercial food-stream. Deputy City Manager Acosta provided a status update stating staff had reached an agreement with Allied Waste to begin a pilot program with approximately 20 businesses.

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

Councilmember Navarro stated the vacant lot on Dyer at Santa Susanna was starting to become unsightly again.

Councilmember Navarro inquired about the status of video streaming Council meetings. Deputy City Manager Acosta stated staff was preparing to go 'live' at the July 8, 2008 meeting.

Councilmember Navarro stated the vacant lot on Union City Boulevard at Vallejo was for sale once again.

Vice Mayor Fernandez stated he had received complaints about drivers executing illegal U-turns at Alvarado-Niles Road and Dyer.

Vice Mayor Fernandez inquired about the status of upgrading the audio/visual equipment in the Council Chambers. Deputy City Manager Acosta stated staff was finalizing an RFP for the video display component.

Councilmember Valle stated Long's Drug Stores may be interested in the location soon to be vacated by Linens 'N Things.

Mayor Green inquired about any deadlines for submitting an application for Proposition 1B funds. Public Works Director Cheng stated she was unaware of a deadline for the submittal of plans for use of Prop 1B funds, but would double check to make sure. She also indicated staff would bring a list of proposed projects to be funded by Prop 1B funds to Council at their next meeting.

Mayor Green clarified the tour of the Alameda County EOC would begin at the Training Center behind Fire Station 1 on July 8, and attendees would car pool to Dublin.

Mayor Green stated he had attended a Filipino fiesta along with Vice Mayor Fernandez and Councilmember Navarro.

Mayor Green stated motorized bikes were being used on the track at Alvarado Middle School.

Councilmember Dutra-Vernaci stated she had attended a well attended CERT training at Fire Station No. 1.

#### **XV. CLOSED SESSION – None**

**XVI. ADJOURNMENT**

Mayor Green adjourned the meeting at 11:21 p.m.

Respectfully submitted,

Renee Elliott  
City Clerk